Parliamentary Debates
(HANSARD)

FORTIETH PARLIAMENT
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2019

LEGISLATIVE COUNCIL

Tuesday, 9 April 2019

THE PRESIDENT (Hon Kate Doust) took the chair at 2.00 pm, read prayers and acknowledged country.

NATIONAL MODEL OCCUPATIONAL HEALTH AND SAFETY LEGISLATION — INFORMATION SESSION

Statement by President

THE PRESIDENT (Hon Kate Doust) [2.01 pm]: Members, I wish to provide you with some information on an event that is occurring tomorrow. You would have received information that Mr Peter Rozen, SC, will be delivering an information session on adopting national model occupational health and safety legislation, entitled "Lessons to be learned", tomorrow at midday in the members' lounge. The model work health and safety laws were adopted in the commonwealth, Queensland, New South Wales, the Australian Capital Territory and the Northern Territory on 1 January 2012 and in South Australia and Tasmania on 1 January 2013. In February this year, Safe Work Australia published its "Review of the Model Work Health and Safety Laws: Final Report". This is the first national review of the model work health and safety laws since their development and implementation. In this information session for members, Mr Rozen will reflect on the review and its recommendations.

CITY OF NEDLANDS — DRAFT LOCAL PLANNING SCHEME 3

Petition

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [2.02 pm]: I present a petition containing 975 signatures, couched in the following terms —

> To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled. We, the undersigned petitioners, strongly oppose the Draft Local Planning Scheme No. 3 (LPS3) for the City of Nedlands, as modified by the Minister for Planning.
>
> The draft LPS3 targets areas of the Hollywood, Melvista and Dalkeith Wards in the City of Nedlands for high density redevelopment. Our objections to the draft LPS3 include but are not limited to the following:
>
> - Development of a plan whose sole aim is to achieve density targets without regard for the consequences.
> - Destruction of the local character and amenity of established residential communities, with huge social implications for both current and future residents.
> - The targeting of residential land for high density re-zoning, ignoring significant areas of non-residential land within the City of Nedlands such as the under-utilised land adjacent to the Fremantle rail line that could be re-zoned.
> - Minimal or no access to either public or private green space for current and future residents in the affected areas.
> - Destruction of the green canopy in areas targeted for high density development.
> - Lack of strategic transport planning for Stirling Highway, which is already close to capacity as advised by Main Roads.
> - Failure to consider the concerns that were raised against the advertised version of LPS3 in Q1 2018.
> - Failure to inform individual residents directly affected of the full implications of the zoning changes.
> - No opportunity for residents in the targeted areas to provide feedback on the Minister's version of draft LPS3.
> - The imposition of LPS3 on the community against its wishes.
>
> We ask the Legislative Council to support:
>
> - The rejection of the draft LPS3 for the City of Nedlands.
> - A more holistic approach to town planning that addresses the concerns above.
> - A process of community consultation that endeavours to capture the local community's vision for the development of the City which can then be used as a solid basis for the update of the Local Planning Strategy and LPS3.
> - Update of the draft LPS3 and the Local Planning Strategy including proactive public consultation.
> - Full transparency in the planning process.
>
> And your petitioners as in duty bound, will ever pray.

[See paper 2577.]

A similar petition was presented by **Hon Alison Xamon** (1 194 signatures).

[See paper 2578.]

SPOILBANK MARINA — PORT HEDLAND

Statement by Minister for Regional Development

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [2.07 pm]: I would like to provide an update to the house on Spoilbank marina. Last night in Port Hedland, the member for Pilbara, Kevin Michel, and I reported back to the community and reaffirmed the McGowan government's commitment to Spoilbank marina. There has been a great deal of planning and technical work on the marina since the Premier and I announced concept plans in October last year.

The recent cyclone Veronica is top of mind for Hedland residents. Brendan Hammond, chair of the Pilbara Development Commission, explained that although the cyclone certainly moved significant sand from the outer tip of Spoilbank, it all ended up at the base of the bank, which actually bolsters the site of the marina. We had wave height monitors in place and data from Veronica was very much as had been predicted.

Issues raised in the forum included the provision of junior sailing opportunities, the co-location of the Kariyarra cultural centre and the Volunteer Marine Rescue Services, the impact on the intertidal reef and the need for a four-lane boat ramp. Also discussed were findings from the Spoilbank marina risk workshop, which compared cargo ship and pleasure craft interaction between the port of Rotterdam and Port Hedland. In 2018, the port of Rotterdam managed many times the number of vessel arrivals at Port Hedland.

The forum focused on landside activation and how we ensure that the marina captures opportunity for social amenity at this important design stage. The Town of Port Hedland will soon employ a project manager specifically charged with leading the landside work. The community has been waiting for this project for decades, as evidenced by the 60-plus residents who came along on a Monday night to be part of the dialogue. I will host another community update in four months. We have committed to completing the detailed design by the end of this year. Contracts will be let and construction will begin in 2020.

SUICIDE PREVENTION — KIMBERLEY

Statement by Parliamentary Secretary

HON ALANNA CLOHESY (East Metropolitan — Parliamentary Secretary) [2.09 pm]: I rise to inform the house that on 13 March the Minister for Mental Health attended the Kimberley suicide prevention round table in Broome. The round table is the community engagement aspect of the Kimberley suicide prevention trial. It has 40 members from both government and community and is chaired by the federal Minister for Indigenous Health, Hon Ken Wyatt. This was the first working group meeting following the release of the State Coroner's report into the deaths of 13 children and young people in the Kimberley. It was attended by Senator Pat Dodson and Ms Josie Farrer, MLA, member for Kimberley.

Aboriginal children and young people continue to take their own lives at an unfathomable rate. I, along with the minister, extend our deepest sympathies to those families and communities affected. I commend the State Coroner, Ms Ros Fogliani, for the dedication she has shown in her assessment of this complex, highly emotional issue. The coroner has made 42 recommendations for how we can move forward in addressing youth suicide in the Kimberley. The findings cover a range of issues and risk factors, including the harmful effects of alcohol, and the need for improved resources, better coordination and culturally appropriate services. They add to the recommendations of the 2016 parliamentary inquiry into Aboriginal youth suicide, "Learnings From the Message Stick: The Report of the Inquiry into Aboriginal Youth Suicide in Remote Areas". They affirm what Aboriginal people continue to tell us: that Aboriginal youth suicide is not solely a mental health issue; it is an outcome of complex, interrelated factors arising from intergenerational trauma.

Although improving clinical services remains essential, our approach must go deeper. We must draw on the expertise, leadership and capabilities of Aboriginal people, communities and organisations. Our efforts must focus on emphasising the vital role of culture in building resilience as well as having the capability and resources to respond to those most in need. Later this year the government will publish its preliminary response to the coroner's report, along with its first response to the message stick report. In closing, the end result must be a comprehensive response, informed by community, designed by community and driven by community. As a government united on the importance of this issue, we stand ready to support these efforts for current and future generations.

PAPERS TABLED

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

HUMAN REPRODUCTIVE TECHNOLOGY AND SURROGACY LEGISLATION AMENDMENT BILL 2018

Second Reading

Resumed from 4 April.

HON NICK GOIRAN (South Metropolitan) [2.13 pm]: Today, Tuesday, 9 April 2019, is the seventh sitting day that the government of Western Australia has determined that this particular bill, the Human Reproductive

Technology and Surrogacy Legislation Amendment Bill 2018, is its top priority. It is the seventh sitting day that the Leader of the House has determined that no other bills on the *Daily Notice Paper* are more important than the bill currently before the house. This attitude of the government, and in particular the Leader of the House, has understandably raised questions within the community. I draw to members' attention two emails that I received on Friday last week about this piece of legislation. The first was from a gentleman by the name of Ashley Dillon. Indeed, he signs off his email as —

> Ashley "Dillo" Dillon
> **Breakfast Announcer/Account Executive**
>
> **Redwave Media—Spirit Radio—RedFM—DigiRed**

That is in Bunbury.

This email, which I received at 7.16 am on Friday, 5 April 2019, is entitled "12 hour speech". This individual—I am not too sure who was doing breakfast announcing at 7.16 am on that particular Friday—had this to say, which demonstrates the community's frustration with the progress of this bill. He says in his three-line email —

> What an absolute joke. You ought to be ashamed of yourself.

I pause there to indicate that this email, which was crafted on 5 April this year, was addressed to me, so when this gentleman refers to "you", he is obviously referring to me. The email continues —

> Are you a religious zealot, and that's why you're stymie-ing the passage of this legislation?

He ends his very eloquent email with —

> Leave your bible at the door of Parliament!!!!!

I have never met this gentleman before. Perhaps next time I go to Bunbury, I will take the opportunity to meet with him and have a cup of coffee. Clearly, this gentleman has been misled by the government of Western Australia, because he is articulating his exasperation with the progress of this bill but is unaware that the government continues to adopt a bullying approach to its progress.

When we left the chamber on Thursday last week, prior to the short recess for a few days, I called on the government to table certain documents. Madam President, we have just had formal business and during the order of business you gave members and ministers the opportunity to make statements and table papers. I note that on the table in front of me there is no sign of any of the three types of documents that I called on the government to release last Thursday so that we could make progress on the consideration of this bill. There is nothing on the table before us.

To make sufficient progress on this legislation, the three sets of documents we need are, first of all, the submissions to the review by Sonia Allan. Madam President, the parliamentary secretary spoke earlier this afternoon, when you gave her the call during statements by ministers and parliamentary secretaries. It was the parliamentary secretary who, in March last year, promised that she and her government would table these submissions to the review. Where are they? On which day were they tabled? I have been in here every day since then and not once has that information been provided to the Parliament. As it so happens, yesterday I received a phone call from the Minister for Health, Hon Roger Cook, a minister of the Crown. That is the first time in the seven sitting days on which this bill has been debated that I have received any communication whatsoever from the government about this bill. I mentioned to the minister that it would assist the progress of this bill if the minister considered tabling those documents. It was indicated to me that consideration would be given to that, and yet I note that there is still nothing on the table before us. That is category 1 of the documents that we need in order for the 35 members of this place who have a conscience vote to cast that vote without a blindfold. We need that information. That is category 1.

Category 2 is the most important of all. It is the response from the government to the review by Associate Professor Sonia Allan. Again, no such document is on the table in front of me. There is nothing there; it is empty. Why has the government, despite the fact that this has been requested time and again, including on Thursday of last week and in my telephone conversation with the minister of the Crown yesterday, still not done this? And yet the government still thinks it is appropriate to list this bill as the chief priority of the day. It is no wonder that Mr Ashley "Dillo" Dillon expresses his exasperation. In all fairness to this gentleman, he would most probably not be aware that the government is stymieing the passage of this legislation. We cannot cast our conscience vote on this while the government continues to hide documentation from the Parliament of Western Australia. This is unacceptable.

The third category of documentation that I have asked the government to release—again I note that the table in front of me is empty—is the legal advice that the government says it is relying on, in particular the advice that the government says indicates that our laws are inconsistent with the laws of the commonwealth. I hasten to add that yesterday I received a telephone call from a journalist indicating to me that he had stopped the Leader of the House on her journey into the cabinet room yesterday, and that the Leader of the House indicated to this journalist that my speech on this matter had lacked substance. That is what the journalist said to me yesterday, and he wanted to know what my response to that was. I laughed, because I find it incredible that the Leader of the House, who throughout the course of the passage of this bill has been regularly away on urgent parliamentary business, would

say that I have made remarks that have lacked substance. I am pleased to inform you, Madam President, and members this afternoon, in particular the Leader of the House, that I propose this afternoon to go through a legal analysis of the claim by the government that our laws are inconsistent with the commonwealth laws. I hope that during my legal analysis this afternoon, the Leader of the House will defer any urgent parliamentary business that she may have elsewhere to listen carefully to this legal analysis, and to the substance of the matter. I indicate that if the Leader of the House has any questions at any time during this legal analysis, I would be quite happy to take them. I would be quite happy to take her interjections at any time.

The PRESIDENT: Member, you will not be taking interjections. You know it is unruly to invite interjections, and given that the Leader of the House is not the member responsible for managing this bill, you should not be encouraging her to participate in this debate. All you are doing is slowing it down. If you have information that you want to put on the record, then do so, but I advise you not to encourage other members to interject.

Hon NICK GOIRAN: Thank you, Madam President, especially for your wise counsel in this matter.

I indicated that I received a second email on Friday. This email was received a little later than the one to which I have referred earlier. This email was received at 10.04 am on Friday, 5 April this year. This email's subject line has the words "Tax Payers Money". This particular gentleman does not provide an address. I do not even know whether he is from Western Australia or what the situation is with this individual, but nevertheless his two-paragraph email reads —

> You're a perfect example of why the Liberal government lost the last WA election, stop with your —

I pause there. A word has been inserted here that I think, if I were to read it out, would be deemed unparliamentary. I obviously will not repeat that word, but it starts with a "b" and ends with a "t", and I will let other members work out what that might be. As I was saying, this email states —

> You're a perfect example of why the Liberal government lost the last WA election, stop with your —

Insert unparliamentary word —

> … in the upper house and let them get on with dealing more serious issues than your bloody —

I assume that is okay, but that is what this email says —

> grand standing.
>
> P.S. *insert other swear words of choice*

Again, I understand this gentleman's frustration, and it is unfortunate that he is unaware that the business program of the day is determined by the Leader of the House. It is not I who determines what pieces of legislation we deal with; the Leader of the House determines that, and, as I say, this is now the seventh sitting day on which the Leader of the House has decided that this will be the piece of legislation to be dealt with, and that there are no other more important bills to deal with than this particular matter.

I turn to the legal analysis, and in particular the claim that has been asserted about the alleged inconsistency between our law here in Western Australia and the law of the commonwealth. This is the key motivator in the government's prosecution of its claim that this bill should be passed by Parliament. The 35 voting members of this chamber should interrogate and consider whether this claim by the government is correct. Is there even a need to amend this legislation at all? Indeed, are our Western Australian laws inconsistent with the Sex Discrimination Act 1984? If they are inconsistent, they would be invalid under section 109 of the Constitution—but if the answer to that question is no, there is no legal need to amend the legislation.

Let us consider this matter this afternoon. We need to start by determining which sections of the commonwealth legislation the government says we are inconsistent with in Western Australia. The government has asserted that we are inconsistent with commonwealth law, so what is this famous section that we are said to be inconsistent with? The first place to which members might like to turn to find this information is the second reading speech. That is ordinarily, as we perform our role here in the house of review, the place where we would seek such information, and, indeed, should there ever be a dispute on interpretation, that is the place to which the courts would turn as well. What does the second reading speech have to say about this matter? This is what the parliamentary secretary had to say on Wednesday, 10 October last year. I quote from the third paragraph in the corrected version of the *Hansard* from that day —

> The main amendments to the current legislation within this bill are in response to the 2013 amendments to the commonwealth Sex Discrimination Act 1984, which made discrimination on the grounds of sexual orientation, gender identity and intersex status unlawful in all states and territories.

That is all that the government states on the commonwealth legislation that it says we are inconsistent with. It makes a vague reference to the 2013 amendments that were pushed through the commonwealth Parliament at that time. Which section? What amendment in 2013? What does the parliamentary secretary mean when she says that we are inconsistent with the 2013 amendments? Are we supposed to find those amendments like a needle in

a haystack? Why is the government now hiding the section that it says we are being inconsistent with? Does the government not know what the section is? We press ahead and we see whether there is further information in the second reading speech articulated by the parliamentary secretary last year. In the following paragraph, she says —

> Commonwealth regulations that were in place exempting the HRT act —

That is, of course, the Human Reproductive Technology Act —

> and the Surrogacy Act from application of the Sex Discrimination Act expired on 31 July 2017.

There the parliamentary secretary makes a vague reference to some regulations that expired on 31 July 2017. There was no indication to the house what regulations the parliamentary secretary is referring to—just a vague and very sloppy reference to commonwealth regulations. There would be dozens, probably hundreds, of commonwealth regulations. Which ones are we supposed to look at, parliamentary secretary? Again, the government sends us on a wild-goose chase and expects us to find the needle in the haystack while the government continues to hide information from us. Which section are we supposed to be inconsistent with? What are the names of these regulations that expired on 31 July 2017 that the parliamentary secretary says we should be mindful of? Why does it continue to hide this information from the Parliament? A little later, the parliamentary secretary makes a big warning to members of Parliament —

> Failure to respond to this would be unwise due to an unacceptable risk of litigation and the prospect of provisions of the relevant state legislation—the HRT act—being held by a court to be invalid.

Really? Is that right, parliamentary secretary? It would be unwise for us to fail to respond—fail to respond to what? The parliamentary secretary does not even tell us what section the government says we are inconsistent with. She makes some vague reference to commonwealth regulations, and then she expects us, because of one sentence in her second reading speech, to think that we had better rush this legislation through because if we fail to do so, it would be unwise. Unwise according to whom? Is it according to the parliamentary secretary? Give me a break. This is the same person who, when I asked for the Sonia Allan review in February this year, pretended it did not exist—only to find out that the government had had it since 8 January. Members might understand why I do not put too much weight on the comment of the parliamentary secretary that it would be unwise not to respond. Besides, when the government says an unacceptable risk of litigation, according to whom? What unacceptable risk of litigation? Whose advice has the government sought on this? As we know, the government continues to hide this information from members of Parliament. It expects us to cast our conscience vote blindfolded. We are left with no other choice than to continue in our pursuit to find the needle in the haystack and determine which section of the commonwealth legislation we are inconsistent with and to which it would be unwise not to respond.

Since the second reading speech is so vague and unhelpful on this point, where else do members of Parliament turn? We cannot ask the government because it wants to hide documents from us and the second reading speech does not tell us the information we need to know, so should we look in the explanatory memorandum? I turn to the explanatory memorandum now and I invite members who are following the debate to do so also. The explanatory memorandum is provided to members of Parliament precisely for this type of thing—to give us information that might explain why certain clauses are being proposed by the government. What does the government say on this point? I draw to members' attention the second paragraph on page 1 of the explanatory memorandum provided by the government in support of this bill. The second paragraph reads —

> The amendments will enable more equitable access to assisted reproductive technology (ART) services for such persons and enable compliance, by service providers, with the *Sex Discrimination Act 1984* (Cth) the *Equal Opportunity Act 1984* (WA) on the grounds of sex and sexual orientation.

I could read the rest of the explanatory memorandum, but I will not do that. Members will simply have to trust me when I say to them that that is the only paragraph in the explanatory memorandum that makes any reference to the legislation that the government says we are inconsistent with, yet that paragraph does not mention the section. Again, we are simply told by the government that it is the Sex Discrimination Act 1984—this commonwealth piece of legislation. Is it? About which section of the Sex Discrimination Act 1984 should we be so fearful of a High Court challenge, and a declaration by the High Court stating that our legislation is inconsistent with the Sex Discrimination Act 1984? I will tell members something: there is absolutely no chance that the High Court would make such a declaration without reference to a section. It would not simply say that we are inconsistent with the Sex Discrimination Act 1984. It would absolutely specify the section—something that this government has failed to do and continues to hide from us. Are we expected to go through the whole of the Sex Discrimination Act to try to find out which famous section the government says is inconsistent? Madam President, I am mindful of your earlier remarks that I am not to invite any interjections and I will not do so, but this is a perfect example of when it would assist the progress of this bill if a government member could tell us what section we are supposed to be looking for. The second reading certainly does not tell us and, as I have just indicated, the explanatory memorandum does not either. It is utterly silent on the section that the government says we are inconsistent with.

Which sections is the government relying on? We know that it has some legal advice. I mentioned earlier that I am very disappointed that this information has not been tabled. Of course, I am not the only member of this chamber

who has been concerned about this issue—far from it. I draw to members' attention a couple of excellent questions without notice that were asked on 19 and 20 March this year by Hon Tjorn Sibma on this issue; I draw those questions to the attention of members who were not here on those days. The first of those questions was asked on Tuesday, 19 March this year. It is question without notice 202, and I quote from *Hansard* this fairly brief question and even briefer answer. Hon Tjorn Sibma asked this question of the parliamentary secretary representing the Minister for Health —

> I refer to the minister's second reading speech on the Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018.
>
> (1) Has the State Solicitor's Office or the Solicitor-General briefed the state government in a manner consistent with the minister's claims that the status quo poses an "unacceptable risk of litigation and the prospect of provisions of the relevant state legislation—the HRT act—being held by a court to be invalid"?
>
> (2) If such advice has been provided, will the minister table it; and, if not, why not?

The honourable parliamentary secretary responded to this question without notice 202 from Hon Tjorn Sibma by saying —

> I thank the honourable member for some notice of the question. I am advised of the following.
>
> (1)–(2) The state government has taken advice from both the State Solicitor's Office and the Solicitor-General. That advice is subject to legal professional privilege and will therefore not be tabled.

At that particular time, on 19 March, all that we were further informed about was that the government had taken advice from two, shall I say, legal entities—the State Solicitor's Office, and the Office of the Solicitor-General. That was it. That is all we know. We do not know what information those legal practitioners provided to the government. Could it be that, in fact, the legal advice that was provided to the government by those legal practitioners included information that there are arguments to say that the laws are not inconsistent, or that the government could take certain steps to shield itself from any High Court challenge? We do not know. Last year, when I received a briefing from the government on this bill, I asked questions about whether there was any possibility that the government had sought advice on steps that could be taken to improve the legislation to shield this state from any such High Court challenge. I was simply told that the briefers were unwilling to provide that information to me. This ongoing secrecy had its genesis as far back as last year in the briefing process, and, of course, members are none the wiser.

On the following day, Wednesday, 20 March 2019, Hon Tjorn Sibma pursued this matter a little further. In question without notice 224, he asked the parliamentary secretary —

> I refer to the minister's invocation of legal professional privilege in response to my question without notice 202 asked yesterday about the nature of legal advice he received from the State Solicitor's Office and the Solicitor-General regarding the state government's Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018.
>
> (1) Since the minister refuses to table that advice, can he at least confirm whether that legal advice fully accords with the minister's line of argument in his second reading speech that the status quo of relevant legislation in Western Australia is subject to "unacceptable risk of litigation and the prospect of the provisions of the relevant state legislation—the HRT act—being held by a court to be invalid"?
>
> (2) Is the minister aware of any litigation of the kind he foreshadowed in his second reading speech?

The parliamentary secretary responded —

> I thank the honourable member for some notice of the question. I am advised the following.
>
> (1) The legal advice is subject to legal professional privilege and the minister cannot confirm whether the legal advice conforms with his line of argument without waiving privilege.

Really? Who gave that advice?

Distinguished Visitor — Hon Curtis Pitt

The PRESIDENT: Member, while you are pondering that question, I want to let members know that we have a very special visitor in the President's gallery this afternoon: Hon Curtis Pitt, the Speaker of the Parliament of Queensland. We welcome him to the Legislative Council. This would be a rare visit for him to our chamber, because, as we all know, they do not have an upper house in Queensland. I hope he enjoys his time here with us this afternoon.

Debate Resumed

Hon NICK GOIRAN: Thank you, Madam President. I join with you in acknowledging our esteemed guest here this afternoon.

As I was saying, the answer that was provided by the honourable parliamentary secretary to part (1) of question without notice 224 from Hon Tjorn Sibma on Wednesday, 20 March 2019, articulated or proffered, to quote the words used by the parliamentary secretary, that the minister "cannot confirm". Madam President, I find this highly irregular. You have said on many occasions, quite rightly, that members may not be happy with the answer they receive, but, so be it; that is the answer. That does not mean that we cannot interrogate or question what is said by ministers and parliamentary secretaries. The suggestion that the minister cannot confirm whether the legal advice conforms with his line of argument without waiving parliamentary privilege sounds to me like the highest of nonsense. Since when has that been the case? What law does the government rely upon to suggest that? Why can the minister not simply say, "Yes, it does conform with my line of argument, but I am not giving you the legal advice"? The government has on multiple occasions, even in this fortieth Parliament, provided copies of the relevant legal advice when it has seen fit to do so. The answer to part (2) of the question without notice of which some notice was given was —

> The minister is aware of potential claims but it is his understanding that no legal proceedings have yet been issued.

Indeed, we know that to be the case. In fact, I have no doubt whatsoever that if there was any realistic prospect of a High Court challenge, it would have been launched well before now. This suggests to me that the government's claim that somehow our laws are inconsistent with the laws of the commonwealth is merely a hollow claim. If that is not the case, I invite the government to identify for us the precise section of the commonwealth law with which it claims our laws are inconsistent. As members, including the Leader of the House, can see, the second reading speech and the explanatory memorandum provide us with no guidance whatsoever about what that section is. So where else can we look to find this information that the government is hiding? Of course, members will be aware that despite the government's best efforts to hide this document, eventually, in March this year, the government was sufficiently embarrassed that it decided to table it. I am referring to the review that was undertaken by Associate Professor Sonia Allan, at a cost of nearly a quarter of a million dollars of taxpayers' money. Members may have had the opportunity to peruse and consider that report—which the government eventually saw fit to table in this place on that day—and, in particular, section 3.4. The report is in two parts. I do not want members to be confused between the two parts of the report.

I am now speaking about part 2 of the report, not section 3.4 of part 1. I am speaking about section 3.4, which can be found on page 58 of the report part 2. Perhaps there we can obtain guidance about the section with which the government said our laws are inconsistent. What is it that the learned independent reviewer has to say about this matter? Could we find this information in the nine findings that the reviewer makes about this particular point? Keep in mind, members, that section 3.4 is titled "Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018". Let there be no suggestion for a moment that section 3.4 of the reviewer's report is irrelevant to the matters before the house or is lacking in substance; otherwise, I would suggest to the government that it should get its money back from the independent reviewer, given that she has sought fit to give this section the same title as the title of the bill. In this particular section, nine findings are made —

1. The Western Australian *HRT Act 1991* (WA) and the *Surrogacy Act 2008* (WA) prevent women with impending infertility from accessing ART or surrogacy.

2. The Western Australian *HRT Act 1991* (WA) and the *Surrogacy Act 2008* (WA) prevent women with impending infertility or who are unable to carry or bear a child from accessing ART or surrogacy unless they have an existing approved surrogacy arrangement in place.

3. It is unacceptable to leave a woman who is faced with impending infertility/inability to carry and/or bear children unable to access ART in order to preserve her fertility.

4. It is unacceptable to require that a woman who is faced with infertility or an inability to carry or bear a child to have a surrogacy arrangement in place, and have met all the current pre-requisites for such an arrangement, before she is able to undergo ART. This fails to recognise that a woman may need to undergo ART at a stage at which she may be too young, too sick, not ready, or not in the position to have entered into a suitable surrogacy arrangement or to have met all the current requirements for counselling, advice, reporting, and approvals.

So far, the reviewer's first four findings do not inform us about the section that the government says our laws are inconsistent with. There is no guidance provided in the reviewer's first four findings in the very section that she devotes to the bill that is before the house. There is no guidance on this issue so far. So far, we know that there is no guidance from the second reading speech and the explanatory memorandum and when we turn to the quarter-of-a-million-dollar review that has been prepared for the government, which the government was trying to

hide in February, the first four findings pertinent to this bill provide no further information. However, when one turns to finding 5 on page 61, we start to sense a little flavour from the reviewer that perhaps she shares the government's view about the issue of inconsistency. In particular, I will highlight for members findings 5 to 7. The independent reviewer in finding 5 states —

> The Western Australian *HRT Act 1991* (WA) and the *Surrogacy Act 2008* (WA) discriminate against people on the grounds of their sex, relationship status, gender identity, intersex status, or sexual orientation, and contrary to Commonwealth law.

I pause there to note that the reviewer states that two acts—not one, but two, apparently—discriminate against people and that this is contrary to commonwealth law. Pursuant to what section does the reviewer say that Western Australian law contravenes commonwealth law and what sections of the HRT act and the Surrogacy Act does the reviewer say that we are inconsistent with or contravening? This information is not provided in finding 5. Might it be provided in finding 6 or 7? Finding 6 states —

> It is unacceptable to discriminate against people on the grounds of their sex, relationship status, gender identity, intersex status, or sexual orientation, and contrary to Commonwealth law.

That is the finding of the independent reviewer. It does not provide any sections. What does finding 7 tell us? Finding 7 states —

> Current provisions in the *HRT Act* and the Surrogacy Directions 2009 (WA) impede the operation and effectiveness of the *Surrogacy Act*, preventing people from entering into lawful surrogacy arrangements in Western Australia due to poor wording of the legislation and discriminatory provisions.

So far, we know that section 3.4 of part 2 of the quarter-of-a-million-dollar review has nine findings. The first four findings provide us with no guidance whatsoever on this issue and findings 5, 6 and 7 vaguely touch on the issue. No doubt the government will be very, very pleased that the independent reviewer said that our laws are contrary to the commonwealth law. I have no doubt that the government would be doing cartwheels about that. But let us remember that this is the same government that said that nothing in the review is relevant to the bill. Given that the government's minister said that this has nothing to do with the bill before the house, I do not want to hear in due course that the government is relying on findings 5, 6 and 7, unless it offers an apology at that time and acknowledges that what it said previously was wrong, then fair enough. If the government is prepared to acknowledge that what it said previously was wrong and it wants to rely on these provisions, so be it. The government will not hear anything further from me about that. Finding 8 says —

> A Bill tabled in the Western Australian Parliament in 2018 —

I wonder what bill that might be. Could it be the bill that is currently before Parliament, the same bill that the government said has nothing whatsoever to do with the report before us? How curious. Finding 8 continues —

> if enacted would address some of the identified issues that require immediate attention. The proposed amendments are an important first step in the law reform process. Further legislative change will be needed in the future as the Bill: —

Get this! The independent reviewer is about to launch into a criticism of the government's bill. Perhaps this is one of the various reasons that the government wanted to hide the report from us. The independent reviewer then provides three dot points —

- does not resolve issues of access to ART for women who may need a surrogacy arrangement in the future *but do not yet have one in place*
- does not remove discrimination related to gender identity or intersex status
- is an interim measure (albeit an important one) that will insert provisions into an outdated Act that this report recommends should be repealed and replaced.

Did I read that right or have I quoted that incorrectly? Let me read that third point once again —

- is an interim measure (albeit an important one) that will insert provisions into an outdated Act that this report recommends should be repealed and replaced.

Why are we doing this if the government's quarter-of-a-million-dollar independent reviewer says that the very legislation we are looking at at the moment should be repealed? Talk about a waste of time. No wonder "Dillo" and his other mates are writing emails to me saying that this is an outrageous use of time. I agree; it is outrageous that the government brings in this piece of legislation when its own reviewer says that we should repeal the legislation. Why are we doing this?

Finding 9 says —

> Legislative change and careful consideration of drafting is needed to ensure the regulation of ART and surrogacy reflects contemporary social values and standards.

We can see that there are nine findings in this particular portion of the independent reviewer's report and not one of those findings identifies the section of the commonwealth legislation that the government says our laws are inconsistent with, yet the government has the hide to suggest that it would be unwise for us not to respond to these matters. Unwise not to respond to what? Tell me which section I am to respond to. Which section is the government saying we are inconsistent with and which section would it like me to cast my conscience vote on to support it in its endeavours? At least tell me the section. But, no, the government will not tell us the section, because it is obsessed with secrecy. I have never known a government that is more obsessed with secrecy than this government. Even on something as basic as telling us the section of the commonwealth legislation: "No, we're not going to tell you that either." "We will tell you nothing" is basically the attitude of this government. When Hon Aaron Stonehouse asks for a few extra days to consider this legislation, the government says no to him as well. This is outrageous. I am appalled by the conduct of this government in its handling of this bill.

As I have indicated and demonstrated to members, particularly the Leader of the House, who called yesterday for some substance to the debate, we can see that the government has not identified in its second reading speech, the explanatory memorandum or the findings in its quarter-of-a-million-dollar review which section we are supposed to agree our laws are inconsistent with. We are forced to continue our search for the needle in the haystack while the government continues to hide this information from us. Could this information be found in the recommendations? Let us take a look. The first recommendation states —

> Noting the recommendation in Part 1 of the report that the *HRT Act* be repealed and that a new Act be drafted, that the *HRT Act 1991* (WA) and the *Surrogacy Act 2008* (WA) and related directions and regulations should be amended to provide for access to IVF procedures in circumstances in which a patient faces the impending loss of, or significant impairment to, their fertility or the ability to carry or bear a child in addition to providing for such access by person(s) who are already infertile or unable to carry or bear a child.

I pause there to note that, once again, there is no reference to any section of the commonwealth legislation that we are supposed to be inconsistent with. What does recommendation 2 of the six tell us? Recommendation 2 says —

> Noting the recommendation in Part 1 of the report that the *HRT Act* be repealed and that a new Act be drafted, —

I pause again to underscore for members that in recommendation 2, the reviewer is once again highlighting the need for the very legislation that is before us to be repealed. I wonder whether all members are familiar with what is meant by "repeal". Repealing would be like tearing in two, shredding, pulling apart, destroying or obliterating. That is what the reviewer is asking to be done with the HRT act—for it to be repealed or sent on a one-way rocket to Mars, never to return. That is what is meant by "repeal". The reviewer says in recommendation 2 —

> Noting the recommendation in Part 1 of the report that the *HRT Act* be repealed and that a new Act be drafted, that the *HRT Act 1991* (WA), the *Surrogacy Act 2008* (WA) and related directions and regulations be amended to remove any requirement that a person who needs to preserve their fertility for future treatment in which a surrogacy arrangement may be required, must already have a surrogacy agreement in place before being able to access ART. The *HRT Act 1991* (WA), s23(1)(c)(iii) and the Surrogacy Directions 2009, Direction 7 requirements for an RTC approved surrogacy arrangement prior to a person undergoing a fertilisation procedure, should be repealed.

There is a lot of repealing going on here! How many rockets is the government going to need to build to send its acts, its surrogacy directions and the various requirements to Mars? All these things are going on a one-way ticket, never to be seen again, according to the reviewer. The main point is that there is still no indication whatsoever from the government or its independent reviewer about which section they say our laws are inconsistent with. Let us move to recommendation 3, which says —

> That discriminatory provisions —

Here we go; maybe recommendation 3 will finally have some indication from the government and its independent reviewer about which section it is, because this very popular word "discrimination" is being used in recommendation 3 —

> within the *HRT Act 1991* (WA) and the *Surrogacy Act 2008* (WA) that prevent access to ART or surrogacy on the basis of sex, relationship status, gender identity, intersex status, or sexual orientation, be repealed and amended as a matter or priority.

That is not very good. It does not even make sense. We have just spent a quarter of a million dollars to receive recommendation 3 that does not even make sense! I thought that the government was assisting in the finalisation of the report. I seem to remember earlier this year that there was some suggestion from the parliamentary secretary that the government could not possibly table it because it was assisting the reviewer with the finalisation of the report. Who in government looked at recommendation 3? Apart from the obvious typographical error that was not picked up by the government despite its massive resources, I note that the suggestion in recommendation 3 is that the provisions be repealed and amended. Perhaps the parliamentary secretary could indicate to the house how one

repeals and amends the provisions. How does one repeal and amend a provision? If the provision is repealed, how does one amend it? I presume that the order in which the independent reviewer has put it is of significance. Why has the independent reviewer decided to use the word "repealed" first and then "amended"? Is that supposed to be indicative of some sequence of events? We will repeal the legislation—remember, that means that we are sending it on a one-way rocket to Mars, never to return—but then we need to amend it. So do we need the rocket to come back so that we can amend the thing that was apparently obliterated? Maybe the parliamentary secretary could indicate to the house what the situation is there and, if need be, seek some counsel from the Leader of the House, who I know is very interested in this particular legislation and these matters of substance that the government has spent $225 000 of taxpayers' money on to provide to the house. Apart from the fact that recommendation 3 needs some serious explanation from the government, it certainly does not provide the section that the government claims our laws are inconsistent with.

We move to recommendation 4, which reads —

> That the Minister of Health should progress interim measures as far as is possible to address issues raised in the review that require urgent attention, recognising further reform is required as a matter of priority.

What are these interim measures that the reviewer suggests that the Minister for Health should progress as far as possible? Perhaps the parliamentary secretary could indicate to the house what those interim measures are in the fullness of time when she delivers her reply to the second reading debate. Nevertheless, once again recommendation 4 provides us with no guidance as to what this famous section is that we are supposedly contravening in the commonwealth legislation.

Do we receive any guidance from recommendations 5 or 6, on page 62, which are the final two recommendations provided by the reviewer? Recommendation 5 states —

> That the wording of relevant ART and surrogacy legislation and associated regulations and directions in Western Australia be drafted or amended as required to refer to an *'eligible person or couple'* (rather than 'man' 'men' 'woman' or 'women') which should then further be defined to include *'a person or couple who due to medical or social reasons are unlikely to be able to conceive, carry or bear a child, unlikely to survive a pregnancy or birth, or likely to conceive a child affected by a genetic condition or disorder or that will be unlikely to survive the pregnancy or birth or whose health would be significantly affected by the pregnancy or birth'. A couple should include 'two people who are married or in a de facto relationship with each other'*.

There ends recommendation 5. There is still nothing from government or its independent reviewer that provides us with the section of the commonwealth legislation that they say we are contravening. It is still a mystery. It is still a search for a needle in a haystack. The final recommendation, recommendation 6 on page 62 of part 2 of the independent reviewer's report, begins by saying that the Western Australian government should consult with the commonwealth. We might have some success here. Now we are suddenly referring to the commonwealth. We might get the section number. Recommendation 6 says —

> That the Western Australian Government consult with the Commonwealth concerning issues related to transgender pregnancy, which may involve access to ART by a man who has a female reproductive tract, to determine the status of the *Prohibition of Human Cloning for Reproduction Act 2002* (Cth), s 19(2) which provides that a person commits an offence if the person intentionally places a human embryo in the body of a human, *other than in a woman's* reproductive tract' (emphasis added) and any implications relevant to the amendments to the *Sex Discrimination Act 1984* (Cth) and/or access to ART or surrogacy.

There we have it. There are nine findings and six recommendations from the independent reviewer, none of which tell us the section that the government says we are inconsistent with. We are still not provided with any information other than these vague references to the legislation from the parliamentary secretary in the second reading speech and in the most lightest of treatments in the explanatory memorandum. There is nothing in the findings and recommendations to assist us. Where do we go to next in our search for the section that the government says we are contravening? Since the government continues to hide it from us, where else can we search and find this information? It should be noted by members that the reviewer, Sonia Allan, provided some commentary in her quarter-of-a-million-dollar independent review of the legislation. Does the commentary assist us in any way?

The commentary commences on page 58, continues on page 59 and concludes on page 60. The title of the section, as I have mentioned, is the actual title of this bill, the Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018. The introductory remarks refer to two issues. Members may well ask what those two issues are. Members would need to familiarise themselves with the other portions of the report, particularly with the earlier sections in chapter 3. I press ahead and note that on page 58 the quote is —

> Recognising that the above two issues were of great importance and that the completion of this review may take some time, in August 2018 the McGowan government introduced the *Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018* into Parliament. The Bill proposes amendments to the *HRT Act 1991* (WA) and the *Surrogacy Act 2008* (WA) in ways that would go some way to addressing the above discussed issues.

There is an indication that earlier sections of this report are relevant to this bill, because the reviewer says that the bill is addressing the aforementioned discussed issues, which are in the earlier sections of that chapter. However, I will get to that at a later time. I do not have time at the moment as I press ahead, dealing with this legal analysis, especially for the benefit of the Leader of the House, who I know is away on urgent parliamentary business. The quote continues to say —

> The proposed amendments if enacted would be an important step in realising long-awaited and necessary reforms of the ART and surrogacy legislation in Western Australia.
>
> The Bill passed through the Legislative Assembly in September 2018, and moved to the Legislative Council in October 2018, where it had been introduced but not debated at the time of writing this report. The following discusses the proposed amendments in the Bill that relate to the above issues, what they will immediately resolve if enacted, and further amendments that will be necessary to resolve fully such issues and meet the larger body of reform recommended in this report.

There ends the first two paragraphs of the independent reviewer's treatment, analysis and discussion of the bill that is presently before the house. For the benefit of members, the reviewer then continues her discussion and analysis in two parts. The first part is entitled "The 2018 proposed changes regarding access by women with impending fertility issues". I could quote that particular section of the report, but I see it as a momentary distraction from the ongoing legal analysis that I am undertaking. I will park that and come back to it at a later stage, maybe on a later day, week or month.

For the time being, I just want to deal with the second part in which the reviewer specifically deals with the section titled "The 2018 proposed changes regarding discrimination". That is the matter that we are presently considering. Is it legally necessary to make these amendments? The government says that it is necessary because of an alleged inconsistency with commonwealth legislation but it will not tell us what the section is. What does the reviewer have to say in her treatment of this issue? Those members who have part 2, volume 2 handy may like to turn to page 59 to follow along. The reviewer says —

> Regarding the above-mentioned discrimination on the basis of sex, relationship status, sexual orientation, gender identity and intersex status, the Bill only addresses access to surrogacy through use of ART for male same-sex couples and single men. This is an important first step in removing discrimination in Western Australia regarding relationship status, sex, and sexual orientation, but further reform will be necessary to ensure non-discrimination on the basis of gender identity or intersex status.

That is interesting. The independent reviewer seems to be agreeing with the government that a discrimination issue needs to be addressed but indicates that the government has not gone far enough, suggesting that the government's bill will not deal with all the discrimination issues. That would seem to suggest that even if this bill is passed, according to the reviewer, we will still be inconsistent with the commonwealth legislation—this secret section that the government wants to hide from us. The independent reviewer indicates that if members of this house hold the view that discrimination needs to be addressed, they cannot support this bill because even after this bill passes, there will still be a High Court challenge. I look forward to those members expressing some support and sympathy for the bill before the house to explain why they would support a bill that, according to the independent reviewer, will still leave discrimination on the basis of agenda identity or intersex status. Nevertheless, the reviewer, in her discussion and treatment of this issue, goes on in the first paragraph on page 59 to say —

> The latter appear not to have been included in the current Bill due to a need to clarify the impact of provisions in the Commonwealth Prohibitions on Human Reproductive Cloning Act 2002 (see discussion below), which will take time.

I look forward to the parliamentary secretary providing information to the house in due course on the status of that clarification that the independent reviewer has suggested needs to happen with the commonwealth. We would like to know that information. It is regrettable that the government has not already provided that information. Of course, if it was not so pigheaded and if it had provided a response to this review, as I have been requesting, including as recently as last Thursday, we might have this information before the house. As the government wants to continue its bullying approach, we have to continue with our search for the needle in the haystack.

I continue by noting that the reviewer goes on to say in the second paragraph —

> In the meantime, the current Bill addresses pertinent issues that were reported by the Government to be seen as requiring immediate action. That is, in the second reading speech it was said that the Bill enables licensed fertility clinics and practitioners to provide such services without discrimination based on sex and sexual orientation, in compliance with Commonwealth and State legislation (Equal Opportunity Act 1984 (WA)).

That is a very interesting paragraph. The reviewer has made an assertion—she seems to be paraphrasing what the parliamentary secretary said in her second reading speech, yet nobody has identified what section we are said to

be contravening. It is no good for the independent reviewer, who was paid a quarter of a million dollars to do this review, to simply parrot what the parliamentary secretary said in her second reading speech. We want to know what the section is. Does the reviewer provide any further information in her subsequent treatment of these issues? A sub-topic was inserted by the independent reviewer on page 59 entitled "Proposed amendments relevant to discrimination based on relationship status, sex, and sexual orientation". At this point the reviewer says —

> The Bill proposes amendments to section 23 of the HRT Act to allow an IVF procedure to be carried out for the purposes of a surrogacy arrangement where there are 'medical or social reasons'. 'Medical or social reasons' is defined under new section 19(1A) of the Surrogacy Act to mean an eligible woman or a man, in the case where there is one arranged parent, and, in the case where there are two arranged parents, a married or de facto couple, who are an eligible woman and a man; or two eligible women; or two men.
>
> The second reading speech also stated that the Government was committed to upholding the values of equality, fairness and diversity, and that broadening access to surrogacy proposed under the Bill, adds to the family formation options of adoption and fostering that are already available to male same-sex couples and single men in WA. The Government noted its intention was to 'bring WA in to line with all other Australian jurisdictions that permit male same-sex couples to engage in altruistic surrogacy, with the exception of the NT which has no relevant laws'; and that it was also expected that following the enactment of the Bill there may be a reduced impetus to travel overseas to engage in surrogacy.
>
> The proposed amendments are a significant step toward removing discrimination in Western Australia.

That is as far as we get. The independent reviewer makes that statement but still does not tell us which section of the commonwealth legislation we are said to be inconsistent with. We cannot find out this information from the government's second reading speech, the explanatory memorandum, the findings of the independent reviewer, the recommendations of the independent reviewer or the discussion by the independent reviewer in her report. Where do we find this information? It would be a simple thing for the government to provide to members if it had seriously obtained legal advice from the state Solicitor-General's Office and the Solicitor-General. Surely that advice identified the section of the commonwealth legislation that the government says we need to be concerned with and it would be unwise of us not to respond to. Surely somebody in government must have the section because clearly it is not in any of the documents presently before the house. I find it galling that the government and, in particular, the Leader of the House can suggest that matters of substance are not being dealt with when the government will not even tell us what section of the commonwealth legislation we need to be concerned with. Why hide that section?

To the extent that I can be as charitable as possible to the government on this matter, I note that in the second reading speech, a vague reference was made to the 2013 amendments moved by the commonwealth. As we continue our ongoing search for the needle in the haystack and note that the information provided by the government to this chamber in the form of the supporting documents for the bill and in the independent review do not provide us with the information that we need, we are left with no option other than to go to the 2013 amendments in the commonwealth Parliament that the government has referred to. Members might rightly ask: what are these famous 2013 amendments that the government referred to in the second reading speech? It makes this vague reference to the 2013 amendments but what are they? I have done some research and used my best endeavours to find out this information since the government wants to hide it from members for reasons known only to itself. If one looks at the commonwealth Sex Discrimination Act, one will see that amendments were made to that legislation in 2013. However, there were two sets of amendments made in 2013, so which amendments does the government want us to take note of? Is it the ones that were registered on 7 January 2013 or the ones that were registered on 17 September 2013? Why can no-one in government tell us which of the 2013 amendments we should be looking at? Why does the government continue to hide this information from us? We know why it wants to hide it: because it is obsessed with secrecy, so we continue with our search for the needle in the haystack.

Let us deal with them in chronological order. The first one was registered on 7 January 2013. The act that incorporates the amendments is the Australian Charities and Not-for-profits Commission (Consequential and Transitional) Act 2012, which is No. 169 of 2012, but was registered in 2013. Are those the changes that the government wants us to take note of? I have looked at them and I note that those changes were registered on 7 January 2013, in the window of time within which the government says we should be looking as we continue our search. We are asked by the government to search for the 2013 amendments, and when we look in that window of time, we find that this act amended three acts: the Racial Discrimination Act 1975; the Sex Discrimination Act 1984; and the Social Security Act 1991. It made very small amendments to the Sex Discrimination Act 1984 and I indicate to members that if they get hold of this document, it will become immediately apparent that it cannot possibly be the one that the government wants us to consider. It cannot be those ones, because these deal with definitions of registered charities and what an ACNC entity is. There really is nothing that is amended in the document that was registered on 7 January 2013 that would help us move forward.

I put that to one side and we are then left to look at the other amendments that were made in that year. They were registered on 17 September 2013, some eight months and 10 days after the other amendments. This commonwealth act is known as the Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013, No. 98 of 2013. The long title is —

> **An Act to amend the *Sex Discrimination Act 1984*, and for related purposes**

I encourage members to familiarise themselves with this document because it seems to me that, given the government's vague reference to the 2013 amendments—the only information it is willing to give us on the commonwealth legislation that we need to be concerned with, since it wants to hide everything else—this is the act that members need to get hold of. It is beyond me why the parliamentary secretary, the Minister for Health and the rest of the individuals in government felt the need to hide the name of the act from us. Nevertheless, that is the act that members should become familiar with.

If members do so, they will see that this piece of commonwealth legislation has three sections. The first section is "Short title"; the second section is "Commencement"; and the third is entitled "Schedule(s)". Passing over the first two fairly self-explanatory and self-evident sections, we come to section 3, "Schedule(s)", which reads —

> Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Then, if members turn to the schedules, schedule 1 is titled "Amendments", and there are several parts. Part 1 is titled "Amendment of the Sex Discrimination Act 1984". That part has quite a number of clauses indeed; in fact, it has 61 clauses. Part 2 is titled "Amendments of other Acts", division 1 is titled "Amendments of references to marital status", and division 2 is titled "Amendments of references to sexual preference". The legislation concludes with part 3, which is titled "Application of amendments". In total, the schedule has some 64 clauses. The final clause is titled "Application of amendments" and reads —

> The amendments of the *Sex Discrimination Act 1984* made by this Schedule apply in relation to acts or omissions occurring after the commencement of this Schedule.

There is also a note at the bottom that the minister's second reading speech was made in the House of Representatives on 21 March 2013 and in the Senate on 17 June 2013, if members are interested in looking at what the government had to say at the time it was making these changes to the commonwealth legislation.

It is necessary to look at what the schedules say about the amendments to the Sex Discrimination Act. That is found in part 1 of schedule 1. It begins at page 3 and continues on to page 13. They really are the 11 pages that members should familiarise themselves with. It changes a whole range of provisions within the Sex Discrimination Act 1984. I find it unsatisfactory that the government, with its massive resources, cannot identify for us the clause in this schedule that we are supposed to be concerned with. The government says that the 2013 amendments moved by the commonwealth government are what is driving all this. After laboriously looking for the 2013 amendments, I have found them, but which ones are we supposed to be concerned with? Are we supposed to be concerned with all 64 amendments or is there a particular amendment that the government would like us to be concerned with? If it is a particular amendment, why not say so? Why not specify that a particular amendment is driving all of this?

For example, clause 1 deals with the title and states —

> Omit "**marital status**", substitute "**sexual orientation, gender identity, intersex status, marital or relationship status**".

Perhaps that is an indicator to us, as we continue to search for the information that the government wants to hide from us, that these 2013 amendments were primarily looking to obliterate the term "marital status" and substitute it with "sexual orientation, gender identity, intersex status, marital or relationship status". Perhaps that is what is primarily being achieved by these 2013 amendments to the commonwealth legislation, but, again, we do not know because, for reasons known only to the government, it has decided not to invest a sentence on this in the explanatory memorandum. Why provide an explanatory memorandum to the house if it is not going to be of any use to members? If the government's primary driver is to say that Western Australia's legislation is inconsistent with the commonwealth legislation, it should tell us what the section is and stop hiding that information.

We then note that the 2013 amendments look to amend other sections in the Sex Discrimination Act 1984, including the preamble. It does a similar thing to the title, as I referred to earlier. What other amendments happened in this famous 2013 amendment process in the federal Parliament of Australia? Amendments are made to paragraph 3(b), and quite a few amendments to section 4(1). I note that in this schedule, clauses 3A, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 all deal with amendments to section 4(1). There is an amendment to section 4A(2), and then we move to some interesting and what I would call quite substantial amendments to section 5. An amendment is made to subsection 5(1), but then we find, at clause 17 of the schedule, that there are significant insertions of new sections into the commonwealth legislation—sections 5A, 5B and 5C. More than any other part of these 2013 amendments, it appears to me—I encourage other members to familiarise themselves with this—that these are the substantive

amendments that have been moved in 2013 in the commonwealth Parliament. If that is wrong, I encourage the government to correct the record. As I continue in this search for this needle in the haystack, I note that the parliamentary secretary, in a very vague fashion, in her second reading speech delivered on 10 October 2018, said —

> The main amendments to the current legislation within this bill are in response to the 2013 amendments to the commonwealth Sex Discrimination Act 1984, which made discrimination on the grounds of sexual orientation, gender identity and intersex status unlawful in all states and territories.

Hearing this, we know, in my view, that the government is referring, in that vague reference, to the Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013, and in particular to the way in which that act inserted three new sections into the primary act, being sections 5A, 5B and 5C. Why did the government not tell us that information last year? Why did it lead us on a wild-goose chase to try to find out what sections the commonwealth changed in 2013? If that information had been provided by the government, we could have saved at least the last 90 minutes. Instead, the government likes to hide information and make those of us in opposition, with our limited research staff, go and find those needles in the haystack, when the government must have known all along what the 2013 amendments were.

Having found the needle in this haystack—I should not be so flippant; it is really one of the needles in the haystack, because there are a number—we now need to turn our attention to determining whether the sections that the commonwealth added to its legislation in 2013 are matters that we should be concerned with. The government says that we should be concerned about them. In fact, it says that we should be so concerned about them that, if we do not respond, it would be unwise. That is what the government has said on multiple occasions. Section 5A of the Sex Discrimination Act 1984, which is one of the three sections that the government must be concerned about, is titled "Discrimination on the ground of sexual orientation". Section 5A(1) reads —

> For the purposes of this Act, a person (the ***discriminator***) discriminates against another person (the ***aggrieved person***) on the ground of the aggrieved person's sexual orientation if, by reason of:
>
> (a) the aggrieved person's sexual orientation; or
>
> (b) a characteristic that appertains generally to persons who have the same sexual orientation as the aggrieved person; or
>
> (c) a characteristic that is generally imputed to persons who have the same sexual orientation as the aggrieved person;
>
> the discriminator treats the aggrieved person less favourably than, in circumstances that are the same or are not materially different, the discriminator treats or would treat a person who has a different sexual orientation.

What does all that mean? It seems to mean that people around the nation are not able to discriminate against another person on the grounds of their sexual orientation. However, the section refers to characteristics generally imputed to persons who have the same sexual orientation as the aggrieved person, and about characteristics that appertain generally to persons who have the same sexual orientation as the aggrieved person. One of the questions that the government needs to answer is why it says that a male has the same characteristics generally imputed to females, or that a male has the same characteristics that appertain generally to females. Why is that the case? It is not immediately apparent upon reading section 5A. No doubt the government will have an excellent explanation for that, because it has apparently received legal advice on this matter, which it continues to hide from the Parliament of Western Australia, and does not even want to tell us which sections we need to be concerned with. No doubt we will have an excellent, cogent, detailed explanation about why we need to be concerned with section 5A. Section 5A continues —

> (2) For the purposes of this Act, a person (the ***discriminator***) discriminates against another person (the ***aggrieved person***) on the ground of the aggrieved person's sexual orientation if the discriminator imposes, or proposes to impose, a condition, requirement or practice that has, or is likely to have, the effect of disadvantaging persons who have the same sexual orientation as the aggrieved person.
>
> (3) This section has effect subject to sections 7B and 7D.

It seems quite apparent from looking at this section that it deals with people who have the same sexual orientation—not different; the same. Why do we need to be concerned about that? Why is that relevant to the legislation that is before the house, and the existing scheme that allows females to apply to the Reproductive Technology Council if they can satisfy the condition of a gateway for medical reasons?

Why is that relevant in any possible way in discriminating against a male? That is up to the government to explain. The government is the one saying that we need to be concerned about this, that we need to respond to this and that we would be unwise not to respond to this, so the onus is on the government to explain the rationale for the changes. The onus to persuade is not on our members; it is up to the government. It is the government's bill. It is the government's job to satisfy the onus and the burden of proof in this instance. The government needs to persuade us that we should be supporting its amendments, particularly given that we have a conscience vote in this matter.

I turn to section 5B, the second of the three sections that one can only conclude must be the three sections that the government is concerned about in its assertions and prognostications about the 2013 amendments. Section 5B is titled "Discrimination on the ground of gender identity" and has three subsections, which read —

> (1) For the purposes of this Act, a person (the ***discriminator***) discriminates against another person (the ***aggrieved person***) on the ground of the aggrieved person's gender identity if, by reason of:
>
> (a) the aggrieved person's gender identity; or
>
> (b) a characteristic that appertains generally to persons who have the same gender identity as the aggrieved person; or
>
> (c) a characteristic that is generally imputed to persons who have the same gender identity as the aggrieved person;
>
> the discriminator treats the aggrieved person less favourably than, in circumstances that are the same or are not materially different, the discriminator treats or would treat a person who has a different gender identity.
>
> (2) For the purposes of this Act, a person (the ***discriminator***) discriminates against another person (the ***aggrieved person***) on the ground of the aggrieved person's gender identity if the discriminator imposes, or proposes to impose, a condition, requirement or practice that has, or is likely to have, the effect of disadvantaging persons who have the same gender identity as the aggrieved person.
>
> (3) This section has effect subject to sections 7B and 7D.

Again, I ask the government to clarify for members what Western Australian law it says has caused this concern for discrimination on the ground of gender identity, noting that section 5B refers to those who have the same gender identity, not different gender identity. Why do we need to be concerned about that? Why does the government not tell us the answer to that question, rather than continuing with its obsession with secrecy and wanting to hide information from members of Parliament?

I turn to section 5C, which is the third section that the government is surely asking us to consider. If section 5C is not one of the sections that the government wants us to consider, I ask the government to identify and clarify that immediately so that we can make further progress. But in the absence of the government providing any such information to Parliament, we can conclude only that the 2013 amendments that the government wants us to consider are sections 5A, 5B and 5C. So I now turn to section 5C, which is titled "Discrimination on the ground of intersex status" and reads —

> (1) For the purposes of this Act, a person (the ***discriminator***) discriminates against another person (the ***aggrieved person***) on the ground of the aggrieved person's intersex status if, by reason of:
>
> (a) the aggrieved person's intersex status; or
>
> (b) a characteristic that appertains generally to persons of intersex status; or
>
> (c) a characteristic that is generally imputed to persons of intersex status;
>
> the discriminator treats the aggrieved person less favourably than, in circumstances that are the same or are not materially different, the discriminator treats or would treat a person who is not of intersex status.
>
> (2) For the purposes of this Act, a person (the ***discriminator***) discriminates against another person (the ***aggrieved person***) on the ground of the aggrieved person's intersex status if the discriminator imposes, or proposes to impose, a condition, requirement or practice that has, or is likely to have, the effect of disadvantaging persons of intersex status.
>
> (3) This section has effect subject to sections 7B and 7D.

It appears very clear that the government could not care less about section 5C, "Discrimination on the ground of intersex status". It could not care less, because where is the amendment in the bill before the house that is going to deal with the discrimination on the ground of intersex status? I do not even buy into this line of reasoning by the government that there is discrimination in the first place. I will get to that in the fullness of time. For the time being, the government asserts that the 2013 amendments need to be considered by members of this place and we would be unwise not to respond to those 2013 amendments. Why is the government not dealing with section 5C? Why has the government ignored that? Suddenly, we do not care about discrimination on the ground of intersex status? Only the amendments in 2013 suit the government, or did it forget about section 5C? Why does the government never provide explanations of these things? We know that the government has not dealt with this issue because its quarter-of-a-million-dollar reviewer, Associate Professor Sonia Allan, says as much in part 2 of her report. In section 3.4, we see an acknowledgement that the government's current bill does not deal with that issue.

Any member who says that they buy into this line that discrimination is taking place will need to explain to the house in due course how they can in all good conscience support this bill when the reviewer is saying that discrimination on the ground of intersex status is not being addressed. That sounds to me like discrimination itself. We are going to deal with discrimination allegedly on the basis of sexual orientation and gender identity, but we are not going to deal with it on intersex status. The government cannot have it both ways. It wants to say to us that it is very important to deal with discrimination, in which case we need to deal with all discrimination and not cherrypick only the parts that suit it at any point in time.

By the way, can the government identify which section the government says that we are contravening? We have not been able to identify it so far, but as best we can identify, maybe the government is worried about sections 5A, 5B and 5C. The government certainly does not mention it in the second reading speech or the explanatory memorandum and even its quarter-of-a-million-dollar reviewer does not mention it in her findings, recommendations or commentary. It has been left to me, who has been accused by the Leader of the House of making comments that lack substance, to provide the sections to the house because the government wants to hide the information from members.

If the government is genuinely concerned about the commonwealth legislation and the 2013 amendments that were brought into effect—in particular, those amendments that inserted sections 5A, 5B and 5C—what sections of the state legislation does it say contravenes those provisions? What are the sections of the state legislation—the legislation on our statute book—that the government says are inconsistent with those commonwealth laws? Why is the government hiding that information from us as well? Why is it that every time we try to find out basic information, this government's only response is to hide that information?

The second reading speech of the parliamentary secretary makes a vague reference to the Human Reproductive Technology Act. That is the act referenced by the parliamentary secretary in her second reading speech of 10 October 2018. I draw members' attention to the comment made by the parliamentary secretary —

> Failure to respond to this would be unwise due to an unacceptable risk of litigation and the prospect of provisions of the relevant state legislation—the HRT act—being held by a court to be invalid.

According to the parliamentary secretary, we do not need to be concerned that any aspect of the Surrogacy Act 2008 is inconsistent with the commonwealth legislation. If that were not the case, the parliamentary secretary would have said so in her second reading speech. She certainly would not be seeking to mislead Parliament. Therefore, the parliamentary secretary and the government should not come in here and say to me in a later speech, or even in their reply to the second reading debate, "Actually, member, you're right. The government also has a concern about the Surrogacy Act 2008, but we omitted that from our second reading speech." If the parliamentary secretary and the government do that, they will have to make an apology to this house. The parliamentary secretary and the government must have a massive list of apologies that they will have to make to this house on this piece of legislation, from their ongoing failure to table submissions in this place, to misleading the Parliament by pretending that the review did not exist, and to having their minister of the Crown tell the media that the review has nothing to do with the bill before the house. I suspect that the parliamentary secretary and the government will also have to admit that the information they provided in the second reading speech and the explanatory memorandum was incomplete. I look forward to the government clarifying that situation. However, for the time being, I will work on the basis that what the parliamentary secretary said in her second reading speech is accurate.

The parliamentary secretary has said that the only act we need to be concerned about with regard to consistency is the Human Reproductive Technology Act; there is not one section or subsection of the Surrogacy Act 2008 that we need to be concerned about with regard to inconsistency. I add: if that is the case, why has the government put before this house all the amendments to the Surrogacy Act 2008? Why does the bill before the house seek to amend not just the Human Reproductive Technology Act 1991 but also the Surrogacy Act 2008? This house is considering whether to allow this bill to be read for a second time. If members have the bill at their disposal, they will note that clauses 1 and 2 are simply preliminary clauses. Clauses 3 to 16 deal with amendments to the Human Reproductive Technology Act 1991. The government may argue that that is exactly what the parliamentary secretary was alluding to in her remarks in October last year. If, according to the parliamentary secretary's speech, we need to be worried about inconsistency only with respect to the Human Reproductive Technology Act 1991, why does the bill also have clauses 17 and 18, in part 3 of the bill, that seek to amend the Surrogacy Act 2008?

This government has provided us with no guidance about which sections of the Human Reproductive Technology Act 1991 we need to be concerned about. If we continue to search for the needle in the haystack, we can determine that it is most likely, in fact, highly probable, that the government is concerned about the sections of the commonwealth legislation to which I referred earlier—namely, sections 5A, 5B and 5C. In the absence of the government providing that information to us, while it continues with its secrecy-obsessed agenda, we can probably come to that conclusion. However, we cannot determine which sections of the state legislation the government says contravene those sections of the commonwealth legislation. We can see from the clauses of the bill before the house, in particular clauses 3 to 16, that the government is looking to amend a number of sections. Therefore, one can draw the conclusion that it must be one of those sections. The government is looking to amend section 3 by virtue of clause 5 of the bill before the house; section 6 by virtue of clause 6

before the house; section 14 by virtue of clause 7 before the house; section 18 by virtue of clause 8 before the house; and section 21 by virtue of clause 9 before the house. In addition, the government is looking to amend sections 22 and 23 by virtue of clauses 10 and 11 before the house. By the time we get to clause 12, the government is looking to amend section 26; in clause 13, it is looking to amend section 33; and in clause 14, it is looking to amend section 53R. By my count, that is 10 sections of the Human Reproductive Technology Act 1991 that the government must be concerned about. Drawing from the government's logic in the second reading speech, it must be one of those 10 sections that the government says contravenes the commonwealth law. However, which of those 10 sections does the government believe we need to be concerned about?

The government still has not told us that information. I suspect that is because not one member of the government frontbench would have any idea. Not one member of the government frontbench would be able to tell us which sections of the commonwealth legislation we are supposedly contravening. Not one member of the government frontbench would be able to tell us which sections of the Human Reproductive Technology Act 1991 are contravening the commonwealth legislation. Not one of them would be able to do that. However, despite that fact, the government is bulldozing this legislation through this place. The government is trying its level best to bully members. The government has been trying to bully me for weeks in respect of my speech, when I am simply asking the government to reveal documents and put them on the table before the Parliament. The government has refused to do that. When we ask these simple questions, we get no response whatsoever—not in this place, of course, because it would be most unruly for members to interject in this place. However, for weeks and weeks, the government could have come to me and said, "Honourable member, this is the section of the commonwealth legislation that we say the Western Australian legislation is contravening, and this is the precise section of the Western Australian legislation that we are concerned about." That has not happened. I had one telephone call from the minister yesterday. That did not deal with any of these matters. I have simply asked for those documents to be tabled. Therefore, because of the bullying approach of this government, here we are today, on Tuesday, 9 April, and we have made no progress. I have never seen a government in this Parliament so determined to hide information from members and not provide us with answers to these simple questions. At no time has the government been willing to do that. The only time that some information was provided was, of course, when it was embarrassed enough to finally provide the Sonia Allan review. When the government eventually responds, I would like it to explain why it has never told members in this place about section 31 of the Sex Discrimination Act 1984. Why has it hidden that from members of Parliament? By way of explanation, the Sex Discrimination Act 1984, which is the act that the government has identified as the act of concern, has some 117 sections. Admittedly, some sections are significant additions. For example, division 3 has sections 28A to 28L. Nevertheless, for the purpose of this exercise, members can see that there are more than 100 sections of the Sex Discrimination Act 1984, at least one of which the government has told us that we need to be concerned about without telling us which one that is.

One of the sections in the Sex Discrimination Act is none other than section 31. I suspect that in the various briefings that the government has had with members of this chamber, it has not told them about section 31. I suspect that it has gone out of its way to hide that information from members. If members are like me and they cannot for the life of them fathom how the government has concluded that single men not being able to birth a child is a point of discrimination that it must inject itself into and they cannot understand how it came to that conclusion, I ask them to look at section 31. Even if members do not hold the same view as me, I encourage them to look at section 31 anyway. Section 31, "Pregnancy, childbirth or breastfeeding", is an exemption to the Sex Discrimination Act. This very, very brief section reads —

> Nothing in Division 1 or 2 renders it unlawful for a person to discriminate against a man on the ground of his sex by reason only of the fact that the first-mentioned person grants to a woman rights or privileges in connection with pregnancy, childbirth or breastfeeding.

Why is it that in light of section 31 we are even having this discussion? The government tells us that there is discrimination and that we are in breach of the Sex Discrimination Act 1984, even though none of its members on the front bench can identify the section that we need to be concerned about and the section of Western Australian law with which it is inconsistent. Meanwhile, even if they were able to identify something in the Sex Discrimination Act about which we needed to be concerned and something in a WA law that links that, what about section 31, parliamentary secretary? Nothing renders it unlawful for a person to discriminate against a man on the ground of his sex by reason of the fact that the first-mentioned person grants to a woman rights or privileges in connection with pregnancy, childbirth or breastfeeding. I acknowledge that the matter currently before the house is not seeking to grant breastfeeding privileges. It would be a bit of a stretch to suggest that, anyway. What about privileges in connection with pregnancy and childbirth; is that not the whole point of the surrogacy arrangement? In other words, according to the government, Western Australian men are discriminated against because they cannot participate in a surrogacy arrangement unless they are members of an opposite-sex couple. This is a great point of discrimination—why? The privileges are in connection with pregnancy and childbirth. Of course, a man cannot birth a child; that is precisely what section 31 is all about. Of course, men cannot fall pregnant. The provision also deals with the matter of breastfeeding, and I accept that it is a stretch to suggest that that is highly relevant in these

circumstances, but not so the first two provisions, pregnancy and childbirth. I ask the government to explain why it has not told members about the exemption provided in section 31 of the Sex Discrimination Act. Indeed, I note that a number of exemptions are listed in division 4 of the Sex Discrimination Act, which the government has decided to hide from members of Parliament. This secrecy-obsessed government needs to explain why section 31 ought to be of concern to members of this place as they cast their conscience vote. That is what we need to hear from the government, but it has provided nothing.

While we are talking about exemptions to the Sex Discrimination Act 1984, I refer to section 30, "Certain discrimination on ground of sex not unlawful", which has two subsections. I will quote briefly from parts of subsections (1) and (2). I do not propose to go into the detail of subsection (2)(b) to (h) because we want to make some progress, despite the government's best efforts to block us from doing so. Subsection (1) refers to a —

> … genuine occupational qualification to be a person of a different sex from the sex of the other person.

Subsection (2) states —

> … it is a genuine occupational qualification, in relation to a particular position, to be a person of a particular sex …
>
> (a) the duties of the position can be performed only by a person having particular physical attributes (other than attributes of strength or stamina) that are not possessed by persons of a different sex from the relevant sex;

I ask the government to clarify for members, first, the sections of the Sex Discrimination Act that WA is contravening and, second, why the government believes that none of the exemptions listed in the Sex Discrimination Act are relevant. How can that be the case when one reads what section 31 refers to on its own plain reading and in plain terms? Although section 30 is not perhaps as direct as section 31, it has a lot to say about the general issue of attributes, occupational qualifications, duties and the like that cannot be possessed by a person of a different sex.

When it comes to surrogacy, it is quite obvious and self-evident to me that men are not able to birth a child. I might add that all men are in the same boat. There is no discrimination; it is invented discrimination. If I am wrong about that, the onus is on the government to identify why it is discrimination, what section is relevant and why none of the exceptions apply, particularly section 31. It is not my job to do that; it is the government's job to do that. It failed to do that in the second reading speech and the explanatory memorandum, and its very expensive reviewer has not done it in the review either. I look forward to the government explaining to members what it understands about section 31 and what it understands about section 30 of the Sex Discrimination Act, albeit I hasten to add for the benefit of the government and its hardworking advisers that I accept that, on the face of it, section 30 is not directly on point, unlike section 31.

Having dealt at some length with the issue of the alleged inconsistency of our laws with the commonwealth legislation and therefore the alleged invalidity—not to be confused with inconsistency—of our laws pursuant to section 109 of the Constitution, as alleged by the government, and having identified for members that the government has been unable to provide to the house the sections that we need to be concerned with, I now move to a further issue of discrimination. Ironically, if members were inclined to support this bill, any alleged discrimination would be entrenched by the passing of the bill; in other words, if members are inclined to support this bill because they hold the view, as some members of government obviously do, that a discrimination issue needs to be addressed, I urge members to note that they will be creating another round of discrimination. I do not want members to be confused with what Associate Professor Sonia Allan has had to say, which is that if they support this bill, discrimination will still be unaddressed. That is not what I am saying. I agree with the associate professor. What she has said is quite right; if members hold the view that there is discrimination, there are other parts of discrimination that are unaddressed, such as intersex status. That has been identified in the report. I again question members: if they are very concerned about discrimination, how can they support this bill, given what Sonia Allan has said? That is an aside. The point is that if members support the bill in its current form, it will create discrimination. Why do I say that? I am making the assertion—the allegation—that, ironically, this bill will create discrimination, so it is now my responsibility to support that. I draw to members' attention what the parliamentary secretary said in her second reading speech on 10 October last year when she referred to this type of treatment needing to occur in the least invasive way. Specifically, the parliamentary secretary said in her second reading speech —

> The key changes to the legislation being proposed in this bill include availability of IVF and surrogacy. Under the existing provisions of the HRT act, single women, irrespective of their sexual orientation, heterosexual couples, and female same-sex couples will be able to benefit from access to IVF or surrogacy based on their medical need. The proposed changes will expand that access to surrogacy to include male same-sex couples and single men, irrespective of their sexual orientation. This is achieved by amending section 23 of the HRT act to allow an IVF procedure to be carried out for the purposes of a surrogacy arrangement where there are "medical or social reasons". "Medical or social reasons" is defined under new section 19(1A) of the Surrogacy Act to mean an eligible woman or man in the case where there is

> one arranged parent; in the case where there are two arranged parents, a married or de facto couple who are an eligible woman and a man; or two eligible women or two men. "Eligible woman" is defined in section 19(2) of the Surrogacy Act to mean a woman who is likely to be unable to conceive a child due to medical reasons not by reason of advanced age —

I pause there for a moment to indicate that I will get to the point of age in due course —

> or excluded for a prescribed reason; or although able to conceive a child, is likely to be unable to give birth due to medical reasons; or although able to conceive a child, any such child is likely to be affected by a genetic abnormality or a disease. For all practical purposes, "social reasons" in terms of access to surrogacy is intended to apply to male same-sex couples and single men. Women will still need to meet the existing criteria of having medical reasons to access IVF and surrogacy, including providing the least invasive treatment necessary in order to have a child.

That is what the parliamentary secretary had to say on 10 October last year. I note that for a man to acquire a child under this arrangement, it will always require the most invasive treatment necessary. The government says that females in Western Australia can access this regime only if they can demonstrate that it is absolutely necessary, because they are asked to go through all these different hoops and hurdles and requirements to ensure that the most invasive treatment is left as the last resort. That is always going to be the case for a man. Men will always require the most invasive treatment necessary—that is, surrogacy—whereas that is not the case for women. Explain that, government. Why is it applying a different standard for men from that for women? It is saying that this is an issue of discrimination, yet its own bill will create more discrimination than currently exists. I hasten to add that I am the first to say that this is invented discrimination by the government. Nevertheless, if members hold the same view as the government that this is an issue of discrimination, the government needs to explain why it is now going to entrench that discrimination to an even higher standard by asking women to go through all these different hoops and hurdles.

I note that Hon Roger Cook, the minister of the Crown, Deputy Premier and Minister for Health, who has carriage of this particular matter, wrote to one of my constituents on 19 November 2018 about this bill. He said in his response to my constituent —

> Surrogacy is generally only used as a last resort when other options have been exhausted.

In other words, Hon Roger Cook is saying that females in Western Australia can access surrogacy but only as a last resort when they have exhausted all their other options. How does that work for men? For men, it is always the case. There are no other options. Funny that! It is funny that a man is unable to birth a child in any other way, so of course they will have to go straight to surrogacy, but women can go to surrogacy only as a last resort. Women have to make sure that they have exhausted all their other options before they even contemplate surrogacy, but men get such great rights and privileges that they can go directly to surrogacy. And this is about surrogacy. Give me a break! And this is about discrimination! I cannot believe that the government thinks it is appropriate to pretend in the second reading speech that this is a matter of discrimination when it cannot identify the section of the commonwealth legislation that it says we are breaching. It cannot identify the section of our statute that it says is in breach of that. It is unable to explain why it would want to entrench discrimination and give men, lo and behold, greater and easier access to surrogacy than women. Why would that be the case? That is something that the government will need to explain. I look forward to the parliamentary secretary explaining those matters further when she gives her reply to the second reading debate.

Debate interrupted, pursuant to standing orders.

[Continued on page 2173.]

QUESTIONS WITHOUT NOTICE

MINISTER FOR REGIONAL DEVELOPMENT — ENERGY MADE CLEAN

327. Hon PETER COLLIER to the Minister for Regional Development:

I refer the minister to her response to the seven-part question without notice 172 she was asked on 14 June 2017. She was asked —

> Has the minister ever had shares or other financial interest in Energy Made Clean, Carnegie Clean Energy or Carnegie Wave Energy?

Her response to that question was —

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

Will the minister confirm that she did not receive any remuneration from Energy Made Clean during her time as a director of that company?

Hon ALANNAH MacTIERNAN replied:

I will give the member an explanation. The allegation that has been put today is that somehow or other I did not say that I worked for EMC. Let me read the whole answer. In part, the member is doing what the member for Warren–Blackwood was trying to do, which is selectively quote. What I said was —

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

Unruly interjections followed. I continued —

> It was from May 2011 and I resigned on 4 July 2013. I had some shares … that I had acquired instead of remuneration for the work that I did for the company.

In subsequent citations by the Leader of the House, as she responded from notes that I provided in her role as the minister representing the Premier, she made it very clear that the shares that I received were part remuneration. I do not know what you guys thought was going to be the other part of the remuneration, but it is not totally surprising that that was —

Several members interjected.

Hon ALANNAH MacTIERNAN: Members opposite have to see this in context.

Hon Peter Collier interjected.

Hon ALANNAH MacTIERNAN: It was remuneration because —

The PRESIDENT: Member, you have asked a question. You are not really giving the minister a fair go in being able to respond and for Hansard to hear that response. Just let the minister provide that response and listen to her.

Hon ALANNAH MacTIERNAN: The question was about what my interests were in that company, presumably at a relevant time. My residual interest was shares, so I was focusing on the rationale of how I came to receive those shares. I received those shares in remuneration for the work done for the company. As I have gone on with the notes, when a more detailed recitation of the facts was made a couple of months later, it was made very clear that it was part remuneration. When I was answering questions of journalist Paul Murray of *The West Australian*, again, I made it very clear that it was part remuneration. I have said right from the outset that I have not in any way tried to disguise the fact that I worked, I had an involvement, with that company. The actual work—the paid work that I did for that company—finished in 2011 and I continued for another 18 months as a shareholder. I want to make it clear that the shareholdings I had were in a company that was related to EMC; they were not directly EMC shares. There are obligations under the Ministerial Code of Conduct, which states —

> Immediately after appointment and within 60 days, Ministers shall take action to divest themselves of shareholdings in any company and interests in partnerships and trusts, by virtue of which a conflict exists, or could reasonably be expected to exist, with their portfolio responsibilities.

This, indeed, I did.

ENVIRONMENTAL PROTECTION AUTHORITY — GREENHOUSE GAS EMISSIONS

328. Hon PETER COLLIER to the minister representing the Minister for Mines and Petroleum:

I refer to the Environmental Protection Authority's announcement on 7 March 2019 to require 100 per cent carbon offsets for projects that produce over 100 000 tonnes of carbon dioxide equivalent emissions per annum.

(1) On what date did the minister first become aware of the EPA's decision?

(2) Did the minister receive any briefings from his department prior to the announcement?

(3) Did anyone from industry raise any concerns with the minister regarding the EPA's decision prior to the announcement by the EPA?

(4) Did the minister consult with anyone in industry prior to the EPA's announcement; and, if yes, with whom did the minister consult?

Hon ALANNAH MacTIERNAN replied:

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

(1)–(4) The EPA issued a guidance, which it has withdrawn, and has not, and cannot, make a decision to require 100 per cent carbon offsets for projects that produce over 100 000 tonnes of carbon dioxide equivalent emissions per annum.

HUMAN REPRODUCTIVE TECHNOLOGY AND SURROGACY LEGISLATION AMENDMENT BILL 2018

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

I refer to the Human Reproductive Technology Act 1991, the Surrogacy Act 2008 and the minister's claims in the second reading speech introducing the Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018 that there is a risk that the relevant legislation is invalid due to inconsistency with the commonwealth Sex Discrimination Act 1984.

(1) Before instructing the drafting of the bill, did the government seek, receive or have to hand legal advice on the question of invalidity from —

(a) Solicitor-General Quinlan, SC;

(b) Solicitor-General Thomson, SC; or

(c) the State Solicitor's Office;

and, if so, what is the date of that advice and when did it receive that advice?

(2) Is all that advice consistent in respect of the need to amend the legislation?

(3) Which specific provisions of the Human Reproductive Technology Act 1991 and the Surrogacy Act 2008 does the advice say are inconsistent with the commonwealth Sex Discrimination Act 1984 and need to be corrected by this bill?

(4) Did Associate Professor Sonia Allan have access to any of this advice during her review of the legislation; and, if so, which?

Hon ALANNA CLOHESY replied:

I thank the honourable member for some notice of the question. I am advised the following.

(1) (a) Yes, dated 28 September 2017 and received by the Department of Health on 29 September 2017.

(b) No.

(c) Yes, dated 18 February 2016 and received by the Department of Health on or about that date.

(2)–(3) This question contravenes standing order 105(1)(b) in that it seeks a legal opinion and, in any event, the legal advice is subject to legal professional privilege and the question cannot be answered without waiving privilege in the advice.

(4) No.

DEPARTMENT OF EDUCATION — SCHOOL MAINTENANCE BUDGET

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

I refer to the minister's press statement titled "Multimillion dollar maintenance boost for WA public schools" released on 4 April 2019.

(1) Is the $18 million investment in schools to address additional maintenance needs new funding or is it reallocated funding from the Department of Education's existing budget allocation?

(2) If the funding is from the existing budget allocation, has the funding of any other departmental programs been impacted to facilitate this additional investment for maintenance; and, if yes, will the minister provide more detail?

(3) Will the minister provide a breakdown of the $18 million investment by school and project?

(4) How were the projects referred to in (3) identified and selected for funding?

Hon SUE ELLERY replied:

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

(1) The investment came from the department's existing budget allocation.

(2) No.

(3) I table the attached information. A breakdown by budget cannot be provided as the work is currently out for quoting and tendering.

[See paper 2579.]

(4) The schools were identified based on an analysis of the 2017–18 building condition assessments recently completed and other information known about the condition of school facilities.

JUVENILE OFFENDERS — MONITORING

331. Hon NICK GOIRAN to the Leader of the House representing the Minister for Child Protection:

I refer to question without notice 263, regarding reportable offenders attending high school.

(1) Is the minister aware that there are currently 35 reportable offenders under the age of 18 who are attending high school?

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

(3) Further to (1), how many of those is the department currently managing through the multi-agency protocols for education options for young people charged with harmful sexual behaviours?

(4) How many other young people is the department managing, pursuant to those same protocols?

Hon SUE ELLERY replied:

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

(1)–(2) The Department of Communities cannot comment on data provided by the Western Australia Police Force. As a party to the multi-agency protocol for education options for young people charged with harmful sexual behaviours, the Department of Communities works with WA police and the Department of Education to manage the education requirements of young people charged with such offences. Communities will be notified of these children but may not have an ongoing role with the young person if their parents have been assessed as having capacity to protect their child under the Children and Community Services Act 2004. If the young person is in the care of the CEO, the Department of Communities will have an active role in the management of education options and other support services for this young person.

(3)–(4) This information is not available in the time provided. I request that the member put this question on notice.

BHP — DRIVE IN, DRIVE OUT WORKFORCE — PILBARA

332. Hon JACQUI BOYDELL to the Minister for Regional Development:

I refer to BHP's announcement yesterday that it intends to offer a drive in, drive out option for more workers at mines near Newman, but with the caveat that the company had "no target number", and insisted that the program would be voluntary and organic.

(1) Given that fly in, fly out work is generally accepted as detrimental to regional development, will the minister push BHP to set a firm target for a larger residential workforce in Newman?

(2) Is the minister seeking a meeting with BHP to understand the time lines associated with the announcement?

(3) How will the government work with BHP to ensure that it maintains a commitment to that announcement?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

(1)–(3) I was in fact just reading the housing snapshot for the Pilbara this morning, and I am pleased to say that it looks like housing and population stats in the Pilbara are improving. Since we have been in government, we have seen an increase in the median house price, which is a very clear indication that people are moving back into the Pilbara. Of course, getting the balance right between FIFO and residential development and activity is very important, and we are in frequent dialogue with all the companies about getting that balance right. I can assure the member that we will continue to have dialogue with those companies, ensuring that we do what we can to develop opportunities in those communities. As the member will be well aware—from the other statements she has made and has been calling for, like creating a special economic zone and bringing people in from overseas to that special economic zone—there is a challenge in attracting people to the region. If we are going to provide the opportunity for those mines to be expanded for the benefit of us all—mines that underpin people who live in the city, including the member—we will need to have those mining operations. We will absolutely be talking to BHP and all other companies about making sure that we get that balance right.

The member will be very pleased to know that this morning I was up in the Pilbara, in Karratha, handing out regional economic development grants, which are all about developing diversification within the industries of the Pilbara. I think around nine businesses were recipients of those regional economic development grants, which will absolutely help drive employment and opportunity in the Pilbara.

LOTTERYWEST

333. Hon COLIN HOLT to the Leader of the House representing the Premier:

I refer to the Premier's answer to my question on notice 1816 of 14 March 2019, in relation to Lotterywest, and specifically the answers to parts (d) and (e).

(1) Will the Premier now provide answers to (d) and (e)?

(2) If not, when will the Premier fulfil his obligation under section 82 of the Financial Management Act 2006?

Hon SUE ELLERY replied:

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

(1) Yes. The answer to both is no.

(2) Not applicable.

ANIMAL ACTIVISM — MISCONDUCT RESTRAINING ORDERS

334. Hon RICK MAZZA to the Leader of the House representing the Attorney General:

I refer to an article that appeared on page 49 of *The West Australian* of Tuesday, 26 March 2019, titled "Vegan activists could face restraining orders", regarding possible consequences that vegan activists may face in the future for trespassing and disrupting lawful businesses. Recent offenders were fined amounts that will largely be covered by crowdfunding. This effectively diminishes the penalties that were imposed. The Attorney General has stated that the introduction of misconduct restraining orders means that "if they commit any act of trespass in the next five years, they will be arrested, thrown in the cells and brought before the court" where the magistrate can impose a misconduct restraining order.

(1) If the magistrate decides to impose a misconduct restraining order, will only those individuals who were charged be prevented from entering a property for five years?

(2) If yes, given that these individuals are invariably members of militant groups and organisations with many members and supporters ready and willing to commit civil disobedience, can the Attorney General advise how the proposed misconduct restraining orders will protect primary producers from other members of organisations likely to use guerrilla tactics to trespass on their properties?

Hon SUE ELLERY replied:

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

(1) Yes.

(2) Under the current provisions of the Restraining Orders Act 1997, a police officer may apply for a misconduct restraining order on behalf of the public generally under section 38(3). Amendments to the RO act to enhance the operation of MROs in these circumstances are under development. The Attorney General is also considering further reforms, which will be announced in due course.

SARI CLUB SITE — BALI

335. Hon COLIN TINCKNELL to the Leader of the House representing the Premier:

In 2011, the state government and then Premier Colin Barnett pledged $50 000 as part of a national response to purchase the former Sari Club, the site of the 2002 Bali bombings.

(1) Given that the purchase of this land is now a realistic option, is the government still committed to the pledge, previously $50 000?

(2) Given that the land value has significantly increased since 2002, is the government prepared to consider increasing the amount pledged in order to secure this site for the creation of an international peace park to honour the victims of the attacks?

Madam President, I would like to submit some further information with that question as well.

The PRESIDENT: Member, you would have provided the question to the minister responsible, and they will be replying to the question that you have asked today. I think it is probably a bit late in the process to provide additional information, because this minister is only providing the response in a representative capacity. If you want to provide that additional information, I suggest you provide it directly to the minister who has carriage of that portfolio.

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. By way of addressing his last point, if he wants to provide me with something after question time, I will happily forward it to the Premier. On behalf of the Premier, the answer is as follows.

(1)–(2) The government is unaware of this previous commitment and why it was not honoured by the previous government between 2011 and 2017. The government would welcome discussions with the commonwealth on this matter.

TAXIS — PLATES — BUYBACK SCHEME

336. Hon AARON STONEHOUSE to the minister representing the Minister for Transport:

I thank the minister for the responses to my questions without notice 293 and 315 of last week. Further to the government's taxi plate buyback scheme, I refer the minister to the supplementary decision regulatory impact statement issued by the Department of Transport in July 2017.

(1) Having previously acknowledged that the regulatory gatekeeping unit was not consulted after its assessment of an eight per cent levy was received in June 2017, can the minister expand upon the admission on page 2 of the supplementary report, which states that "the charter vehicle industry in WA have not been consulted specifically about the need for taxi plate compensation and the mechanisms for funding"?

(2) If the charter vehicle industry were not consulted prior to the eight per cent levy being proposed, and no further consultation was undertaken between that point and the imposition of a 10 per cent levy when the legislation reached Parliament in August 2018, what consultation did take place with the charter vehicle industry, on what dates and with what individuals?

Hon STEPHEN DAWSON replied:

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

(1)–(2) Upon assuming office, the minister appointed Dr Tony Buti, member for Armadale, as the taxi and on-demand reform coordinator. Since that time, over 50 hours of meetings have been held across industry, including representatives from the Western Australian Country Taxi Operators Association, Taxi Operators' Legal Defence, Swan Taxis, Black and White Taxis, Uber, Shofer, Combined Taxi Management, WA Taxis, the Motor Trade Association, the Wedding Car and Limousine Association WA, and Cab Ryder, along with a number of individual taxi and on-demand drivers, charter operators and taxi plate owners with a broad range of personal circumstances and financial situations.

Following the minister's announcement of reforms on 2 November 2017, the Department of Transport has met with major and potential on-demand booking services, including Swan Taxis, Uber, Black and White Taxis, Shofer, Ola and BusWA, representing the tour and charter industry. Additionally, DoT has met with the Motor Trade Association, which represents the charter vehicle industry in WA, on numerous occasions.

POLICE — GAY AND LESBIAN LIAISON OFFICER PROGRAM

337. Hon ALISON XAMON to the minister representing the Minister for Police:

I refer to the gay and lesbian liaison officer programs run by the New South Wales, South Australian, Queensland and Victorian police and the Australian Federal Police services.

(1) Will the WA Police Force implement a gay and lesbian liaison officer program informed by the other states?

(2) If yes to (1) —

(a) how will the program be rolled out; and

(b) when will the program begin?

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

(4) What crime prevention measures are in place to build rapport with the LGBTIQ community to encourage reporting of incidents?

(5) Have these measures had an impact on the number of LGBTIQ people reporting incidents?

Hon STEPHEN DAWSON replied:

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

(1) The community engagement division within judicial services regularly engages with the Western Australian LGBTIQ community to build confidence in policing services. This includes publication of targeted communication material, online surveys to determine community concerns and feedback, and participation in the annual Pride Parade, Fairday and other events. A liaison officer program of the nature referred to has not been considered.

(2) Not applicable.

(3) It is not a matter that has been considered at this point.

(4) Incidents are reported through standard crime reporting pathways. Police officers are trained and encouraged to build relationships with all members of the community to establish trust and a safe pathway to have incidents resolved. The community engagement division works to build stronger awareness both in the community and with police officers through relationship and capacity building.

(5) The impact of any police engagement is difficult to measure and currently the WA Police Force does not measure activity specific to the LGBTIQ community.

ALCOA — JARRAH FOREST REHABILITATION

338. Hon DIANE EVERS to the Minister for Environment:

I refer to the minister's response to my question without notice 138 on 12 March 2019.

(1) How much jarrah forest, rehabilitated by Alcoa after bauxite extraction, has been returned to the state government to manage since 2000?

(2) Will the minister please table any maps showing this area?

(3) What management has the government undertaken on these forests since being returned to its control, and what has been the cost annually to do so?

(4) With reference to the thinning trials and planting at lower stem densities undertaken by Alcoa, when did this occur?

(5) Have any reviews been conducted on the successes or otherwise of these trials; and, if yes, what was the result?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. Member, just note that this question was asked on 2 April, so the answer is current as of that date.

(1) A total of 1 355 hectares.

(2) I table the attached document.

[See paper 2580.]

(3) These areas are part of the broader state forest mosaic managed by the Department of Biodiversity, Conservation and Attractions to protect the natural environment and balance the many social and economic benefits the community receives from these forests. It is not possible to provide a separate cost for the specific areas returned to the state.

(4) Thinning trials occurred in 2002 and were repeated during 2013 to 2015. Separate trials on establishing lower stem densities commenced in 2009.

(5) I am not aware that Alcoa has undertaken any reviews; however, monitoring is undertaken by Alcoa and it is responsible for reporting any results.

SOIL AND WATER CONTAMINATION — WEST BULLSBROOK

339. Hon CHARLES SMITH to the Leader of the House representing the Premier:

I refer to the PFAS contamination in West Bullsbrook that affects about 200 families. Why is WA the only state not to have signed the Intergovernmental Agreement on a National Framework for Responding to PFAS Contamination?

Hon SUE ELLERY replied:

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

Western Australia has not signed the intergovernmental agreement, as the IGA does not resolve deficiencies in the commonwealth's regulation of PFAS on commonwealth land, which includes airport and defence sites in Western Australia. The state continues to work with the commonwealth to resolve these issues and is open to signing the IGA in the future. Western Australia continues to fully participate in the commonwealth PFAS task force's engagement with states and territories in relation to the IGA.

SCHOOLS — ASBESTOS

340. Hon MARTIN ALDRIDGE to the Minister for Education and Training:

I refer to a PerthNow article entitled "High risk asbestos in WA schools" published online on 27 January 2019.

(1) Please identify the schools with a risk rating between 1 and 4, identifying the individual rating of each school.

(2) Please identify the individual cost to alleviate the asbestos risk in each of the schools identified in (1).

(3) What plans does the Department of Education have, and relevant time frames, to address the highest risk schools exposing their staff and students to asbestos-related harm?

Hon SUE ELLERY replied:

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

(1) I table the attached information.

[See paper 2581.]

(2) This information is not available. Costs for remediation are not included as part of the risk assessments.

(3) The Department of Education's policy is to remove or remediate all elements of asbestos-containing materials with a risk rating of 1 or 2. Elements with a risk rating of 3 or below are managed in accordance with the department's asbestos management plan. All asbestos-containing material is inspected at intervals as recommended by the assessors, but not exceeding three years. All public schools have a site-specific asbestos-containing materials register that forms an integral part of the Department of Education's asbestos management plan.

ELECTRICITY RETAILERS — DISCONNECTIONS

341. Hon SIMON O'BRIEN to the minister representing the Minister for Energy:

Provide the following for each energy retailer in Western Australia.

(a) For each month from July 2018 to March 2019, how many disconnection warnings were issued for —

(i) residential customers; and

(ii) non-residential customers?

(b) For each month from July 2018 to March 2019, how many disconnections occurred for —

(i) residential customers; and

(ii) non-residential customers?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The question had been asked of the Leader of the House, but I represent the Minister for Energy, so I have an answer to that question.

The answer is in tabular form. It has months, disconnection warnings and disconnections, so I seek leave to have it incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

Synergy

	(a) DISCONNECTION WARNINGS		**(b) DISCONNECTIONS**	
Month	(i) Residential Customers	(ii) Non-Residential Customers	(i) Residential Customers2	(ii) Non-Residential Customers2
July 2018	12 068	1 439	1 657	90
August 2018	13 121	1 519	1 720	107
September 2018	11 986	1 368	1 099	74
October 2018	15 424	1 725	2 076	145
November 2018	14 007	1 699	1 466	66
December 2018	11 618	1 193	849	33
January 2019	13 567	1 580	1 565	60
February 2019	13 188	1 395	1 583	141
March 2019	March data will be available in mid-April.		March data will be available in mid-April.	
TOTAL	104 979	11 918	12 015	716

Note: These figures relate to disconnection warnings and disconnections for non-payment only.

Horizon Power

	(a) DISCONNECTION WARNINGS		**(b) DISCONNECTIONS**	
Month	(i) Residential Customers	(ii) Non-Residential Customers	(i) Residential Customers2	(ii) Non-Residential Customers2
July 2018	587	165	120	6
August 2018	1 204	344	309	10
September 2018	1 150	248	247	14
October 2018	1 042	289	273	13
November 2018	1 353	370	280	13
December 2018	830	273	160	5
January 2019	1 430	414	279	13
February 2019	1 241	398	263	8
March 2019	1 195	315	199	6
TOTAL	10 032	2 816	2 130	88

Note: These figures relate to disconnection warnings and disconnections for non-payment only, and exclude pre-payment meters.

POLICE — CRIME RATES — BROOME

342. Hon KEN BASTON to the minister representing the Minister for Police:

I refer to answers to question without notice 326 asked on 4 April.

In reference to the answer to part (1), how many of these has the minister met with in the past 21 days?

Hon STEPHEN DAWSON replied:

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

None. Briefings on the arrest of five individuals in relation to recent events in Broome have been provided by the Western Australia Police Force.

PALLIATIVE CARE — 24/7 PHONE LINE

343. Hon JIM CHOWN to the parliamentary secretary representing the Minister for Health:

There is a 1300 number available to doctors and nurses that is manned by a palliative care physician 24/7. This service is used by medical professionals seeking advice on patient management in regard to palliative care.

(1) Has there been an analysis of these calls in regard to, but not limited to, the areas that calls originate from and the type of life-limiting illnesses for which advice has been sought?

(2) If yes to (1), can the parliamentary secretary please table the analysis reports since inception of the service?

(3) If no to (1), why has an analysis of this service not been instigated?

Hon ALANNA CLOHESY replied:

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

I have been advised by WA Health that further time is required to answer this question. The information will be provided to the member as soon as it is available.

DEPARTMENT OF FIRE AND EMERGENCY SERVICES — MULTIPURPOSE FACILITY — COLLIE

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

I refer to the government's recent announcement of the construction of an $8 million multipurpose bushfire facility in Collie.

(1) What process did the government undertake to determine the location of this facility and what other regional communities were considered?

(2) Will the Collie bushfire facility provide services that the recently announced $18 million Bushfire Centre of Excellence in Nambeelup does not provide?

(3) If yes to (2), why were these services not considered as part of the Bushfire Centre of Excellence?

(4) If no to (2), why was it necessary to spend $8 million to create a facility that offers duplicate services just 119 kilometres south of the Bushfire Centre of Excellence?

(5) Why was Collie not simply chosen as the preferred site for the Bushfire Centre of Excellence?

Hon STEPHEN DAWSON replied:

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

(1) The state government is committed to increasing emergency management capability across the state, including in the south west region. The new multipurpose bushfire facility will provide the community with the resources to manage complex bushfires as well as contribute to regional prosperity and local job creation. Collie is the ideal location to operate an emergency driver training facility, house and maintain Department of Fire and Emergency Services' high fire season fleet and house a level 3 incident control centre.

(2) Yes.

(3) These facilities and activities were not included in requirements for the Bushfire Centre of Excellence as they fall out of scope of the service delivery model. They were identified based on the needs of the area and the state more broadly. The Shire of Collie, DFES and the Department of Biodiversity, Conservation and Attractions do not currently have a suitable facility to manage large incidents in the area. The new facility will decentralise some of DFES' fleet maintenance and management services, providing the opportunity to deliver a regionally based driver training facility for all emergency services. This further enhances fire and emergency management in Western Australia.

(4) Not applicable.

(5) The location of the multipurpose facility in Collie is unrelated to the selection process for the Bushfire Centre of Excellence and will perform different functions.

BBI GROUP — RAIL INFRASTRUCTURE — PILBARA

345. Hon ROBIN SCOTT to the minister representing the Minister for State Development, Jobs and Trade:

(1) Can the minister confirm that the Flinders Mines quarterly report for the quarter ending 31 December 2014 contains this statement —

> High grade iron mineralisation continues to be intersected adjacent to areas of known mineralisation and outside of the current resource boundary.

(2) Does the minister have knowledge of applications made to the Northern Australia Infrastructure Facility for Western Australian projects that are the subject of state agreements; and, if not, why not?

(3) Can the minister advise whether BBI Group or Todd Minerals, or any associated entity, has made an application for funding to the Northern Australia Infrastructure Facility; and, if so, will the minister table a copy of that application together with any attached bankable feasibility study?

(4) Is the minister aware of any assertion by BBI Group or Todd Minerals on the capacity of the BBI rail project to carry iron ore from Flinders Mines?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The Department of Jobs, Tourism, Science and Innovation advises as follows.

(1) The Flinders Mines quarterly report for the quarter ending 31 December 2014 contains the statement —

> High grade iron mineralisation continues to be intersected adjacent to areas of known mineralisation and outside of the current resource boundary.

(2) Under a master facility agreement reached between the Northern Australia Infrastructure Facility and the commonwealth and Western Australian governments, state agreement projects are excluded from NAIF funding.

(3) The Western Australian government has not received any such application for funding. Applications are made directly to NAIF and not through the state.

(4) Yes.

KEEP AUSTRALIA BEAUTIFUL COUNCIL — LITTER

346. Hon ROBIN CHAPPLE to the Minister for Environment:

I refer to photographs depicting litter discarded by the side of the Withnell Bay road, near the Woodside gates.

(1) Does the minister know who is responsible for contravening Western Australia's litter laws?

(2) Does the minister know who is responsible for the prevention of the litter found in this area?

(3) Does the minister know who is responsible for the enforcement of penalties for the litter found in this area?

(4) If those responsible are identified, will the minister enforce the maximum penalties for littering offences of $5 000 for individuals and $10 000 for corporations?

Hon STEPHEN DAWSON replied:

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

(1) No.

(2) The Keep Australia Beautiful Council works with a range of organisations and the community to implement strategies to prevent and reduce littering.

(3) The Keep Australia Beautiful Council administers the Litter Act 1979, which establishes the offence provisions relating to litter.

(4) Should a matter proceed to court, it is the responsibility of the magistrate to determine any penalty, if there is a conviction.

DEPARTMENT OF THE PREMIER AND CABINET — SERVICES

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

(1) Have senior executive staff within the Department of the Premier and Cabinet considered, or are they considering, outsourcing any of the services currently provided by the department to executive government and/or members of Parliament?

(2) If yes, which service or services?

Hon SUE ELLERY replied:

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

(l)–(2) The department is always considering how it can best provide services to executive government and/or members of Parliament.

NORTH STONEVILLE DEVELOPMENT

348. Hon TIM CLIFFORD to the minister representing the Minister for Planning:

In January, more than 950 public submissions were received by the Shire of Mundaring for SP34, a structure plan for a proposed development in North Stoneville. The majority of these submissions were not favourable toward the development.

(1) What was the date of the change of the land under the metropolitan region scheme from urban deferred to urban and which agencies were consulted to inform this change?

(2) Given that the surrounding community was, at the time, recovering from the devastating Parkerville and Stoneville fires of 2014, in which 57 homes were lost, what public consultation was undertaken to ensure that the community was aware and had adequate input in this modification to urban, which allowed the land developer, Satterley Property Group, to proceed?

Hon STEPHEN DAWSON replied:

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

(1) The change was made on 8 November 2016. Consultation was undertaken with the Shire of Mundaring, the Office of the Environmental Protection Authority, the Department of Parks and Wildlife, the Department of Environment Regulation, the Water Corporation, the Department of Water, the Department of Health, the Department of Fire and Emergency Services, the Department of Transport, Main Roads WA, the Public Transport Authority and the Department of Education.

(2) The Planning and Development Act 2005 does not provide for public consultation as part of the lifting of the urban deferment process. However, the above state government agencies, including DFES and the Shire of Mundaring, were consulted.

FORRESTFIELD–AIRPORT LINK — SOIL CONTAMINATION

349. Hon Dr STEVE THOMAS to the Minister for Regional Development:

I refer to my question without notice 305 asked on 3 April 2019 on PFAS-contaminated soil excavated from the Forrestfield–Airport Link.

(1) Has any board member or staff member of the Peel Development Commission had any discussions with any person during 2019 that included the potential transfer of stockpiled soil or PFAS-contaminated soil excavated from the Forrestfield–Airport Link to the Peel region?

(2) If yes to (1), which board or staff member, on what dates and with whom?

(3) If yes to (1), did those discussions involve any potential for any form of land swap, land tender or exchange of titles in the Peel region or Shire of Waroona?

(4) If yes to (3), did those discussions include potential land transfers or exchanges of all or part of lot 3 Buller Road, Waroona?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

(1)–(2) I am advised by the Peel Development Commission that in January 2019 a small number of discussions occurred with a specific Peel business owner on a range of topics, including the potential for the transfer of soil. These discussions were limited to the commission CEO, a former board member and a commission staff member.

(3)–(4) I am advised by the Peel Development Commission that to the best of its knowledge the only discussion involving the potential for any form of land swap, land tender or exchange of titles occurred on 15 January 2019.

LEGAL AFFAIRS — ASBESTOS DISEASES COMPENSATION BILL 2013 — REINTRODUCTION

Question on Notice 1862 — Answer Advice

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.09 pm]: Pursuant to standing order 108(2), I inform the house that the answer to question on notice 1862 asked on 12 February by Hon Martin Aldridge of me as Leader of the House representing the Attorney General will be provided on 10 April 2019.

PREMIER — HUAWEI — VERBAL OR WRITTEN BRIEFINGS

Question on Notice 1583 — Correction of Answer

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.09 pm]: I rise to table a corrected answer to Legislative Council question on notice 1583. The original answer referred to two written briefings dated 28 June and 2 July 2018 from the Office of State Security and Emergency Coordination. That sentence is both misleading and incorrect, as the Premier never received those two written briefings. For the benefit of the house, when drafting the answer, the Department of the Premier and Cabinet identified two documents that were drafted by OSSEC and were therefore included in the answer. However, we can find no record that they were ever sent to, received by or signed by the Premier. Moreover, the Premier has no recollection of seeing the documents in question. The Premier acknowledges that the drafted notes appear in FOI 20180037 from his office released to the Leader of the Opposition. Those notes were included in the interest of consistency and transparency when they were identified in the corresponding freedom of information request to the Department of the Premier and Cabinet. However, their inclusion in an FOI release from the Premier's office ultimately created the impression, along with the incorrect answer, that these documents were received by the Premier when in fact they were not. The Premier apologises to the Council for the provision of the incorrect answer. I now table the corrected answer.

[See paper 2582.]

QUESTIONS ON NOTICE 1853, 1905–1918, 1920, 1922, 1923, 1927, 1935, 1949, 1954, 1955, 1990 AND 1994

Papers Tabled

Papers relating to answers to questions on notice were tabled by **Hon Sue Ellery (Minister for Education and Training)**, **Hon Stephen Dawson (Minister for Environment)**, **Hon Alannah MacTiernan (Minister for Regional Development)** and **Hon Alanna Clohesy (Parliamentary Secretary)**.

CHILD PROTECTION — CHILD SEXUAL ABUSE — ROEBOURNE

Question on Notice 1896 — Answer Advice

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [5.11 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 1896 asked by Hon Nick Goiran, MLC, on 21 February 2019, to me, the Minister for Environment representing the Minister for Police; Road Safety, will be provided on 10 April 2019.

FORESTRY — FOREST MANAGEMENT PLAN 2004–2013 — TIMBER YIELD

Question on Notice 1900 — Answer Advice

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [5.11 pm]: Pursuant to standing order 108(2), I wish to advise the house that question on notice 1900 asked on 12 March 2019 by Hon Diane Evers to me, the Minister for Environment, will be answered on Thursday, 11 April 2019.

ENVIRONMENTAL PROTECTION AUTHORITY — GREENHOUSE GAS EMISSIONS — BRIEFINGS

Question without Notice 307 — Answer Advice

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [5.12 pm]: I would like to provide an answer to Hon Peter Collier's question without notice 307 asked last Thursday, 4 April 2019, which I seek leave to have incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

(1) I refer the Honourable Member to the Hansard of 14 March 2019, by the Honourable Steve Thomas and confirm what I have previously said in this place:

"...on 21 February and 6 March, I was given a verbal briefing by the chairperson of the EPA that the EPA's intended approach was to include in its revised guidance a provision to require offset of any residual net direct emissions associated with a proposal with scope for emissions to be in excess of 100 000 tonnes per annum"

(2) Yes.

(3) On the morning of the EPA briefing on 21 February 2019, my office received an email from the Executive Director, EPA Services, Department of Water and Environmental Regulation and a briefing note from the Director General, Department of Water and Environmental Regulation.

My office was provided a copy of the EPA's final Greenhouse Gas guidance documents and the media statement on the afternoon of the 7 March.

(4) Yes, Refer to tabled paper number 2568. I now table the information received immediately prior to the announcement of 7 March 2019.

(5) I became aware of the EPA's final decision on the detail of the greenhouse gas guidance on 7 March 2019.

HUMAN REPRODUCTIVE TECHNOLOGY AND SURROGACY LEGISLATION AMENDMENT BILL 2018

Second Reading

Resumed from an earlier stage of the sitting.

HON NICK GOIRAN (South Metropolitan) [5.12 pm]: Prior to the interruption of the debate for the taking of questions without notice, I was in the midst of my remarks on the issue that the bill that has been provided by the government of Western Australia and that is before us for consideration will, ironically, create discrimination rather than remove it. The government asserts that there is discrimination that needs to be addressed and I have already dealt with, at length, this afternoon the problems with the government's assertion, and particularly its lack of provision of information to Parliament specifically on the relevant sections that it says have caused this problem.

Even if the government were able to provide the section of the commonwealth legislation of which it says we are in contravention and the section of the Western Australian legislation that it alleges contravenes the commonwealth legislation—if it were true—members would nevertheless need to conclude and form an opinion on a secondary matter prior to casting their conscience vote. That is the question of whether the bill that is before the house will create rather than remove discrimination. Prior to debate being interrupted for the taking of questions without notice, I said that the second reading speech by the parliamentary secretary on 10 October last year identified that under Western Australian law, eligible women are required to undertake the least invasive treatment necessary. That is the status of the current law in Western Australia, according to the second reading speech by the parliamentary secretary, and that will continue to be the case under Western Australian law in the event that this bill is read a third time. I agree with the parliamentary secretary that that is the case. However, if this law were passed, men would always require the most invasive treatment necessary. Prior to the interruption of debate, I was indicating to members the remarks that had been made by Minister Roger Cook, the Minister for Health, in correspondence to one of my constituents in November last year. In summary, surrogacy is therefore the only means. It is not one of the options, but the only means by which a single male or same-sex couple can acquire a child biologically related to the male person.

If we look at the bill before the house, members will note that it seeks to require or make Western Australian men eligible for this scheme by virtue of what the government describes as social reasons. I compare and contrast that to what would be required of women in Western Australia, who would have to meet eligibility requirements and have medical reasons. According to the government's bill, men will be able to have an express direct pathway through to the surrogacy regime by virtue of them accessing it for social reasons, but women will be able to access it only if they meet eligibility requirements and have medical reasons. Interestingly, when we look at the various sections that the government seeks to amend in the bill that is before the house and, specifically, the section that deals with social reasons, we see that under clause 18 in part 3 titled "Surrogacy Act 2008 amended", the government seeks to amend section 19. It seeks to delete section 19(1)(b) and replace it with a new or alternative section 19(1)(b) —

> there were medical or social reasons for the surrogacy arrangement when the surrogacy arrangement was entered into.

If we read that in isolation, members could quite rightly conclude that perhaps all Western Australians would be able to access the regime for medical or social reasons, but that is not the case. I note that further in clause 18, in particular clause 18(2), the government is seeking to delete section 19(2) and insert a new section 19(1A) —

> For the purposes of subsection (1)(b), there are medical or social reasons for a surrogacy arrangement if —
>
> (a) in the case of a surrogacy arrangement involving 1 arranged parent, the arranged parent is an eligible woman or a man; or
>
> (b) in the case of a surrogacy arrangement involving 2 arranged parents, the arranged parents are married to, or in a de facto relationship with, each other and are —
>
> (i) an eligible woman and a man; or
>
> (ii) 2 eligible women; or
>
> (iii) 2 men.

The government also seeks to insert by virtue of clause 18(2) a new section 19(2) —

> In subsection (1A) —
>
> ***eligible woman*** means a woman who —
>
> (a) is likely to be unable to conceive a child due to medical reasons not excluded by subsection (3); or
>
> (b) although able to conceive a child, is likely to be able to give birth to a child due to medical reasons; or
>
> (c) although able to conceive a child, is likely to conceive a child affected by a genetic abnormality or a disease.

The government finishes off in clause 18(3) by seeking to amend section 19(3) of the primary legislation, in this case, the Surrogacy Act 2008 —

> In section 19(3):
>
> (a) after "being" insert:
>
> likely to be
>
> (b) delete "the definitions of ***eligible couple*** and ***eligible person***" and insert:
>
> paragraph (a) of the definition of ***eligible woman***

Members can therefore see that by virtue of the government's proposed amendments in the bill that is presently before the house, women will be able to access the surrogacy regime only if they are deemed eligible, but men will always be eligible to access surrogacy for social reasons. The government pretends that the motivation for the bill that is presently before the house is to remove discrimination. I therefore call on the government, and in particular the parliamentary secretary, to explain to the house why the government is prepared to enshrine and entrench that type of discrimination in Western Australia.

That is just one element of the discrimination that the government is seeking to entrench by way of this regime. I draw to members' attention page 4 of the explanatory memorandum provided by the government in support of its bill, which states in the third and fourth paragraphs —

> The amendment is consistent with Recommendation 5b of the Select Committee Report 1999 on the *Human Reproductive Technology Act 1991*, "That all women be eligible for IVF treatment if there is any likelihood of them becoming infertile as a result of disease or a medical procedure."
>
> The Government of the day supported Recommendation 5b, but noted an exception should not be used to allow treatment as a 'hedge' against a general age-related risk of infertility, rather than in response to a risk specific to a particular woman.

Therefore, a man—who can never become pregnant—will be given express or direct access to surrogacy. Why? Simply by reason of his gender. A male in Western Australia will be given express or direct access to the surrogacy gateway. If that were not outrageous enough for those who are hot to trot on the alleged discrimination issue, a male will be given express or direct access to surrogacy at any age. As a result of this bill, a 90-year-old single male will be given direct access to the surrogacy regime in Western Australia. Will a 90-year-old female be given direct access to the surrogacy regime? Not on your nelly. I find that outrageous. The government has said that the purpose of this bill is to remove discrimination. That is one of the government's prime motivations. However, when we interrogate the bill, we find that the government is creating discrimination. Men will be treated differently from women as a result of the bill that is presently before the Parliament. I want an explanation from the government about the basis on which it says that is acceptable. The government has told the Parliament that it is trying to address discrimination. However, when we interrogate the bill, we find that the government is creating discrimination.

It is particularly interesting that the eligibility requirements are even more onerous for female same-sex couples. We will see what the explanatory memorandum states at page 7 on this particular point. Page 7 of the explanatory memorandum—which is provided not by me, the opposition or anyone else, but by the government, with its massive resources—states in paragraph 2 at page 7 —

> If a same-sex female couple were seeking to be arranged parents under a surrogacy arrangement, both women would need to be an "eligible woman".

The explanatory memorandum goes on to say —

> "Eligible woman" is defined in new section 19(2) and means a woman who —
>
> - is likely to be unable to conceive a child due to medical reasons (not by reason of age or excluded for a prescribed reason under section 23(1)(d) of the *Human Reproductive Technology Act 1991*); or
> - although able to conceive a child, is likely to be unable to give birth to a child due to medical reasons; or
> - although able to conceive a child, the child is likely to be affected by a genetic abnormality or a disease.
>
> This has the effect of retaining the requirement that there be medical reasons (not social reasons) for a woman who is an intended arranged parent, to enter into a surrogacy arrangement. Those reasons must not arise due to the woman's advanced age.

This is straight out of the explanatory memorandum of this government. The government says it is trying to address discrimination, yet its own explanatory memorandum makes it crystal clear that this bill will entrench so-called discrimination. A man will be given direct access to the surrogacy regime on the express pathway. A woman will not be given access to the surrogacy regime on the express pathway but will have to go through the various hoops and hurdles. According to the parliamentary secretary and the Minister for Health in this government, a woman

will be able to access surrogacy only for medical reasons, not social reasons. The government wants to keep social reasons as a special criterion for just the men of Western Australia. Under this McGowan government, a male in Western Australia will be given special privileges. The government wants to elevate the rights of men in Western Australia and give them direct access to special regimes that women are not able to access, and it then pretends that it is dealing with discrimination.

It is even worse for a female same-sex couple because both females have to go through all the hoops and hurdles. What happens if the same-sex couple are men? That is okay because they are men and they have express and direct access to the surrogacy regime. And do you know what? It will not even matter how old the men are. It will be okay if the same-sex couple are two 90-year-old men. I shake my head at the government's approach to this bill and the pretence that it is dealing with discrimination. As I indicated to members earlier, we now have, albeit the government was reluctant about it, new evidence before the chamber, which, I might add, was not available to us when we first started the debate in February. This new evidence may be yet another reason why the government sought to hide information from us. I ask members to look at part 1 of the review by Sonia Allan and, in particular, at what she has say about this issue at pages 276 and 277. She looks at this issue by determining what other matters require further consideration or action. She specifically looks at, first, the issue of eligibility and, second, the age limits that apply. Members should remember, of course, that Minister Cook will not be happy that I am quoting from this review because, according to his remarks to the media, it has nothing to do with the bill before the Parliament. Really, Minister Cook? Let us look at what is written in chapter 12.2 on page 276. It reads —

> Under the current *HRT Act*, section 23 prescribes criteria for when IVF procedures may be carried out, including but not limited to a requirement that persons, as a couple, or a woman, are unable to conceive a child due to medical reasons, but that *'the reason for infertility is not age…'*.

She continues in the second paragraph —

> A number of clinicians and the ANZICA Fertility Counsellors suggested that age restrictions for access to ART should be revised and/or clarified.

In the footnote she cites the submissions to which she referred. Of course, these submissions are the ones that the government refuses to table in Parliament. I have asked the government to table them. In fact, in March last year, the parliamentary secretary said that she would table them. I am still looking at the table. We have had question time and there has been an opportunity for further documents to be tabled, but still there is no sign of the submissions that the government wants to keep secret. The reviewer goes on —

> The clinics noted that the RTC —

Which, of course, is the Reproductive Technology Council —

> has been inconsistent regarding when it has viewed a woman's age as acceptable and that the age of menopause is unclear. They also raised that there is a need to consider other factors such as the ability for women to use an egg donor, and thus being able to conceive provided medically fit to do so. Some clinics were of the view that age limits should apply for men also.

That is interesting. All of a sudden the government's quarter-of-a-million-dollar review suggests that age limits should also apply to men. Does the bill before the house provide an age limit for men? It absolutely does not. The reviewer goes on to state —

> For example, one clinic raised the concern that they had been approached by a number of men who were 60 or 70 years of age seeking treatment with 30–45-year-old partners. They questioned whether they should treat in such circumstances and raised the inconsistency of applying age limits to women, but not to men. One clinic suggested that a combined age limit should apply.

What is the government's position on these matters? How would we know, because the government keeps hiding information from Parliament. It is obsessed by secrecy and loves to hide information, and that is why we are no further informed despite the fact that it spent a quarter of a million dollars of taxpayers' money on the review. At page 277, the reviewer goes on to state —

> In contrast, the submission of Rodino and Clissa (fertility counsellors) supported age restrictions.

There the review refers to submission 8. Where is submission 8, parliamentary secretary? It is not on the table in front of us. Why does the government keep hiding this information from us? The reviewer goes on to state —

> The review found that there had been some inconsistency over time in how age limits were applied and that issues regarding access based on age in modern times need to be further considered. In the first instance, it is incumbent upon the Minister for Health and his Department —

I pause there to indicate that these are not my words; these are the words of Associate Professor Sonia Allan. She said that it is incumbent upon the Minister for Health and his department to do what? The quote goes on —

> to provide clear and consistent communication regarding how the current age limits should be interpreted and applied.

I pause again to tell the parliamentary secretary that she and the Minister for Health have been told that it is incumbent upon them and the Department of Health to provide clear and consistent communication. What is she doing about that? Has the government done any work whatsoever to provide clear and consistent communication about how the age limits should be interpreted and applied? If work has been done, can she tell us what that work is? Stop hiding that information. The list of information that the government is hiding is so long that I have lost count. The reviewer continues —

> This may occur via the recommended new Directions, conditions of registration and/or education of clinics and community.

The reviewer concludes this section by stating —

> Beyond this, further research and consultation should be conducted regarding the current limitation on women not being able to receive treatment by way of s 23(1)(d) having been interpreted as post 'average age of menopause'. Such research and consultation should consider whether a cut-off age or stage of life such as 'post-menopause' or otherwise continues to be appropriate; and, if so, the RTC —

That is, the Reproductive Technology Council —

> should provide guidance on this matter to clinics. Consideration should also be had as to whether such limitations should apply only to women (as it appears is current practice) or whether age limitations should also be applied to men, or whether a combined age cut off (for example, 110 years as suggested by one clinic) would be justified. If a cut-off age or stage of life such as 'post-menopause' or otherwise is deemed appropriate, then the limit should be explained and justified, based on evidence that such limitations are, for example, in the best interests of children who may be born as a result of ART. Any matters relevant to age discrimination should also be considered.

My question to the parliamentary secretary is: what is the government's response to and position on those matters articulated by Associate Professor Allan in paragraph 12.2 of part 1 of the independent review? This all has to do with the issue of age. The parliamentary secretary and her government have said that they are trying to deal with discrimination when, in fact, they are allowing men to access surrogacy at any age whatsoever, because apparently under the McGowan regime, men receive special status and privilege and can access surrogacy at any age, but women do not have access at any age. Why is it, parliamentary secretary, that the government finds that acceptable but asks us to ask cast our conscience votes to support the government in this endeavour? This is a bad bill. Every time I look at another clause and another area, it becomes increasingly clear that this is a bad bill. People may have a different view on the core issues. Some people might say that it is appropriate for single men to access surrogacy. Members are entitled to hold that view. I am not one of those who think that single men need to access surrogacy. Members might have a different view and they are quite entitled to that view, but they have a responsibility to ensure that the bill that passes through this Parliament is not a bad bill—and this bill is a very bad bill. This government in unable to articulate what sections it says we are in contravention of. The government is unable to explain why men should have direct and express access to the surrogacy regime in Western Australia, while women have a far more convoluted and complicated access to this regime. Why does the government say that that is acceptable? If it is the so-called champion of anti-discrimination, it should have a good and cogent explanation for these things.

I note that when the debate was interrupted earlier this afternoon for the taking of questions without notice, a very interesting question was asked by the shadow Attorney General, Hon Michael Mischin, of the parliamentary secretary representing the Minister for Health about the issue of consultation on legal advice. As I outlined to the house earlier this afternoon, especially for the benefit of the Leader of the House, who wanted matters of significant substance to be raised, it is clear that the government has not provided to the house the extent to which our laws are said to be inconsistent with the commonwealth legislation. It is also clear that if we pass this bill in its current form, it will create discrimination; it will entrench any so-called discrimination. I would have thought that the government would have received advice on all these matters. Whom has it consulted? Whom has it obtained this advice from? The answer that was provided by the parliamentary secretary to Hon Michael Mischin is partly instructive. As per usual with this government, it ends up creating more questions than answers. This question was asked by the learned shadow Attorney General earlier this afternoon —

> I refer to the Human Reproductive Technology Act 1991, the Surrogacy Act 2008 and the minister's claims in the second reading speech introducing the Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018 that there is a risk that the relevant legislation is invalid due to inconsistency with the commonwealth Sex Discrimination Act 1984.
>
> (1) Before instructing the drafting of the bill, did the government seek, receive or have to hand legal advice on the question of invalidity from —
>
> (a) Solicitor-General Quinlan, SC;
>
> (b) Solicitor-General Thomson, SC; or

(c) the State Solicitor's Office;

and, if so, what is the date of that advice and when did it receive that advice?

I pause there to indicate the answer provided by the parliamentary secretary to that part of the question. The question was a multi-part question and I have just dealt with part (1), but, of course, there are still parts (2), (3) and (4) to be dealt with, and I will get to those in a moment. Remember, this part of the question was about whether the government sought any advice from Solicitor-General Quinlan, Senior Counsel, who of course is now the Chief Justice of the Supreme Court in Western Australia. The answer provided by the parliamentary secretary to part (1)(a) of the question was —

Yes, dated 28 September 2017 and received by the Department of Health on 29 September 2017.

We know from that answer from the parliamentary secretary that, if nothing else, this government, after it was elected in March 2017, sought and obtained advice from the then Solicitor-General, Mr Quinlan, and that advice was dated 28 September 2017 and it was received by the Department of Health the next day. The response to the part of the question from the shadow Attorney General, my learned friend Hon Michael Mischin, about whether the government sought and received any advice from Solicitor-General Thomson, SC, who is of course the gentleman who succeeded Mr Quinlan after he was sent to the Supreme Court, was no. The response from the parliamentary secretary to part (1)(c) of the question, which was about whether the government received any information from the State Solicitor's Office, was —

Yes, dated 18 February 2016 and received by the Department of Health on or about that date.

I ask the parliamentary secretary why she was able to be so precise about the advice that was provided by Solicitor-General Quinlan, SC—she provided the date of it and the precise date that it was received by the Department of Health—but she was unable to do so for the State Solicitor's Office. When did the Department of Health receive the advice? Why did she say "on or about that date"? Why was she so vague in that respect but so precise about the Solicitor-General's advice? Nevertheless, what we do know from this partial answer that was provided by the parliamentary secretary earlier this afternoon is that the government has in its possession two pieces of advice. I wonder whether the government has any other advice. As I have found in the past, usually when this government is asked for some information, it gives a little bit of information but it does not give all the information. It likes to hide certain bits of information. It is obsessed with secrecy. If Hon Michael Mischin were inclined to continue to interrogate the parliamentary secretary about this matter, it would not surprise me if we found out that more advice is available. Nevertheless, according to this advice from the parliamentary secretary, two pieces of advice have been received by the government—one from Solicitor-General Quinlan, Senior Counsel; nothing from Solicitor-General Thomson, Senior Counsel; and a piece of advice from the State Solicitor's Office dated, interestingly enough, 18 February 2016. That was prior to this government coming to office in March 2017. That is rather curious. The parliamentary secretary is suggesting that the government did not have any other information or advice from the State Solicitor's Office prior to drafting this bill during the time that it was in government. It seems remarkable, but that is what the parliamentary secretary has told us today. Maybe the parliamentary secretary and the massive team that the government has at its disposal might be able to check that answer to ensure that it is not incorrect and that it is not the case that the State Solicitor's Office has provided advice to the government in this fortieth Parliament. That would be a good thing to do. We might have another correction, a bit like the one we heard earlier this afternoon from the Leader of the House on behalf of the Premier, who had provided incorrect information to Parliament. We will wait and see what the parliamentary secretary does with that one.

I note that Hon Michael Mischin, the shadow Attorney General, went on in his four-part question to ask —

(2) Is all that advice consistent in respect of the need to amend the legislation?

Quite remarkably, the parliamentary secretary responded to that part of the question by saying —

> This question contravenes standing order 105(1)(b) in that it seeks a legal opinion and, in any event, the legal advice is subject to legal professional privilege and the question cannot be answered without waiving privilege in the advice.

There are a few things to say about that. Firstly, what is this famous standing order 105(1)(b) that the government thinks is appropriate to use to block information from getting to Hon Michael Mischin? Standing order 105(1)(b) states that questions shall not seek an opinion or a legal interpretation or opinion. Despite the fact that the government did not want to quote this particular standing order, I note that immediately underneath that is standing order 105(2), which states —

> Any question that infringes upon this Standing Order may be amended, disallowed or withdrawn as ordered by the President.

I note that no such order was made by the President with respect to that question. That tells me that that question asked by my learned friend Hon Michael Mischin did not contravene standing order 105(1)(b), otherwise the President would have issued an order. Once again, we find that this government thinks it is appropriate to pretend

to answer questions by saying, "We refer to standing order 105(1)(b)", Or, "We allege that it contravenes a particular standing order", yet we find that it does not. How could it anyway? The shadow Attorney General was simply asking whether the advice was consistent with the need to amend the legislation. Was it consistent or not? I am not asking for the government's opinion. It said that it received advice from Solicitor-General Quinlan, SC, and the State Solicitor's Office. Is it consistent, yes or no, not, "What is your opinion about the opinion?" That is not what the shadow Attorney General asked. He simply asked for a statement of fact—a response about whether the advice was consistent. Instead of the government being open and transparent and adhering to its own commitment that it gave to the people of Western Australia prior to March last year when it said that it would adhere to a gold standard of transparency, it pretended to give an answer to Hon Michael Mischin and simply said to him, "Sorry, your question contravenes standing order 105(1)(b)." With due respect to the parliamentary secretary, that in itself is an opinion. How ironic that the government would try to obstruct the Parliament from having information and, in particular, the shadow Attorney General, and pretend that he asked for an opinion when it gave an opinion in response.

Nevertheless, it is the case that, once again, the government has sought to pretend that it cannot answer these questions without waiving privilege in the advice. Why? On what basis does the government keep saying that? It is one thing to say it but it is another thing for it to be true. On what basis does the government say that it cannot answer that question about whether the advice was consistent without waiving privilege? The only way that it would be able to come to that conclusion was if the advice was inconsistent. If it was consistent, there would be absolutely no problem responding to that question. The only reason it would want to hide behind the shield of legal professional privilege and not want anything to pierce that shield is that the two pieces of advice that the government has must be inconsistent. That is the only conclusion one can draw about why the government would respond in such a fashion.

I note that Hon Michael Mischin, the shadow Attorney General, went on in part (3) of his question to specifically ask —

> Which specific provisions of the Human Reproductive Technology Act 1991 and the Surrogacy Act 2008 does the advice say are inconsistent with the … Sex Discrimination Act 1984 and need to be corrected by this bill?

That has to be the most staggering of all the responses provided by the government. In fairness to the parliamentary secretary, she is only doing her job on behalf of the Minister for Health, so I blame him entirely. Honestly, I would ask the parliamentary secretary in future to read these answers before she reads them out in Parliament and if she is not satisfied, go back and tell the minister, "This is rubbish what you are asking me to read out. This is embarrassing what you are getting me to read out here." Hon Michael Mischin asked, "Which specific provisions of the act does the advice say are inconsistent with the Sex Discrimination Act?" The response from the parliamentary secretary was —

> This question contravenes standing order 105(1)(b) in that it seeks a legal opinion …

No, it does not. It simply asks the minister to pick up the document that he says he has access to and tell us which section is mentioned in there. It does not ask for a legal opinion; it is asking for a statement of fact. It is a simple piece of evidence and the government pretends that somehow evidence is now legal opinion. This is a strange new world that the McGowan government is taking us into.

In answer to part (3) of the question from the learned shadow Attorney General, the parliamentary secretary went on to say —

> … in any event, the legal advice is subject to legal professional privilege and the question cannot be answered without waiving privilege in the advice.

Why? We are not even asking for the basis upon which the government has come to that conclusion. I understand that it might want to hide that from prospective litigants but the government cannot tell us which section of the Human Reproductive Technology Act or the Surrogacy Act contravenes the commonwealth legislation. The reason it says it cannot tell us that is it pretends that we are asking for a legal opinion and the legal advice is subject to legal professional privilege and it cannot answer the question without waiving privilege in the advice.

I am one of the people encouraging members to oppose the second reading of this bill because it is a bad bill. Irrespective of where members sit on this matter, either way it is a bad bill. Nevertheless, imagine for a moment that it did pass through the second reading stage. How will we make any progress in Committee of the Whole House if the government says it cannot tell us which section is inconsistent with the Sex Discrimination Act 1984? It will be impossible to make progress, not impracticable. We have already had the debate in this chamber about the difference between impracticable and impossible. It will be impossible to make any progress because this is the heart of the bill. The whole reason the government says we need the bill in the first place is that apparently sections are inconsistent. When the shadow Attorney General asked today which sections are inconsistent, the government said, "We can't tell you." That is absolutely ridiculous. A number of members opposite take the scrutiny of legislation very seriously. In all sincerity, I suggest they knock on the door of the Minister for Health and say to him, "Minister, this is ridiculous." In fact, they should satisfy themselves of the section. I would go so

far as to say that it is unconscionable for a member of this place to vote for this legislation if they do not know what section is said to be inconsistent with the commonwealth legislation. If they do not know what that section is, how can they vote for this legislation? If they do know the section, can they let the rest of us know, because the government will not tell the shadow Attorney General; it has said no to him.

To conclude this particular point, I note that this afternoon the shadow Attorney General asked the parliamentary secretary —

> Did … Professor Sonia Allan have access to any of this advice during her review of the legislation; and, if so, which?

The answer was no. This is how secretive this government is. The government even says to a person to whom it has given a quarter of a million dollars of taxpayers' money to prepare these two weighty volumes, "Sorry, we're not going to give you the advice either. We're going to hide that from you." The government loves hiding things. Nobody is allowed to know, except the Minister for Health, presumably. Who knows whether anybody else knows what section we are apparently contravening in commonwealth law. Nobody else is allowed to know that. I find that appalling. I foreshadow to the government that it will be impossible for us to make progress while it continues with this deceptive bullying approach to this legislation. It is really not that complicated for the government. It should just provide the information that will enable members to cast their conscience vote without wearing a blindfold.

I would like to move to an area that I foreshadowed last week. I put it on hold temporarily, mainly in response to the inappropriate remarks made by the Leader of the House to the media yesterday. Instead, I wanted to spend this afternoon looking at legal analysis.

Sitting suspended from 6.00 to 7.30 pm

Hon NICK GOIRAN: Prior to the interruption of the debate for the dinner adjournment, I had been taking members through a number of very important areas as we consider the bill presently before the house. In particular, I was looking at whether there is currently any sex discrimination under our law in Western Australia. Having looked at that, and in particular identifying that the government had been unable or unwilling to provide information to the house about that matter and therefore obstructing our progress, I then looked at the issue of the bill itself ironically creating discrimination and entrenching any discrimination that the government says exists.

This evening I want to look at another topic that has been put forward by the government in its prosecution seeking support of members for the bill presently before the house. In particular, I draw to members' attention the explanatory memorandum provided by the government of Western Australia in support of this bill. If members have the explanatory memorandum available at their fingertips, I ask them to turn to page 5. There is a section on page 5 dealing with the proposed amendments set up by the government in clause 12. Clause 12 of the bill seeks to amend section 26. As members may be aware, two acts are sought to be amended by this legislation. The first is the Human Reproductive Technology Act and the second is the Surrogacy Act. It is the first of those two acts that is impacted by clause 12. As I say, clause 12 seeks to amend section 26 of that legislation. In accordance with what the government has suggested to the house, it states on page 5 —

> Clause 12(a) amends section 26(1)(c) to delete the reference to "woman" and replaces it with "person". This reflects changes that will permit a single man access to lawful surrogacy. The amendment has the effect that where upon fertilisation, the rights to an egg undergoing fertilisation or an embryo vest in a single person on whose behalf the egg or embryo is developed, that person is not restricted to a being a woman.

I ask Hansard, when recording that, to quote precisely from that paragraph. That is not me who has misspoken, but that is the explanatory memorandum on page 5. Although it is grammatically nonsensical, nevertheless that is what the government has decided to provide to the house, so I ask Hansard to faithfully record precisely the erroneous explanatory memorandum by the government. The primary point is this: the government seems to suggest that there are some rights of adults in the application of this surrogacy regime. In particular, it says in the explanatory memorandum that there are rights to an egg and they will vest in the person for whom the whole arrangement has been developed in the first place. I note the Minister for Health, Hon Roger Cook. I would like to look at what he had to say about this issue. I draw to members' attention that on 9 October 2018 the minister had this to say. I quote from the corrected *Hansard* of 9 October 2018 —

> It is really an important issue to clarify our understanding. This is about not judging; it is about accepting that everyone should have the right to be a parent and be part of a family.

We see there that the health minister, who has primary carriage of this matter and this legislation and who has delegated responsibility to his long-suffering parliamentary secretary in respect of the matters before this chamber, says that everyone should have the right to be a parent. Should everyone have the right to be a parent? It is one thing for the Minister for Health to say that, but is that in fact true? Is there such a thing as a right to be a parent, as has been proffered by the health minister? I suggest that what the Minister for Health has said is false and that there is no such thing as a right to be a parent. I compare and contrast what the current Minister for Health in this fortieth Parliament has had to say on this matter with what one of his predecessors had to say. I draw members'

attention to what was said by Hon Dr Kim Hames in December 2008 about this same issue. Dr Hames was at the time the member for Dawesville and he made these remarks on Tuesday, 2 December 2008—some 11 years ago. I quote again from the corrected *Hansard*. Dr Hames said —

> The use of assisted reproductive technology has increased options for conception in connection with surrogacy, and allows the creation of embryos that are genetically related to the arranged parents. The regulation of surrogacy presents challenges because of the need to balance the possibly conflicting interests of the parties who may be involved in a surrogacy arrangement. These interests include the child's right to be protected and to know about the circumstances of its birth, the arranged parents' interest in being able to have a child and to be recognised by law as parents of that child, and the birth mother's right to be protected from exploitation.

In that one paragraph from that debate in 2008, we see that the then Minister for Health, Hon Dr Kim Hames, encapsulated the three competing interests that exist in these arrangements. Very interestingly, Hon Dr Kim Hames has referred to the arranged parents' interest in being able to have a child, whereas the current Minister for Health refers to it as a right. I ask members to give due and proper consideration to the distinction between an interest and a right. I agree with Hon Dr Kim Hames. I think that it is entirely understandable that adults have a desire or an interest in being a parent; however, just because a person has a desire or an interest, it does not create a right. They are two distinctly different things.

Hon Dr Kim Hames in 2008 quite correctly identified that a child has a right—of course they have an interest, and no doubt they have a desire, but it is elevated beyond that to a right—to be protected and to know about the circumstances of their birth. A child has a right to those two things, and that right is distinguished from the understandable desire and interest of arranged parents to be able to have a child. However, he does not go as far as Hon Roger Cook's assertion that people have a right to be a parent.

In December 2008, Hon Dr Kim Hames quite correctly identified that a birth mother has a right to be protected from exploitation. I support that encapsulation of the rights and interests as articulated by Hon Dr Kim Hames on 2 December 2008, and I put to the government and to the parliamentary secretary that there is a requirement for government to clarify whether it is indeed an all-of-government position that there is suddenly now a right to be a parent in Western Australia, because that is what Hon Roger Cook said on 9 October last year. I vigorously disagree with him. I very much suspect that the significant majority, possibly even all the members of this place, would also disagree with Hon Roger Cook on that point, and that the significant majority, if not the unanimous, view of members of this place would be that there is no such thing as a right to be a parent. However, I think that we would all unanimously agree that there is an understandable desire and an interest to be a parent, and that they are two different things.

For any of those members who would prefer to associate themselves with the Minister for Health's position that there is a right to be a parent, I would draw their attention to some of the learned academic research and thinking in this area that has already addressed this. In particular, I would like to draw to members' attention the comments made by Tom Frame in his book, *Children on Demand: The Ethics of Defying Nature*. On page 32, under the heading "Families and Children", he says —

> Article 16 of the Universal Declaration of Human Rights (1948) states: 'Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and found a family.' The first part of this right (to marry) is largely free from controversy, the second part (to found a family) less so, because it is susceptible to a range of interpretations. Clear violations of the second part would certainly include the forced sterilisation of married women or the mandatory termination of pregnancy. It might even be possible to declare the long-standing 'one child' policy in China to be a violation of human rights, because the state has decreed that it will disadvantage families that have more than one child. But what should we make of situations in which a couple cannot achieve pregnancy without assistance from a third party? Does the denial of this assistance constitute a violation of the couple's right to found a family, given that Article 16 links marriage with founding a family?
>
> It must first be noted that no-one has a legitimate right to something that is impossible for them to obtain. There is a memorable scene in the 1979 satire *Life of Brian*, depicting a disparate group of first-century Jewish revolutionaries plotting the overthrow of Roman imperial rule in Judea. The purpose of the film-makers is to mock the ludicrous and unrealistic demands of extreme political radicals in every generation when their ideals are completely divorced from reality. One of the male characters announces that he has changed his name from Stan to Loretta. He goes on to announce that he wants to have a baby. The leader of the group is incredulous: 'Where is the fetus going to gestate? Are you going to keep it in a box?' The only female member of the group suggests that they agitate for the right of Stan–Loretta to have a baby. It is, of course, an exercise in utter futility. Men cannot claim a right to give birth because they cannot become pregnant. It is crucial to distinguish between actually producing children and attempting to produce children. Even with all the assistance that science can offer and the best help money can buy, there may be factors that preclude a couple from producing any children.
>
> …

> The existence or otherwise of certain reproductive 'rights' was considered by an official inquiry into human fertilisation and embryology established by the British Parliament in 1982. The moral philosopher Professor (later Baroness) Mary Warnock of Oxford University served as its chair. Its report, entitled 'Question of Life', was delivered to the UK Government in July 1984. In a subsequent study entitled *Making Babies: Is There a Right to Have Children?*, Warnock summarises her own thinking on this question. She notes that 'a right is an area of freedom for an individual that someone else has a duty to allow him to exercise, as a matter of justice. It is a freedom that one claims, for oneself or for another, and that one can properly prevent other people from inhibiting'.

At page 34, the author refers to Professor Warnock, who chaired this inquiry, and says —

> But she also noted that more than two decades of media reporting on near-miraculous technological achievement had encouraged the mistaken belief that all adults had a right to children whatever their circumstances.

Further down the page, he says —

> Dr Brian English, a former senior lecturer in social work at the University of New South Wales, has made a similar observation in relation to Australian attitudes: 'It is fair to speculate that many people now believe, with whatever justification, that everyone has a right to parenthood and a right to expect the State to help them achieve it by one means or another'.
>
> There is, however, strenuous denial of this purported right within some segments of Australian society. TangledWebs, a support and advocacy group for those born through donor conception … is adamant that no-one has a right to children: —

The author then goes on to quote that particular organisation, which is, of course, an advocacy group for those born through donor conception —

> To claim the right to a child is to treat that child, another human being, as an end to satisfying one's own desires, as an object and not a person. To claim the right to a child is to claim jurisdiction over another human being's life when they have no say in the matter, when they have not given their consent, informed or otherwise.

This section of the book under the heading "Reproductive rights" concludes by saying —

> If, then, parenthood is more of a privilege than a right, attention must be focused on the purpose for which parents exist and on those who are its subjects (that is, children) to ensure the privilege is not abused.

I found that particular extract from that article to be particularly helpful in unpicking the distinction between people's understandable desire to be a parent and the erroneous view put forward by Minister Cook that there is somehow a right to be a parent. Tom Frame, in his 2008 book, is not the only person to have said such things. Indeed, I draw members' attention to what the United Nations Human Rights Council has said on this point. In particular, I draw members' attention to comments in the "Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material". In relation to the sale of children and the rejection of a right to a child, the United Nations at paragraph 64, on pages 15 and 16, states —

> International and regional human rights instruments protect the right to "found a family" or the right to "respect for … private and family life." The language of a "right to procreate" is used in some national legal systems, though this terminology is not found in international human rights instruments. On bases such as these, it is sometimes argued that all adults are entitled to create a family and raise children. However, it is recognized that there is no "right to a child" under international law.

I draw members' attention to the fact that these are the words of the United Nations in the General Assembly and the Human Rights Council in the thirty-seventh session on 26 February to 23 March 2018. At this point, the United Nations seeks to make the point that there is no right to a child. Unlike Hon Roger Cook's proposal to Parliament last year, the UN document draws our attention to Chantal Saclier's article "Children and adoption: which rights and whose?" and Van Bueren's *The International Law on the Rights of the Child*, and goes on to say —

> A child is not a good or service that the State can guarantee or provide, but rather a rights-bearing human being. Hence, providing a "right to a child" would be a fundamental denial of the equal human rights of the child. The "right to a child" approach must be resisted vigorously, for it undermines the fundamental premise of children as persons with human rights.

One could say that presently I am resisting vigorously Minister Cook's proposition that there is a right to a child and I am simply doing what the United Nations has said on this matter. I encourage members to familiarise themselves with the position articulated by the United Nations and compare and contrast that with the erroneous remarks made by Minister Cook last year when he was prosecuting the case for this particular bill and the government once again bullied its legislation through Parliament. As I have mentioned, that is something I will not condone.

These are not the only people who have said there is no right to have a child. Indeed, some commentators have been more specific in articulating that there is no right to surrogacy. Of course, if the government were able to prosecute the case that there is a right to surrogacy, we would have no option but to facilitate the bill. If there is a right for all to surrogacy, it would be impossible for us to stand in the way of such rights. But, as I say, unlike Minister Cook, I do not accept, and it appears that nobody else seems to accept, that there is such a right. Nevertheless, let us look at what people have said about whether there is, indeed, a right to surrogacy, let alone a right to be a parent, which of course would create a reciprocal obligation to facilitate that right. Another excellent article "Gay Rights and Surrogacy Wrongs: Say 'No' to Wombs-for-Rent" was produced by journalist, author and feminist campaigner Julie Bindel and political activist and educator Gary Powell for the organisation Stop Surrogacy Now. The two authors say —

> We are a lesbian and a gay man who have been involved for many years in the struggle for gay and lesbian equality and for broader human rights issues. We both unequivocally oppose all forms of surrogacy as unethical; as legally, medically and psychologically dangerous; and as an abusive commodification of women and of babies that also carries significant and barely-reported health risks for the women and babies involved.
>
> …
>
> We view with alarm the increasing clamour to regard surrogacy arrangements as a "gay right" and to automatically stigmatise and shout down anyone who opposes surrogacy as a "homophobe".
>
> The silencing of debate on this topic, and this false association with the "rights" of gay men to access the wombs of poor and desperate women, is demeaning to the genuine struggles of the lesbian and gay community.

I remind members that these are the words of Julie Bindel and Gary Powell who described themselves as —

> … a lesbian and gay man who have been involved for many years in the struggle for gay and lesbian equality and for broader human rights issues.

These particular individuals, who clearly do not support surrogacy in any form, go on to say —

> We therefore appeal to the gay and lesbian community to take a step back from a position of indifference or acceptance with regard to this issue, and to refuse to be taken in by the glamorisation of surrogacy, promoted by a superficial media that focuses on wealthy celebrities.
>
> The right of gay couples to have children through surrogacy is increasingly seen as an advance for equality, and a triumph of tolerance over prejudice.

I pause there to note that this seems very similar to some of the remarks that were made in the second reading speech. I note that this article has a little footnote at this point, which states —

> In April 2018, a competition featured in the German LGBT+ website Queer.de offered a prize of egg donation plus the services of a surrogate mother in Bangkok, at a value of €36,000. This turned out to be a rather unfunny April Fool joke. When criticised by Julie Bindel, co-author of this letter, on the grounds that using the womb of a desperate and poor woman was a human rights abuse, she was accused of bigotry.

In this article they then go on to say —

> When the Italian designers Domenico Dolce and Stephano Gabbana described the IVF children of Sir Elton John as "synthetic", there were calls for a boycott of Dolce and Gabbana's products. Elton John responded by saying, "Shame on you for wagging your judgemental little fingers at IVF—a miracle that has allowed legions of loving people, both straight and gay, to fulfil their dream of having children."
>
> More recently, when Dustin Lance Black revealed that he and his husband, Tom Daley, were expecting a baby via surrogacy, some critics claimed that it was "wrong" that two men should raise a child. The authors of this letter have no objections to same-sex parenting *per se*. However, when we raised our general objections to surrogacy in response to the announcement by Black and Daley, we were both accused of bigotry.

We can see that these two individuals, Julie Bindel and Gary Powell, who describe themselves as a lesbian and gay man who have been involved for many years in the struggle for gay and lesbian equality and for broader human rights issues, seem to be fairly exasperated that any time they raise any concerns around surrogacy, they are accused of bigotry. They go on in their article to say —

> The rights-based discourse has removed any sense of responsibility. But in reality, it is not a right for anyone to use the womb of a woman in order to have your own child.
>
> Some heterosexuals who wish to justify renting wombs and egg buying are using our community as a shield, and as justification for their exploitative choices. As one straight couple said to one of us, "If gay men are doing this in the name of equality, then surely there is nothing wrong with it?"

> In other words, our community is leading the way now in normalising, sanitising, and destigmatising this practice. Those who are proposing that surrogacy should be legalised, using the arguments of "gay rights" and equality, are subverting the core aims of the gay liberation movement, which is about dignity and respect for all, and not the abuse of other people's rights.

Because I simply do not have time to quote the entirety of the article from these two individuals, one that I recommend to members, I will quote a couple of shorter portions, including the following later in the article where the authors say —

> The authors of this letter are both human rights activists who have been involved in our community overcoming oppression and bigotry for a number of years. We are for, not against, equality for all.
>
> Surrogacy simply reduces women and children to a means to a desired end product. The universal right to a child does not exist. Yet we believe that a climate has arisen where anyone who expresses this view risks being called a "homophobe".
>
> Surrogacy has become so normalised as a practice for gay men that it is now seen as entertainment as well as a right. One surrogate mother, who gave birth to a baby "belonging" to a star of a TV remodelling programme and his partner, claims to have had no idea that the birth was being filmed and subsequently screened.

Later in this article the authors go on to say —

> Surrogacy potentially harms the baby as well as the mother. We are calling upon you to consider how any baby might feel after developing a bond with the birth mother over nine months, only to be wrenched away from her as soon as the baby is born.
>
> Let us, as proud lesbians and gay men, condemn this exploitative, cruel practice, and stand up for *true*rights. We need to set an example as a group that has done much to challenge bigotry and exploitation. We need to speak out *against all* surrogacy, and *for* true equality. The aspiration by gay individuals or couples to acquire a child via surrogacy arrangements has nothing to do with gay and lesbian rights. This practice is one that pretends to be about equality, but in fact is primarily concerned with extending the privileges of the rich, who are the only people able to access the services of the commercial surrogacy industry.

I can well imagine that if I had made those remarks in my contribution to the second reading debate today as my comments, rather than quoting somebody else's, I would not have heard the end of it for days and days and weeks and weeks ahead. I would have been bombarded with emails and the like about my remarks, yet I remind members that those remarks are not mine, they are the remarks of Julie Bindel, journalist, author and feminist campaigner, and Gary Powell, political activist and educator, who describe themselves in this article, "Gay Rights and Surrogacy Wrongs: Say "No" to Wombs-for-Rent", as a lesbian and a gay man who have been involved for many years in the struggle for gay and lesbian equality and for broader human rights issues. I hasten to say that for any enthusiastic person either listening or in future reading this speech who does not like what I just read out, talk to the authors of that particular article. Do not even bother writing to me, because they are not my words, they are simply the words of Julie Bindel and Gary Powell. If people do not like what they had to say, take it up with them. I would, however, encourage members to give those comments serious consideration.

I already mentioned that it appears a number of individuals around the globe would want to distance themselves from the remarks of Minister Cook, the Minister for Health in our state, who has suggested that there is a right to be a parent. We can already see from the short things that I have been able to bring to members' attention this evening that there are people around the globe who have a very different view and say that there is no right to a child and no right to surrogacy. As I said, it strikes me that there is a clear and distinctive difference between rights and desires. I would like to draw to members' attention something that was said in 2014 by a couple of authors, Liz Bishop and Bebe Loff. These two individuals wrote an article published in The Conversation. Members may well ask: who are these two individuals who have written this article in The Conversation? Liz Bishop is a lecturer in public health and human rights at Monash University and Bebe Loff is an associate professor and director of the Michael Kirby Centre for Public Health and Human Rights, also at Monash University. This article, published on 21 August 2014, is entitled "Making surrogacy legal would violate children's rights". I regret that I simply do not have the time to quote the article in its entirety. However, I want to quote certain extracts from this piece from 2014, particularly on the distinction between rights and desires—in other words, the rights articulated by Minister Cook compared with the desires articulated by then Minister Hames. The authors say, under the heading of "Rights vs desires", in this article —

> Claims to rights do not, in and of themselves, create rights.

I pause there to associate myself very much with that statement by the authors. That is precisely the point; indeed, this has happened all too often already with the government in this debate. Simply making claims or statements does not make them true. We need to support the assertions we make. Indeed, as I said earlier today, I remain of the view that we will be unable to make any progress on this matter while the government is unable to articulate

what section in the commonwealth legislation we are supposedly contravening or being inconsistent with. The claim by the government that this is the case does not suddenly make it correct or create it as a declaration of the High Court. Far from it. At the very least, the minister needs to quote the sections. Nevertheless, I return to the article in The Conversation. The authors go on to say —

> International law recognises both the right to found a family (article 16), and the right to benefit from scientific progress (article 15).
>
> But neither of these rights, however cobbled together, can defensibly form a right to outsourcing the creation of child. Indeed, the creation of a child through commercial surrogacy could not have been contemplated in their origin.
>
> Since the claim to create a child by means of a surrogate mother falls short of characterisation as a right, how is this claim to be understood? It is most readily recognised as a desire or interest.

I pause there to indicate to members that this seems to very clearly support the position articulated by Hon Dr Kim Hames and seems to rebut quite vigorously the remarks made by Minister Cook. The article continues —

> The strongest argument for recognition of these desires or interests is that of same-sex couples. A same-sex couple will always be incapable of creating a child without the involvement of a third party.

I pause there to say that that should be abundantly self-evident but sometimes in the course of the debate, in particular the second reading speeches by the government, this seems to be something that has been missed. The authors go on to say —

> But this lack of capacity doesn't produce the right to a child, let alone the right to a child resulting from a contractual arrangement. Although the desire for a child may be great, desires are not rights.

Further on in this article, the authors go through various other things, including the rights of the child—I will get to that in the fullness of time—and they talk about the concept of an inalienable responsibility. They conclude their article by saying —

> Internationally recognised human rights often conflict. When they do, a balancing exercise is required to minimise the restrictiveness of the outcome. But in this circumstance, what we're seeking to balance are strongly held desires against internationally and nationally recognised rights.
>
> … This violation of the dignity of the child says something about those who are content to return to historic understandings of a child as the property of its parents or, more correctly, its father.
>
> We can't ensure that all children will be born to loving parents to whom they are genetically related. Parents may abuse and abandon their children and not all parents are genetically related to their children.
>
> But surely we don't need to create a scheme in which the immediate desires of adults are knowingly placed ahead of the rights of the child …
>
> The cacophony of voices in the surrogacy debate is silenced only with recognition that the individual without choices and with rights is the child.

That is another article that I recommend members familiarise themselves with and give due consideration to these well-researched remarks by these individuals. There is no point in members being dismissive about those matters. As I have mentioned, I would like to hear the government clarify the remarks made by Minister Cook in this respect and whether it now concedes that the way in which Hon Dr Kim Hames expressed the competing interests is a superior way of articulating those positions, rather than, if I can say respectfully, the erroneous way in which the minister has articulated those matters.

If the ability of reproductive technology is simply being made so good that it can grant adults their desires—note I say "desires", so I associate myself with that concept articulated by then Minister Hames, not the rights as asserted by Minister Cook—the question needs to be asked: how far will we go in such a respect? I draw to members' attention another article that seems to encapsulate this concern. This article is entitled "Designer Grandchild: Wealthy British Couple Paid to Create a Grandson", which is a quite recent article. I note that something else was also quite recently in the media about these matters. This article is dated 24 September last year, approximately the same time as this bill arrived in this chamber from the other place. Indeed, it was the month immediately preceding that sequence of events. This article has been authored by E. Christian Brugger. That individual had to say in this article —

> Two grandparents in the United Kingdom have confirmed the adage that if something *can* be done, no matter how bizarre, somebody will eventually do it. According to the U.K.'s Mirror Online, these grandparents, described as "extremely rich," created a designer grandchild for themselves from sperm harvested from the corpse of their son, who had died in a motorcycle accident.
>
> Reportedly "desperate for an heir," the couple bypassed U.K. fertility law by having the sperm frozen and then shipped to a San Diego fertility clinic. Although their son never consented to having his post-mortem sperm used to create a child, his mother said she believed "it's what her son would have wanted."

> Apparently the couple paid the San Diego clinic $130,000 to use a gender selection technique, illegal in Britain, to help ensure that only a grandson would be born.
>
> The doctor who facilitated the request, David B.Smotrich, MD, advertises his services to anyone "regardless of nationality, sexual orientation or marital status … any individual or couple" so long as the desire is "to start or to complete their family."
>
> The grandparents searched for a U.S. egg donor/surrogate "who matched the kind of woman they believed their son would have married and had children with." They created four embryos from her eggs, and selected one for gestation. No mention was made of the fate of their other three embryonic grandchildren.

Later in this article, the author, having dealt with issues such as eugenics and rationalisation, continues under the heading "Arbitrary Self-Preference" —

> The Mail Online account is replete with the wishes of the grandparents and devoid of concern for the child. But the little boy is the one who will suffer the most painful consequences of his grandparents' choice.
>
> Even presuming he will escape long-term physical disabilities from his reproductive manhandling, he will still awake into self-consciousness to find he was sired by a dead man and an anonymous woman; that the whereabouts of his three siblings is unknown, but they are probably dead; that he's being raised by aging grandparents who broke the law to fulfill their "desperate" desires, and who, though willing to speculate about what their dead son would have wanted, gave no weight to what *he* would have wanted.

In their concluding remarks, the author states —

> By refusing to acknowledge that children should come into the world as a result of spousal intercourse, the field of reproductive medicine has blinded itself to the grave injustices it commits every day, all in the name of granting adults their reproductive desires. After saying how "desperately" the grandparents "wanted an heir," Dr. Smotrich went on to say: "It was a privilege to be able to help them." I wonder what the boy will have to say about that *privilege* in 15 years.

Members can see that a number of people around the world have expressed concern about the so-called right to be a parent, right to surrogacy, right to reproductive technology and the like. I call on the government to precisely clarify its position on whether, as Minister Cook has previously said, there is a right to be a parent. Was he misquoted by *Hansard* when he said that, or did he simply misspeak and instead mean to say that there is a desire to be a parent—not to be confused with a right to be a parent?

I will move on to the rights of the child. It is interesting that there seems to be much discussion in these matters about the rights of adults—particularly Western Australians, and particularly male Western Australians—and how male Western Australians need to have access to this regime that women have had access to for the last 10 years. According to the government, it is unjust that single men cannot access this scheme despite the fact that, according to the briefing with government officials that I went to, single women have never applied for a surrogacy arrangement in the last 10 years. Nevertheless, there seems to be much discussion about the so-called rights, desires or interests of arranging parents and those who would like to be parents. But I urge members to consider the question: what about the rights of the child? If we are going to extend the category of individuals who can access this regime, ought we not consider the rights of the child in the situation?

The United Nations has identified surrogacy as a demand system that may endanger the rights of children. Members may recall that on a previous occasion when the government decided to make this bill its top priority of the day, I questioned whether there would be a sufficient supply of altruistic surrogate mothers to meet the demand of single men and male couples that the government says will result from the legislation presently before the house.

As I said, the United Nations has identified that this demand system may endanger the rights of the child. That is something that I have given quite a lot of consideration to during the course of my research into this matter, not the least reason for which is that it is, in part, my responsibility as the shadow Minister for Child Protection to give consideration to the rights of the child, in not only this legislation, but also any legislation that appears before the Legislative Council of Western Australia.

I draw members' attention to what the United Nations Human Rights Council had to say about this matter. It had some urgent concerns about this topic. I will quote, once again, from a document that I referred to earlier, but to a different section. This time I will look at page 4, whereas I previously looked at page 13. Sorry; I previously looked at page 15. I will get to page 13 on another occasion, but it will probably not be this evening. For the benefit of *Hansard*, the document is the United Nations "Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material", which was distributed on 15 January 2018. Under the heading "Urgent Concerns" the report states —

> Surrogacy as a reproductive practice is on the rise. Indeed, as intercountry adoptions have fallen in number and increasingly become subject to international standards, the numbers of international surrogacy arrangements have rapidly increased in the absence of international standards.

To support that assertion, the United Nations refers to a piece of research from 2013 titled "International Surrogacy Arrangements". For members who want to have a closer look at that article, the authors, or editors, of that publication are Trimmings and Beaumont. The report continues —

> Therefore, surrogacy, like intercountry adoption in the 1980s and 1990s, has emerged as an area of concern where a demand-driven system may endanger the rights of children.

The United Nations refers to a number of research documents to support this position. It starts with a report on intercountry adoption, prepared by Van Loon. It also refers to "A Preliminary Report on the Issues Arising from International Surrogacy Arrangements", "Intercountry Surrogacy—A New Form of Trafficking?" and "Children and Adoption: Which Rights and Whose?" I would encourage members to look at all these reports, which can be found in the document under the heading "Urgent concerns".

The United Nations has quite clearly set out its concerns about the demand-driven style or approach of these types of regimes. We need to ask whether we are going to learn any of the lessons from the past on the issue of children and their rights. It was not that long ago that an apology was made to mothers who had been forced to put their children up for adoption. As recently as Thursday last week, the Minister for Culture and the Arts, Hon David Templeman, the member for Mandurah, made a statement in the other place about the establishment of a memorial that recognises forced adoptions. The memorial is in the Town of Victoria Park, which, of course, is within my electorate of South Metropolitan Region. Incidentally, I congratulate the minister and the government for the statement he made in the other place on 4 April 2019. As an aside, I wonder why the statement was not made in this place on the same day. Nevertheless, I congratulate him for his statement and the recognition of the memorial in the Town of Victoria Park. It is interesting that we would recognise the memorial on the sixth anniversary of the national apology offered by then Prime Minister Julia Gillard on behalf of the Australian government. I understood that it took place on 21 March 2013. If my memory is correct, 21 March this year was the day that the government finally tabled Sonia Allan's report, so it is rather ironic that the government would table the report in this place on the sixth anniversary of that apology, but I suspect the government was unaware of the irony of what it was doing.

I received some communication from FamilyVoice Australia, which made this same point in its communication in September last year. As I recall, it was about a month before this bill appeared before the house. I quote the email from FamilyVoice Australia —

> It was only in 2013 that then Prime Minister Julia Gillard delivered a heartfelt apology to mothers and their children who were forcibly removed for adoption in the 1960s and 70s. We would do well to remember the trauma and depth of feeling this apology elicited in discussions about surrogacy, which is the intentional removal of a child from his or her birth mother. Do we really want to find ourselves in the position forty years hence of having to deliver yet another apology to children who were harmed by surrogacy.

This comment was made in an email I received on 14 September last year from the WA state director, Darryl Budge. I hasten to indicate that he, of course, is not the only person to have mentioned that to me. Be that as it may, when I look at the apology that was delivered just over six years ago, I note that there is a remarkable number of similarities to the matter that is currently before the house as we consider whether to support the second reading of the Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018. On 21 March 2013, then Prime Minister Hon Julia Gillard had this to say towards the very beginning of her remarks —

> Today, this Parliament, on behalf of the Australian people, takes responsibility and apologises for the policies and practices that forced the separation of mothers from their babies, which created a lifelong legacy of pain and suffering.

I pause here to remind members that in surrogacy arrangements, that is what happens: a mother and her baby are separated after the birth of the child. Members may object to the fact that the apology refers to forced adoption, but in this situation it is not forced because there is no capacity to enforce these arrangements with surrogacy contracts; it is not possible to force a mother to give up the child. However, it surely must be the case that if there was trauma as a result of the separation between the mother and the child, whether forced or otherwise, it must follow that some of the trauma must also apply in these circumstances. I will continue to look at what the then Prime Minister Hon Julia Gillard had to say later in her apology. I quote —

> To each of you who were adopted or removed, who were led to believe your mother had rejected you and who were denied the opportunity to grow up with your family and community of origin and to connect with your culture, we say sorry.

I again pause to remind members that whatever they might think about the forced nature or otherwise of an altruistic surrogate mother having to give up her child, consider for a moment: what about the child? Members might argue the case, which would not be unreasonable, that the mother is not forced to give up the child, but the child is certainly forced in this situation. If one person is forced in the arrangement, it is certainly the child. The

child has no say whatsoever in this arrangement, yet, because we recognise that the child had no say at one time in a forced adoption, it was so important that a national apology was delivered. What else did the Prime Minister of the day have to say in her speech? She went on to say —

> We acknowledge that many of you still experience a constant struggle with identity, uncertainty and loss, and feel a persistent tension between loyalty to one family and yearning for another.

Much later in the speech, the Prime Minister said —

> This story had its beginnings in a wrongful belief that women could be separated from their babies and it would all be for the best.
>
> Instead these churches and charities, families, medical staff and bureaucrats struck at the most primal and sacred bond there is: the bond between a mother and her baby.

Later in her apology speech, Prime Minister Julia Gillard said —

> … their children grew up denied the bond that was their birth-right.
>
> Instead they lived with self-doubt and an uncertain identity. The feeling, as one child of forced adoption put it, 'that part of me is missing'.

Towards the conclusion of her apology statement, she stated —

> And to the children of forced adoption, we can say that you deserved so much better.
>
> You deserved the chance to know, and love, your mother and father.
>
> We can promise you all that no generation of Australians will suffer the same pain and trauma that you did.

I agree with the statement made by Hon Julia Gillard at that time. I think there is a lot to be said for the way in which this particular apology was articulated just over six years ago. But let us be clear: at that time, six years ago, people would have been in a rush to associate themselves with those remarks, particularly members of Parliament. They would have been the first to stand in the queue to associate themselves with those remarks. When they were standing in that queue, were they associating themselves with those final remarks, "We can promise you all that no generation of Australians will suffer the same pain and trauma that you did"? If we continue to roll out this surrogacy scheme in Western Australia, I put to members that we will be doing the precise opposite of what Hon Julia Gillard promised on that day. She made a promise on behalf of the government of Australia, the national government, "We can promise you all". That was a very bold statement of the then Prime Minister, yet it appears to me that this very regime cuts to the heart of that point. There is clearly no consent provided by the child in question. They continue to be forcibly removed from their birth mother. Members may want to dispute whether the mother has been forced and try to draw a distinction between forced adoption and altruistic surrogacy, and so be it. I think there is something to be said for there being a distinction between the two. In fact, I accept that there is a distinction between the two. But I put to the members who might want to argue that that they would be hard-pressed to explain how it is not the same for the child in question.

Interestingly, there appears to be a stark contrast in recent history between social attitudes towards the removal of children from their mother or parents and surrogacy. In particular, I want to draw to the attention of members the remarks made by Renate Klein. This is an individual whose work I have quoted previously in my contribution. I particularly want to look at her seminal piece from 2017 entitled *Surrogacy: A Human Rights Violation*. I want to look at some of the comments she makes on this point on pages 33 and 34 of her document, and also on pages 35 and 36. Now, what is it that she has to say on this particular point of her assessment? There are a number of chapters in her book and we clearly do not have time to unpack all those chapters, but we should at the very least look at chapter 3, in which she deals with the topic of children born from surrogacy. Indeed, this is the very point about the rights of children in these surrogacy arrangements. On page 33 of her book, in chapter 3, she has this to say under the heading, "What of the children born from surrogacy?" —

> Whenever we hear of children being separated from their mother or parents, most people express sorrow and/or anger, depending on the situation. We feel indignant when we hear that Bokum Harum in Nigeria kidnaps girls and forces them into sexual slavery aimed at bearing children to increase their population. Similarly, we are profoundly upset by tales of Daesh fighters kidnapping and raping young Christian, Shiite and Yazidi girls. We are outraged when we hear of recurring scandals such as overseas adoption of so-called orphans that is later revealed as a scam in which babies are bought for a pittance from poor mothers. We are even more outraged when we hear of girls trafficked into prostitution which is widespread in India and Sri Lanka and other poor nations such as Bangladesh where destitute single women are offered a hospital bed to give birth to their babies who are then sold as sex slaves to Saudi Arabia … We condemn in strong words the past practices in Australia of removing Indigenous children from their parents which we know as The Stolen Generations. Or coercing unwed white women to give up their babies during the 20th century up to the 1980s 'for their own good' to a 'proper' family which was to provide for them far better than their birth mother—the 'fallen' single woman—ever could …

> But somehow, when the practice of surrogacy is discussed, these social norms appear to fall by the wayside. Again and again we hear that people seeking to obtain a child via surrogacy were 'desperate' to start a family and 'heartbroken' that their desire for a child could not be 'naturally' fulfilled. To put it differently, it seems that many people condone—or indeed encourage—what is, quite simply the scenario of a pay-as-you-go product child which in this world of entitlement is made to order for those who are rich enough to afford it. The newborn babies in this origin story have no say in the matter; they are seen as blank canvasses whose lives start at the moment when they are lifted out of the 'incubator's' womb in a Caesarean section. It is the commissioning couple—gay or straight—who will now guide them through the steps of becoming children and then adults.
>
> It is, unashamedly, an adult- or parent-centred view, with the basic human rights of newborn babies ignored.

Later on in chapter 3 of her seminal piece, *Surrogacy: A Human Rights Violation*, Renate Klein goes on to say —

> But also contrast the facile story of happy-go-lucky surrogacy with thousands of stories from adopted children who felt they never really belonged to their adoptive families in spite of being cared for and loved deeply … And who looked for their birth mother and sperm donor for decades, often to be disappointed when, as adults, they finally receive their birth records only to discover that their mother or father was already dead. Or, even if they did manage to find and meet their birth mother, and it is a good reunion, endure ongoing grief and feelings of regrets over a life that did not include their birth brothers and sisters.
>
> As Penny Mackieson stated …:
>
> > As an adoptee from birth affected by Australia's past coercive adoption practices, it saddens me that pro-surrogacy proponents do not appreciate the lifelong difficulties for the children of not being able to know about and/or have ongoing relationships with the parents who created and gestated them—irrespective of how well loved and parented we have been/are by our social parents. It is obvious to me that the added dimension of having been conceived and born through a commercial contract involving the exchange of money would create even more ongoing challenges for the person's identity, self worth and psychological health throughout their life.

As relinquishing mother Jo Fraser points out in her submission to the Australian surrogacy inquiry in 2016 at page 3 —

> The consequences of being adopted for many are that they feel that they were traded as a powerless commodity, and can result in low self-esteem and a sense of rejection and worthlessness. Imagine how much this is exacerbated if the relinquishment, or trading, of the child is premeditated and carefully planned in fine detail?
>
> …
>
> The bottom line is that, wherever the surrogacy occurs—whether it is here or overseas—and however well or badly it is done, what we are doing is reasserting the idea that children are the property of adults and we are buying babies. Just because we want something desperately does not mean we have the right to have it.

I thought the comments by the author Renate Klein very helpfully encapsulated the concerns about the rights of the child and how often the rights of the child are not the paramount consideration when we are looking at legislation of this sort. We often talk about the rights and best interests of the child being the paramount consideration, but when push comes to shove and we look at matters like this and legislation of this sort, one must question whether members of the Parliament of Western Australia are really fulfilling their duties in ensuring that that principle remains paramount.

I note that principle 6 of the Declaration of the Rights of the Child is most probably, if not definitely, being violated in these circumstances. I draw to members' attention a briefing paper distributed to members of the Parliament of Western Australia on the Surrogacy Bill 2007 by FamilyVoice Australia. There are a number of things I would like to look at during the course of this debate that that submission had to say, but for the present moment, the only thing I would like to look at is principle 6 of the Declaration of the Rights of the Child. Page 4 of the submission from FamilyVoice states —

> The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents, and, in any case, in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother.

Later, having earlier quoted principle 6 of the Declaration of the Rights of the Child, the authors of this submission, under the heading "Harms to other children", go on to provide their own commentary by saying —

> Surrogacy also undermines the status of children in general by allowing the very existence and life of the child to be the object of an arrangement between parties. The notion that a child's parentage can be determined by an arrangement or contract, rather than by birth or an adoption in the best interests of the child, is subversive of the child's right to identity and security.

Those remarks made as far back as 2008, some 11 years ago, still hold true today, and I encourage members to give them further consideration as they determine whether to cast their conscience vote in favour of or in opposition to the government's request that the bill be read a second time. It seems to me that there is a case to be made that the children of surrogacy arrangements are deliberately being born motherless or fatherless, and that can be supported by the comments made by Tom Frame in the book I referred to previously, titled *Children on Demand: The Ethics of Defying Nature*. That book is from 2008. There certainly seemed to be quite a bit of academic research, articles, opinion pieces and the like at that time. Be that as it may, in 2008 he had this to say about this issue of whether children are being deliberately born in this fashion. I quote page 166 of his book, which states —

> Throughout this chapter, and indeed this book, my paramount concern is the wellbeing of the child. Put simply: no child *needs* to be born. Surrogacy meets the desire of adults who want to be parents. Our society must first consider the *needs* of the children such adults wish to produce by this means. The issue here is not one of harming a child born through surrogacy but one of potentially adding to the burdens that make living more difficult, especially given the strong maternal instinct that is known to persist within the surrogate long after the child is 'adopted' by the commissioning couple. There are, of course, instances where people other than biological parents raise children and, as I have already conceded, this is unavoidable. Parents sometimes die, are imprisoned or desert. But these children are not deliberately born motherless or fatherless. Children should certainly not be born when and where society is called upon to assist in their conception, gestation and delivery.

There we have the thoughts of Tom Frame on that point when we are considering the rights of the child and their surrogacy arrangements. As the shadow Minister for Child Protection, I, and I would suggest all members of this place, have a responsibility to consider what is in the best interest of children. Indeed, the very legislation —

The PRESIDENT: Member, can I just interrupt you there? I have only just started listening to you again and I think you are taking a very broad brush. You are talking about matters that have already been resolved in an earlier piece of legislation. I know you are trying to link it to this, but as I said to you on another occasion, the bill in front of us is really dealing with five key issues. I have been listening in and out of your discussion tonight, and I think you are taking a very broad brush approach to this. You are talking about matters that were already agreed to in this Parliament some time ago. I ask that you really narrow your focus on those key matters highlighted in this bill in front of us that we are dealing with tonight, if you can.

Hon NICK GOIRAN: Thank you, Madam President, for your advice.

I note that it would be open to a member of this chamber to oppose the bill. Of course, there would be two options— to support the bill or to oppose the bill. A member may have a number of reasons that they might seek to oppose the bill. One reason a member may wish to oppose the bill is if they came to the conclusion that our existing system is broken. If our existing system is broken, why would we open up the category of individuals who can access a broken system? Why would we add pain to Western Australians by doing that?

I am one member who says that the existing system is broken. I have previously argued that members, irrespective of their view of the matters before the house, ought to oppose this bill because it is a bad bill. One of a range of reasons members should oppose the bill is that it is not in the best interests of children. As the shadow Minister for Child Protection, I put to members that it is appropriate for all of us to consider what is in the best interests of children. This bill does not just affect the so-called rights and desires of adults. If this bill goes ahead, more Western Australian children will be born as a result of this very regime that we are being asked to pass. That is the question before us. It is entirely appropriate that members give some consideration to the rights of the child. The very problem in these types of debates is that everybody is quite happy to talk about the rights of adults —

Hon Sue Ellery: Are you getting cross at the President?

Hon NICK GOIRAN: Honestly, Madam President. It really disappoints me when the Leader of the House feels the need to interject in such a manner.

The PRESIDENT: If you remember my comments at the start of today, we do not want to go down the path of encouraging any interjections. Back on track, please.

Hon NICK GOIRAN: Thank you, Madam President.

As I was saying before I was rudely interrupted by the Leader of the House, there are a number of reasons why members would want to oppose this bill. It is too often the case that the only voices we ever hear in this chamber are the Western Australian citizens who are calling for this legislation to change. What about the children who do not have a voice? What about the children we have previously had to apologise to because they were forcibly removed from their parents? In this instance every single child who will be born as a result of this regime will be forcibly removed from their birth mother. That is the case. That is a problem with the current system. The government is asking us to increase the number of people for whom that will happen. I am saying that that is not good enough. I am encouraging members to give proper and full consideration to the rights of the child.

This is something that has been identified far and wide, as I said earlier in my remarks, by the United Nations. It has identified that surrogacy as a demand system may endanger the rights of children. I have been contacted by a great

number of constituents about these particular matters. I will now take the opportunity to refer to some correspondence from constituents who have contacted me with their concerns about this bill. I suspect that other members have also received an immense amount of correspondence from constituents and the like. These Western Australian citizens have the right to have their voices heard in this debate. The first piece of correspondence from a constituent that I would like to refer to is from the Association for Reformed Political Action. Regrettably, I do not have a date for this correspondence, but members can safely assume that I have received this at some point during the course of this bill being before the house. It states —

> I am writing on behalf of the Association for Reformed Political Action (ARPA) to express our deep concern with the *Human Reproductive Technology And Surrogacy Legislation Amendment Bill 2018*, which will shortly be considered by the Legislative Council, and to ask you to vote against it.
>
> ARPA is a non-partisan organisation affiliated with the Free Reformed Churches of Australia, a Christian denomination of approximately 4000 members spread across 16 congregations, 14 of which are in Western Australia. ARPA was involved in the Health Department's review into WA's surrogacy laws and met with the reviewer, Professor Sonia Allan, in April this year.
>
> We would like to share with you a number of serious objections to the *Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018*:
>
> Firstly, this bill makes the natural rights and expectations of children subservient to the wishes of adults. We believe the rights of children should be paramount in this issue and that their perspective should be considered first. The Bible teaches that children are not a right to any person or couple but are a blessing from God, to be raised in a family of one man and one woman who have sworn a marriage oath of lifelong faithfulness to each other. It is true that for a variety of circumstances children do grow up in single-parent or other family arrangements, and these parents often do an incredible job raising their children. However, while it is one thing to make the best of an unfortunate situation, it is quite another to deliberately create situations which will knowingly deprive children of one of their biological parents. A child should have the reasonable expectation that he or she will grow up knowing both his or her father and mother. We note that Article 7.1 of the UN Convention on the Rights of the Child states that a child shall have "… as far as possible, the right to know and be cared for by his or her parents."

I pause there to note that this constituent, the Association for Reformed Political Action, seems to share my concern and objection, particularly the concern about the rights of children. It specifically quotes from article 7.1 of the UN Convention on the Rights of the Child. The letter from the association goes on to state —

> Secondly, surrogacy commodifies women, laying the groundwork for their reproductive potential and child-bearing capacity to become available for men to access even if they are not in a relationship with the woman. This legislation is a step in the direction of commercial surrogacy, an abhorrent practice. Furthermore, even if a woman agrees to altruistic surrogacy, it creates confusion in the mind of a child about who his or her mother is. We believe the state of Western Australia should be wary of repeating past mistakes where the separation of children from biological parents had devastating consequences for generations that followed.
>
> Thirdly, this bill should not be justified on the basis that it is acceptable because Australia has recently legalised same-sex marriage. Voting to allow same-sex couples to classify their relationship as marriage is a separate issue from voting to create children for these couples. We draw your attention to research which has shown that children growing up in families with same-sex couples experience higher levels of disadvantage. For instance, a comprehensive research project summarised in the July 2012 edition of the journal *Social Science Research* followed a representative sample of 3000 children from childhood to adulthood and found that children of homosexual couples did worse on 77 out of 80 outcome measures when compared to children in "intact biological families". These measures included being more likely to be on welfare, experiencing poorer educational outcomes, feeling less safe in their family, facing a higher likelihood of suffering depression and having more than six times as many sexual partners later in life when compared to children who grew up in intact biological families.
>
> Instead of expanding the availability of children via surrogacy and donor conception, we would urge the parliament to limit both practices, if not end them altogether. We contend that there is no widespread community demand for this change to the law.
>
> We realise that matters covered in this bill are sensitive and personal because the desire for a partner and children is one of the deepest human desires. However, we urge caution in this matter, particularly so that the reasonable rights and expectation of children over the long term are not overlooked to fulfil the desires of adults in the short term.

That was one of quite a number of letters from constituents that I have at my disposal dealing with this issue. Residents of Western Australia, who vote us into this place, have expressed various concerns about the bill and the current scheme in Western Australia. A number of Western Australians are concerned about the scheme in general and they do not want to see it continue to be increased.

I also received a letter from the organisation Them Before Us, which I now draw members' attention to. Them Before Us wrote to me on 26 January this year. On Australia Day, I received this correspondence from Them Before Us. Katy Faust is the founder and director of that organisation, which has the by-line "Giving children a voice in the debate over family structure." The organisation's correspondence from earlier this year states —

> Dear Honourable Sir,
>
> My name is Katy Faust. I am founder and director of the children's rights organization Them Before Us. I am writing on behalf of the most important party who will be impacted by the 2018 Amendments to the Human Reproductive Technology and Surrogacy Legislation—the children. I urge you to vote against.
>
> Rejecting these amendments means you will be upholding the commitment of Western Australia to stand for fundamental human rights, children's social-emotional stability, and a child's natural right to be known and loved by both biological parents whenever possible. You will be fulfilling the primary principles of the UN Convention on the Rights of the Child, which Australia ratified in 1990.
>
> This bill aims to satisfy the desires of those who want to become parents, yet it achieves that goal by violating children's fundamental rights. Justice is never served when the weak are forced to sacrifice for the strong.
>
> Here are three ways that this bill harms children:
>
> **1. Trauma:** Losing a parent is always traumatic for children, even at birth. Studies show that separation from the birth mother causes "major physiological stressor for the infant." In addition, even brief maternal deprivation can permanently alter the structure of the infant brain. While there are times when adoption is necessary, adoptees have long referred to a "primal wound" resulting from maternal separation which can hinder attachment, bonding, and psychological health.
>
> Minister R.H. Cook stated in September of 2018, "this bill recognizes that the best interests of children are served when they can grow up in an environment in which they are cared for, loved and supported." Yet if we examine the studies on the social and psychological effect of surrogacy, and listen to the stories of kids, it's clear that these amendments serve adult interests, not children's.
>
> One surrogate-born woman says:
>
> > *"When we have children in this world who already need homes, why are we intentionally creating children to go through adoption traumas? I am one of the lucky ones who were able to heal some of my pain when I found my birth mother. However, I still deal with the other adoption issues of what makes me different in my biological mom's eyes. How can she consider the children that she intended to have her children, and the children she had through surrogacy not equals."*
>
> A young man born of surrogacy writes:
>
> > *"I don't care why my parents or my mother did this. It looks to me like I was bought and sold. You can dress it up with as many pretty words as you want. You can wrap it up in a silk freaking scarf. You can pretend these are not your children. You can say it is a gift or you donated your egg to the [intended mother]. But the fact is that someone has contracted you to make a child, give up your parental rights and hand over your flesh and blood child. I dont care if you think I am not your child, what about what I think! Maybe I know I am your child. When you exchange something for money it is called a commodity. Babies are not commodities. Babies are human beings."*
>
> Here's what one woman unknowingly trafficked in a black market adoption ring at birth, had to say about surrogacy:
>
> > *"The willingness to *entirely* disregard the health and well-being of the child in [surrogacy] transactions is unconscionable. The events of my birth are now 65 years ago, but the effects of being sold are universal, because they derive from breaking the bonds formed during pregnancy between the mother, and her embryo, fetus, and ultimately, child... I'm not suggesting I remain a victim of these circumstances, but I also spent 25 years in therapy to undo the damage. It's been a lifetime's work."*

I pause to mention to members that this correspondence from Them Before Us identifies three ways in which the bill presently before the house harms children. The first is trauma. The letter goes on to discuss the second issue the organisation identified—losing a biological parent. The letter says —

> If these amendments pass, every child born as a result will be intentionally denied a relationship to a parent to whom they have a natural right. One major study found that nearly two-thirds of children conceived from sperm donors believed that "my sperm donor is half of who I am." Despite being "desperately wanted," these children often struggle with genealogical bewilderment.

Ellie writes of how she felt after discovering that she was donor-conceived:

> *"The nose I thought had come from my dad wasn't his. That round nose that I thought connected me to family was suddenly hideous. The shape of my fingers, so similar to my dad's, now looked alien and terrifying. There were several years in my mid twenties when I couldn't look at myself in a mirror without bursting into tears, so I avoided mirrors."*

Elizabeth writes:

> *The peculiar thing about donor conception is that on the one hand it privileges genetics: the fertile partner gets to be a real, biological parent. On the other hand, it says that genetics do not matter for the other half of the gametes, and that as long as a child is "wanted", he will have everything he needs. Unfortunately, that is not true. I do not have a relationship with my [social] father, and not just because of my mother's husband's criminality; I do not have a father because my mother, with the help of the medical establishment (and the law) deliberately deprived me of one.*

Bethany says:

> *But, being "wanted" can sometimes feel like a curse, like I was created to make you happy, my rights be damned. I'd be lying if I said I never felt commodified. My experience as a DCP (donor conceived person) has made me realize that, sometimes, the most ethical thing to do is to not satisfy a want. When I hear how much you wanted me, I cannot also help but think about how my dad did not want me. He knew the goal of his actions was to create a child he would have nothing to do with. Do you understand how that can hurt? That your want is cancelled out by his lack of it?*

The author, Katy Faust, from the organisation Them Before Us, in concluding this assessment on losing a biological parent, writes —

> Children have been conceived via sperm donation for several decades, so we don't have to speculate about the impact that third-party reproduction has had on their lives. Donor children struggle disproportionately with depression, delinquency, and substance abuse. Eighty percent of children conceived via sperm donation would like to know the identity of their donor. For some, finding their donor becomes a lifelong pursuit. Any process that intentionally severs a child's relationship to one or both parents is an injustice. This brand of injustice sets children up for a lifetime of loss and struggle.

I pause there to indicate to members that this organisation has identified and is articulating three ways that the bill harms children. The first was trauma, the second was losing a biological parent, and the third is titled "Intentional Motherlessness". The letter continues —

> These Amendments move to isolate children from both their genetic mother *and* their birth mother. Not due to tragedy, but because the intended parents believe that mothers are optional. As she grows, the child will likely be told that "gender doesn't matter in parenting" and "all kids need is love." Those sentiments are rebutted by the stories of children with same-sex parents, who longed for the dual-gender love that all children crave.
>
> Brandi is one such child. She shares:
>
> > *"I yearned for the affection that my friends received from their dads. As far as I was concerned, I already had one mother; I did not need another. My dream was that my mother would decide she wanted to be with men again, but obviously that dream did not come true. My grandfathers and uncles did the best they could when it came to spending time with me and doing all the daddy-daughter stuff, but it was not the same as having a full-time father, and I knew it. It always felt secondhand."*
>
> Samantha, raised by her father and his partner, shares about the moment she realized that she didn't have a mother:
>
> > *"At the end of Kindergarten, we had a free day at school. We got to watch a movie in the gym, The Land Before Time. It is a classic movie. But for me it was a traumatic experience. I watched, eyes glued, as Littlefoot lost his Mother. Littlefoot had a "Mother" and she died saving his life. Littlefoot spent the entire movie mourning the loss of his "Mother." It was in that moment, as a five year old girl, that I realized there was such a thing as a mother. It was also in that moment that I realized that I did not have one. I spent the rest of our free day at the gym crying into the arms of a teacher I would never see again for a mother that I never knew I never had."*
>
> Millie Fontana speaks about feeling guilty for wanting her missing father, even though she had two mothers:
>
> > *You would see every other child embracing who they are on Mother and Father's Day. They would be rejoicing and celebrating with their parents and their family members, and there I was*

> *sitting back wondering what is wrong with me and why don't I have that connection with my father. Was he such a bad person that that could not be facilitated for me? And that is damaging. And as time went on, and the lies went on, you know, 'You don't have a father'… and 'You have another mother', as though that statement was enough to conceal the emotions inside me and offer me stability. And the reality is it just wasn't enough. I suffered guilt, because who was I to reject this other parent? And, oh my gosh, if she is really what is supposed to fulfill me, how horrible must I be to reject that notion?*

Studies on same-sex headed homes validates these women's struggles. One such study, the National Health Interview Study, reviewed data on 512 same-sex headed homes and found that emotional problems were over twice as prevalent for children with same-sex parents than for children with opposite-sex parents. The National Longitudinal Survey on Child Health revealed that the longer a child has been with same-sex parents, the greater the harm. When comparing unmarried to (self-described) married same-sex parents, the study revealed that child depressive symptoms rose from 50% to 88%; daily fearfulness or crying rose from 5% to 32%; grade point average declined from 3.6 to 3.4; and child sex abuse by parent rose from zero to 38%.

Endorsing motherless homes normalizes the destruction of the biological parent-child relationship. Intentionally severing the bond with mother or father denies children the two adults who are *statistically* the most likely to be protective of, attached to, and invest in them, as well as the only adults can provide children with biological identity that they crave.

Adoption supports children's rights. Third-party reproduction violates child rights.

Should you or your colleagues have questions about how they can wholeheartedly support adoption while rejecting these amendments, you can read more about that here.

I should indicate that at this point there was a link in that letter, and if members are interested in that, I would be happy to provide it to them on another occasion, perhaps behind the Chair —

In summary:

- Adoption seeks to mend a wound, third-party reproduction/surrogacy creates the wound
- When adoption is done right, ever child will be placed with loving parents, but not every adult will get a child. Adoption requires adult to submit to intense screening and vetting. Fertility clinics seek to give a child to any adult regardless of mental/physical fitness. As the case of Newton and Truong tragically demonstrates.

I pause there to remind members of the case of Mark Newton and Peter Truong, which I identified in my remarks on another occasion. I also remind members that that case was highlighted by Associate Professor Sonia Allan in the report she provided to government.

The letter from Katy Faust concludes by referring in the summary to a third point —

- In adoption, the adult seek to support the child's needs and longings. In surrogacy, the children must support the adult's needs and longings.

Because of these critical differences, adopted children fare better when it comes to household stability, substance abuse, emotional problems and identity questions than donor-conceived children.

In summary, a just society cares for orphans, it doesn't create them.

Addressing exceptions.

That some children suffer the tragic loss of one or both parents during childhood doesn't justify *intentionally* denying children a relationship with their mother or father at conception. Just because some children are relinquished by their birth mother doesn't justify *intentionally* severing the mother–child bond upon birth. Children have a right to their mother and father. Third-party reproduction and surrogacy, especially when combined with same sex and single father homes, deliberately violate those rights.

This bill aims to broaden "access to altruistic surrogacy", in order to "reduce … travel overseas to create a family". The Legislative Council should note that those overseas surrogate markets being rapidly shut down as government after government witnesses the exploitive impact that surrogacy has on women and children.

This bill claims these "new legal procedures will take into consideration the best interests of the child and the need for clarity and stability in the family relationships", yet it does so by treating children as commodities to be cut and pasted into any household based on adult desires, their rights be damned.

We implore you to stand for those unable to, and vote *against* the 2018 Amendments to the Human Reproductive Technology and Surrogacy Legislation.

> As stated best by one donor conceived woman, "This is not a new way of creating families, it's a new way of ripping them apart."
>
> Sincerely,
>
> Katy Faust
> Founder & Director
> Them Before Us
> "Giving children a voice in the debate over family structure."

I wonder if any other member received a similar piece of correspondence. If they would like a copy of this letter, I will be happy to provide it to members. I just indicate that I thought that that was a very well researched piece of correspondence from Them Before Us, providing some reasons to us, as lawmakers in our state, about why we should be opposing the bill. I could not help but notice the emphasis that that organisation had on the rights of children and the types of individuals, as it described, who do not have a voice in this debate, unlike the adult proponents who have ample opportunity to demonstrate their views on this matter.

There is scientific evidence that maternal separation has an effect on babies. Let us be clear that the bill presently before Parliament is seeking for the arranging parents, the categories of individuals who will be the arranging parents, not to be female; it will be either a single man or two men. That is what this bill is seeking to do, despite scientific evidence that maternal separation has an effect on babies and is a major physiological stressor for the infant. I draw to members' attention one of those documents from Science Daily. This article from 2 October 2011 is entitled "Maternal separation stresses the baby, research finds". I simply do not have time to quote the entirety of this article, but I recommend it to members. I draw to members' attention a couple of extracts in the brief time that I have. The summary indicates that this is new research that provides new evidence that separating infants from their mothers is stressful to the baby. Admittedly, this is from 2011. We can debate amongst ourselves whether research from 2011 is still new research. Regardless of whether one wants to argue whether it is new or not, the point is that research provides evidence that separating infants from their mothers is stressful to the baby, which I add and underscore for members will be the case in each and every one of the surrogacy arrangements that will take place under the extended regime that the government has before us. Members may quite rightly ask: what is this research? The article, entitled "Should Neonates Sleep Alone?" is published in *Biological Psychiatry* and the journal reference is Morgan, Horn and Bergman. The one-paragraph summary on this matter is included in this Science Daily article to which I have referred. It says —

> Researchers measured heart rate variability in 2-day-old sleeping babies for one hour each during skin-to-skin contact with mother and alone in a cot next to mother's bed. Neonatal autonomic activity was 176% higher and quiet sleep 86% lower during maternal separation compared to skin-to-skin contact.

For members who are more interested in this research, I encourage them to look at the article that has been published in *Biological Psychiatry*. I regret that with the volume of material that I still need to get through, I simply do not have the time to go through that in greater detail, but I want members to give serious consideration to the scientific evidence that demonstrates that maternal separation has an effect on babies. Even if the separation or what they refer to as "maternal deprivation" is brief, it can permanently alter the structure of the infant's brain. In this respect, I note that Science Daily had an article from May 2018, entitled, "Even brief maternal deprivation early in life alters adult brain function and cognition: Rat study". It is a summary of a study from 3 May 2018, which is quite recent indeed. This summary document of that scientific research is dated 3 May 2018. The source is the Indiana University–Purdue University Indianapolis School of Science. A couple of useful quotes from this particular summary are —

> When a baby is taken from its mother for even a brief period early in life, —

I pause there to note that that would be the case in every single one of these surrogacy arrangements and that at the very least, they would be taken for a brief period early in life. This article goes on to say —

> this traumatic event significantly alters the future, adult function of the brain, according to a new animal model study from the School of Science at IUPUI. —

That is of course the acronym for the university that I referred to earlier —

> These changes in the brain are similar to disturbances in brain structure and function that are found in people at risk for neuropsychiatric disorders, such as schizophrenia.

The summary of this scientific research later concludes —

> "Children exposed to early-life stress or deprivation are at higher risk for mental illness and addictions later in life, including schizophrenia," said study co-author Brian F. O'Donnell, professor of psychological and brain sciences at IU Bloomington. "We have identified enduring changes in the brain and behavior that result from one type of stress in a rodent. These types of brain changes might mediate the effects of adverse events on children. Thus, policies or interventions that mitigate stress to children could reduce vulnerability to emotional disorders in adulthood."

Those members who want to explore that a little further should look at the journal reference. There are some complicated names here, but Janetsian-Fritz, Timme, McCane, Baucum, O'Donnell and Lapish are the authors of this research entitled "Maternal deprivation induces alterations in cognitive and cortical function in adulthood". That can be located in the *Translational Psychiatry* journal. As members can see, there is a range of concerns for a child who would be the outcome of these surrogacy arrangements. These concerns have occurred and been articulated across the globe.

I also received a letter from Catherine Lynch that I want to draw to members' attention. Dr Catherine Lynch, the president of Adoptee Rights Australia wrote to me on 19 January 2019, and has included quite extensive research on these matters. In particular she wrote to me regarding the bill before the house. I do not know whether other members received correspondence from Dr Catherine Lynch, but assuming that may not have been the case, I draw to members' attention what Dr Lynch had to say to me. I quote from her letter of 19 January this year —

> I'm writing to you in my in my capacity as President of *Adoptee Rights Australia (ARA Inc.)* on behalf of its members to bring to your attention the issue of neonatal rights and wellbeing that appears to be overlooked in WA surrogacy laws.
>
> This letter is divided into 5 parts:
>
> **1. Why removing babies from their gestational mothers for any reason other than child protection concerns or abandonment is wrong.**
>
> **2. Why removing babies from their gestational mothers for any reason other than child protection concerns or abandonment is cruel.**
>
> **3. Why removing babies from their gestational mothers for any reason other than child protection concerns or abandonment is a violation of the human rights of children under both domestic law principles and international law.**
>
> **4. Conclusion.**
>
> **5. Appendix: *Research proving maternal–neonatal separation is distressing for neonates.***
>
> …
>
> **1. Why removing babies from their gestational mothers for any reason other than child protection concerns or abandonment is wrong.**
>
> *ARA Inc.* members note the Second Reading Speech of Hon Roger Cook MLA, Minister for Health, who states:
>
> > 'This bill recognises that the best interests of children are served when they can grow up in an environment in which they are cared for, loved and supported. A growing body of sociological and psychological research shows that it is a supportive and loving environment, not sexual orientation or whether there are two parents or one, that is important for the development of happy and well-adjusted children.'
>
> With all due respect, the Hon Roger Cook has neglected to mention that the best interests of children are *also best served* when they are placed on their gestational mother after the ordeal of birth, allowed to attach and suckle at her breast, and receive all the warmth, reassurance and security of being with the only person in the world whom they already have a profound and *pre-existing* relationship with and love for: their gestational mother. Removing neonates from gestational mothers is an intrinsic part of all forms of surrogacy—including compensational surrogacy—and, indeed, surro-people are conceived for the purpose and intention of removing them to give to other parents. "Visits" between mother and baby after the baby has been removed to the commissioning parents' home does little to reassure a baby against the loss of their mother and is likely only to re-traumatise the infant who must re-experience this frightening loss—which evolutionary biology indicates is experienced by the baby as "life-threatening"—again and again.
>
> Unlike any other human relationship, the mother/baby relationship in utero is a unique embodied relationship and because of this embodied nature, it cannot be replicated by any other relationship. This unique relationship is also *the first relationship every human being has with a human adult*, bar none. It is a fact that the maternal–neonatal relationship is the foundational relationship of all other human relationships. Anca Gheaus, in her paper, *"The normative importance of pregnancy challenges surrogacy contracts,"* explains that the phenomenology of pregnancy establishes a pre-existing relationship and that this bonding happens "even if the pregnant woman knows she will not be permitted to keep the baby." Bonding during pregnancy provides a very solid reason why allocating babies to different social parents damages or destroys the already existing intimate relationship between mother and child. Gheaus concludes that pregnancy itself fosters this relationship and hence taking babies away from their gestational mother is morally wrong.

I pause there to note that the research referred to by Gheaus is from 2016. I will provide the citation for members in due course. Dr Catherine Lynch, the author of this letter that was written to me on 19 January this year, goes on to say —

> When they are born, babies show little interest in the nurses and other strangers in the room, and although they are usually extremely curious and delighted about the source of their father's voice which they recognise from being in-utero, have only one, biologically determined, dominating desire: to be with, *and remain with*, their mothers. This is obvious if you have ever observed a baby being taken from the arms of their mother for any significant length of time: the baby will eventually become agitated and begin to cry for her.

Debate adjourned, pursuant to standing orders.

POLICE — HATE CRIMES

Statement

HON ALISON XAMON (North Metropolitan) [9.45 pm]: I rise tonight because I want to speak to the issues raised by the government's response to a question I asked in Parliament last week about the prevalence of hate crime in this state. I am concerned that the minister's response to my question demonstrated that the government does not have a very good grasp on what hate crime is, or even on its prevalence in this state. The minister advised that the Western Australia Police Force collects data only on racist harassment and incitement to racial hatred. Clearly, that is not enough. It is too narrow a definition and I have grave concerns about that. Although I acknowledge that Western Australia is the only state to have a sentencing-based approach to racist hate crime, we need to remember that hate crime encompasses more than race. Hate crimes can of course be motivated by prejudice based on a person's race but also on the basis of religion, sexual orientation or gender identity or, potentially, disability. Hate crimes are also known as bias crime due to the nature of the motivations for these crimes.

Failing to collect this data is quite problematic. If we do not know the nature and scale of the problem, it makes it very difficult to figure out what sort of action we need to undertake to address it. I know that one of the key criticisms following the Christchurch massacre has been the New Zealand government's failure to keep a comprehensive record of hate crimes despite multiple requests from local and international agencies to do so in more than a decade. I will say that here in Western Australia we also are not paying enough attention to hate crimes within our community, noting that the United Kingdom and the United States have a far more comprehensive approach to collecting that data. In particular, the UK already has hate crime laws. It also couples these laws with public education, data recording, analysis and community engagement.

I note also that since Donald Trump has been the President of the United States, both UK and US data indicate that the rate of hate crimes has skyrocketed, so it is important to keep this data so that we can note when certain trends are occurring. In WA and Australia more broadly, we do not have any idea whether there has been any sort of spike in the rate of hate crimes because we do not have that reliable data. Not having clear definitions or a comprehensive strategy also means that police are less likely to be able to consistently identify when hate crimes have occurred. This is a problem also.

Although the Christchurch massacre is a tragic and devastating reminder, hate crime, of course, is not new and we need to remember that it does not relate to only religious affiliation. We know that the lesbian, gay, bisexual, transgender, intersex community has long been subject to hate crimes. We heard some harrowing accounts of this last year during the debate on the Historical Homosexual Convictions Expungement Bill. Some of the older men I spoke to had lived in New South Wales during the 1970s and 1980s. They referred to a culture of gay bashings and murders that occurred all too frequently at that time. I note that last year the New South Wales Parliament initiated an inquiry into gay and transgender hate crimes between 1970 and 2010. The inquiry was established in response to a report that documented gay and transgender prejudice killings that occurred during that time frame. As members would expect, the report's detailed accounts and findings are harrowing reading. The authors reinforced that hate-related crime continues to have a disproportionate impact on LGBTIQ people and that members of the community still under-report the number of assaults that occur against them. A collective minority stress is a part of the legacy of these crimes.

The report's recommendations include the importance of understanding and minimising bias in response to LGBTIQ hate crimes, including resourcing for measures that detect prejudice in crimes; and the need to secure ongoing efforts in violence prevention, including collaborative evidence-based prevention programs and innovative intelligence gathering between the LGBTIQ community and the police.

Sadly, it remains widely acknowledged that many LGBTIQ people are still subject to hate crimes and remain fearful of reporting these crimes to the police for fear of further prosecution. They have good reason because it seems that a legacy of this prejudice still operates within the police force. I think that is demonstrated by a lack of recognition of the need to remove the many barriers that LGBTIQ people experience when seeking help from the police. That is precisely why programs such as the gay and lesbian liaison officers program are very important.

I was very disappointed by the answer today from the Minister for Police to my question without notice 337 in which I asked whether there was any suggestion that we would introduce the gay and lesbian liaison officer program—known as GLLO—in Western Australia, as has been done in other states. The response I got was that there was no interest in looking at this at all. I think that is a problem. We need to look at implementing that sort of strategy, as has been done in other states. That is part of how we can make sure that we are creating a culture of eliminating hate crime and identifying when hate crimes occur against the LGBTIQ community. In the current environment, the LGBTIQ community has a very real concern that the Western Australia Police Force's lack of rapport with and service provision to them could make them more vulnerable at a time when they feel at an increased risk of far-right terrorism and hate crime attacks.

We clearly need to do more in Western Australia to stem the tide of hate crime in our community. We need to start with a comprehensive and mutually agreed definition and we have to extend it beyond race. We need to put data collection systems in place, which we do not have now. We need clear pathways to ensure that this information is used to inform intelligence and program responses in a similar way that suspected elder abuse is identified. We need to work alongside those communities that are most vulnerable to hate crimes. It is important to recognise that specific programs are required to encourage these communities to report crime and seek help. We live in very difficult times—times in which violent extremism is playing more of a role. That means we have an obligation, particularly in this place, to ensure that vulnerable members of our community are getting our protection. I am concerned that we do not even know the half of what is going on at the moment.

AUSTRALIAN JEWISH COMMUNITY

Statement

HON PIERRE YANG (South Metropolitan) [9.53 pm]: I was born in Harbin, where I spent the first 15 years of my life. Harbin used to have the largest Jewish community in the Far East. After the Russian Revolution in 1917, many Jewish people fled Russia to Harbin. It was estimated that at the peak, 20 000 Jewish people lived in Harbin in the first half of the twentieth century. Among them were the parents of Ehud Olmert, the Prime Minister of Israel between 2006 and 2009.

Since coming to Australia, some of my very good friends have been Jewish Australians. I was appalled to hear the news on my way home on Thursday last week that federal Treasurer Josh Frydenberg's campaign posters had been vandalised with references to Hitler and fascism. According to the ABC news, one poster had a Hitler moustache and the devil's horns drawn on it. Another one had "right-wing facist", meaning "fascist", written on it. Mr Frydenberg issued a statement saying —

> It's one thing for these cowards to graffiti a sign, but it's another thing altogether to invoke the horrors of the Holocaust and the evils of Hitler and the Nazis.

Mr Frydenberg's mother was Jewish. She escaped the Holocaust and arrived in Australia from Hungary in 1950. Mr Frydenberg's Jewish heritage is well known, and there is clearly a racist undertone when references to Hitler and the Nazis are made against a person of Jewish heritage. I agree that they should be ashamed of themselves for this cowardly act. I will always stand with the Australian Jewish community and, indeed, all decent Australians in the fight against racism.

House adjourned at 9.56 pm

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QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

SELECT COMMITTEE INTO ELDER ABUSE — REPORT — GOVERNMENT RESPONSE

1852. Hon Alison Xamon to the Leader of the House representing the Attorney General; Minister for Commerce:

I refer to recommendation 25 in the Government Response to I *never thought it would happen to me: when trust is broken*, Final report of the Select Committee into Elder Abuse, and I ask:

(a) has a preferred option been identified for harmonising enduring power of attorneys;

(b) if no to (a) what stage is the process of identifying options up to;

(c) what is Western Australia's involvement in this process; and

(d) when is it expected that the national register will be in place?

Hon Sue Ellery replied:

(a) No.

(b) The Australian Guardianship and Administrators Council (AGAC) has finalised an options paper which was submitted to the Commonwealth Attorney-General's Department in late December 2018. The paper identifies three options for possible harmonisation of laws and policies. The options paper is being considered by a Council of Attorneys General (CAG) Enduring Power of Attorney Working Group.

(c) Western Australia has two representatives on the CAG Enduring Power of Attorney Working Group and two representatives on the overarching CAG Implementation Executive Group.

(d) Not known. The Australian Government has made $2 million available to support on-going discussions on law reform and development of a proof-of-concept for a national online register of financial Enduring Powers of Attorney.

SELECT COMMITTEE INTO ELDER ABUSE — REPORT — GOVERNMENT RESPONSE

1853. Hon Alison Xamon to the Leader of the House representing the Attorney General; Minister for Commerce:

I refer to recommendation 8 in the Government Response to I *never thought it would happen to me: when trust is broken*, Final report of the Select Committee into Elder Abuse, and I ask, when will the evaluation of the Older Persons Peer Education Scheme be finalised?

Hon Sue Ellery replied:

The evaluation report for the Older People's Peer Education Scheme (OPPES), a joint project of Northern Suburbs CLC and SCALES was completed in December 2018.

[See tabled paper no 2583.]

SELECT COMMITTEE INTO ELDER ABUSE — REPORT — GOVERNMENT RESPONSE

1855. Hon Alison Xamon to the Leader of the House representing the Attorney General; Minister for Commerce:

I refer to recommendation 14 in the Government Response to I *never thought it would happen to me: when trust is broken*, Final report of the Select Committee into Elder Abuse, and I ask:

(a) has the State Administrative Tribunal now determined whether there is a business case to survey older clients in line with this recommendation;

(b) if yes to (a), what was determined; and

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

Hon Sue Ellery replied:

(a) At the moment the State Administrative Tribunal considers that there is no evidence from its feedback system to support a survey of older clients of the State Administrative Tribunal. Should the feedback system, which is constantly monitored, subsequently reflect a need for a survey of older clients the State Administrative Tribunal will undertake a survey with the support of the Department of Justice.

(b)–(c) Not applicable.

SELECT COMMITTEE INTO ELDER ABUSE — REPORT — GOVERNMENT RESPONSE

1856. Hon Alison Xamon to the Leader of the House representing the Attorney General; Minister for Commerce:

I refer to recommendation 16 in the Government Response to I *never thought it would happen to me: when trust is broken*, Final report of the Select Committee into Elder Abuse, and I ask:

(a) has work begun on undertaking further research and analysis in relation to this recommendation;

(b) if yes to (a), when will the findings be available; and

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

Hon Sue Ellery replied:

(a) Yes.

(b) A timeframe for completion of the work and release of the findings has not been determined.

(c) Not applicable.

LEGAL AFFAIRS — FINE DEBTS

1861. Hon Martin Aldridge to the Leader of the House representing the Attorney General:

I refer to a tweet by Ms Debbie Kilroy OAM, CEO of Sisters Inside on 11 January 2019, claiming that her organisation was unable to repay a fine debt of a young aboriginal mother due to the State Government having sold that debt to a private debt collection corporation, and I ask:

(a) does the Western Australian Government sell fine debts to private organisations;

(b) if yes to (a), which organisations does the Government sell fine debts to;

(c) why would someone not be able to repay a fine debt if it was sold to a private organisation; and

(d) have you contacted Ms Kilroy to discuss and resolve this matter?

Hon Sue Ellery replied:

(a) No, the Western Australian Government does not sell fine debts to the private sector.

The Department of Justice has a contract with Baycorp (WA) Pty Ltd for the provision of fine enforcement services to assist the Sheriff of Western Australia in collecting unpaid fines for which enforcement warrants have been issued. The debts remain with the State at all times and any fine payments collected by the company are forwarded to the Department in their entirety. The company is paid on a fee for service basis.

(b) Not applicable.

(c) There is no reason why someone wouldn't be able to pay in full a fine debt that is being managed by Baycorp. However, if a fine debtor wishes to enter into a time-to-pay arrangement with Baycorp there are minimum payment requirements depending upon the outstanding debt amount.

(d) The matter that Ms Kilroy referred to was resolved by the Fines Enforcement Registry and Baycorp at the time Ms Kilroy raised it.

DEPARTMENT OF MINES, INDUSTRY REGULATION AND SAFETY — "MANAGEMENT OF CROWN LAND SITE CONTAMINATION" REPORT

1897. Hon Robin Chapple to the minister representing the Minister for Mines and Petroleum:

I refer to the Western Australian Auditor General's Report 13 of June 2018: *Management of Crown Land Site Contamination*, and ask:

(a) why was the Department of Mines, Industry Regulation and Safety not part of the audit;

(b) is an audit of the Department of Mines, Industry Regulation and Safety regarding contaminated land planned for the future;

(c) if yes to (b), when will:

(i) the audit occur; and

(ii) a public report be made available;

(d) will the Minister please provide a list of all State agencies that own or manage land that is contaminated, including:

(i) the location of the site;

(ii) the contaminate or substance; and

(iii) the dates in which it was reported to be potentially contaminated, investigated and remediated; and

(e) to date, how many sites remain to be inspected?

Hon Alannah MacTiernan replied:

(a)–(b) This question should be directed to the Auditor General.

(c) Not Applicable.

(d)–(e) This Question should be referred to the Minister for Environment.

MINISTER FOR REGIONAL DEVELOPMENT — AGRICULTURAL REGION VISIT

1898. Hon Martin Aldridge to the Minister for Regional Development; Agriculture and Food; Ports; Minister Assisting the Minister for State Development, Jobs and Trade:

I refer to the Minister's visit to the Agricultural Region on 22 February 2019, and I ask:

(a) please provide an unredacted copy of the Ministers itinerary and travel arrangements for 22 February 2019;

(b) please provide all briefing notes and advice provided to the Minister in relation to meetings, functions and other commitments undertaken by the Minister on 22 February 2019;

(c) who accompanied the Minister during the visit and at each meeting, function or other commitments undertaken the Minister on 22 February 2019; and

(d) on what date, at what time and by what means were the following local members of Parliament notified of the Minister's visit:

(i) Mr Peter Rundle MLA;

(ii) Hon Martin Aldridge MLC;

(iii) Hon Colin de Grussa MLC;

(iv) Hon Laurie Graham MLC;

(v) Hon Jim Chown MLC;

(vi) Hon Rick Mazza MLC; and

(vii) Hon Darren West MLC?

Hon Alannah MacTiernan replied:

Refer to answer to question on notice 1920.

SCHOOLS — MAINTENANCE FUNDING

1905. Hon Donna Faragher to the Minister for Education and Training:

I refer to Building Condition Assessment (BCA) reports undertaken by the Department of Education for Western Australian public schools, and I ask:

(a) for the financial years 2015–16, 2016–17, 2017–18 and 2018–19, what was the total amount of funding made available for maintenance at each of the following schools:

(i) Armadale Senior High School;

(ii) Cecil Andrews College;

(iii) Challis Community Primary School;

(iv) Grovelands Primary School;

(v) Gwynne Park Primary School;

(vi) Kelmscott Primary School;

(vii) Kelmscott Senior High School;

(viii) Kingsley Primary School;

(ix) Neerigen Brook Primary School;

(x) Westfield Park Primary School; and

(xi) Willandra Primary School;

(b) for each of the schools listed in (a)(i)–(xi), what maintenance items identified in the 2013 BCA report are yet to be completed;

(c) for each of the schools listed in (a)(i)–(xi), what new maintenance items have been identified in the 2018 BCA report; and

(d) what amount of funding has been made available to each of these schools to rectify any new maintenance items that have been identified in the latest BCA report?

Hon Sue Ellery replied:

(a) [See tabled paper no 2585.]

(b)–(c) The Building Condition Assessment (BCA) process provides a strategic overview of building maintenance needs. There is significant work required to answer the questions as presented. There is five years' worth of data that would need to be assessed. In addition, the Department of Education has used a different methodology and, in some cases, has changed the location descriptor for the most recent survey. This means current and previous BCA reports cannot be compared. Due to the amount of work required to provide this information I am not prepared to devote further resources to provide this amount of detail.

(d) Funding is managed centrally and is allocated to address needs in schools as they arise. The BCA report identifies all visible maintenance at each school from high priority to low priority works. The Department of Education is currently addressing a program of work to rectify the highest priority defects.

SCHOOLS — MAINTENANCE FUNDING

1906. Hon Donna Faragher to the Minister for Education and Training:

I refer to Building Condition Assessment (BCA) reports undertaken by the Department of Education for Western Australian public schools, and I ask:

(a) for the financial years 2015–16, 2016–17, 2017–18 and 2018–19, what was the total amount of funding made available for maintenance at each of the following schools:

(i) Anzac Terrace Primary School;

(ii) Ashfield Primary School;

(iii) Bassendean Primary School;

(iv) Beechboro Primary School;

(v) Cyril Jackson Senior Campus;

(vi) East Beechboro Primary School;

(vii) Eden Hill Primary School;

(viii) Hampton Senior High School;

(ix) Kiara College;

(x) Lockridge Primary School; and

(xi) West Beechboro Primary School;

(b) for each of the schools listed in (a)(i)–(xi), what maintenance items identified in the 2013 BCA report are yet to be completed;

(c) for each of the schools listed in (a)(i)–(xi), what new maintenance items have been identified in the 2018 BCA report; and

(d) what amount of funding has been made available to each of these schools to rectify any new maintenance items that have been identified in the latest BCA report?

Hon Sue Ellery replied:

(a) [See tabled paper no 2586.]

(b)–(c) The Building Condition Assessment (BCA) process provides a strategic overview of building maintenance needs. There is significant work required to answer the questions as presented. There is five years' worth of data that would need to be assessed. In addition, the Department of Education has used a different methodology and, in some cases, has changed the location descriptor for the most recent survey. This means current and previous BCA reports cannot be compared. Due to the amount of work required to provide this information I am not prepared to devote further resources to provide this amount of detail.

(d) Funding is managed centrally and is allocated to address needs in schools as they arise. The BCA report identifies all visible maintenance at each school from high priority to low priority works. The Department of Education is currently addressing a program of work to rectify the highest priority defects.

SCHOOLS — MAINTENANCE FUNDING

1907. Hon Donna Faragher to the Minister for Education and Training:

I refer to Building Condition Assessment (BCA) reports undertaken by the Department of Education for Western Australian public schools, and I ask:

(a) for the financial years 2015–16; 2016–17, 2017–18, and 2018–19 what was the total amount of funding made available for maintenance at each of the following schools:

(i) Belmay Primary School;

(ii) Belmont City College;

(iii) Belmont Primary School;

(iv) Carlisle Primary School;

(v) Cloverdale Primary School;

(vi) Kewdale Primary School;

(vii) Redcliffe Primary School; and

(viii) Rivervale Primary School;

(b) for each of the schools listed in (a)(i)–(viii), what maintenance items identified in the 2013 BCA report are yet to be completed;

(c) for each of the schools listed in (a)(i)–(viii), what new maintenance items have been identified in the 2018 BCA report; and

(d) what amount of funding has been made available to each of these schools to rectify any new maintenance items that have been identified in the latest BCA report?

Hon Sue Ellery replied:

(a) [See tabled paper no 2587.]

(b)–(c) The Building Condition Assessment (BCA) process provides a strategic overview of building maintenance needs. There is significant work required to answer the questions as presented. There is five years' worth of data that would need to be assessed. In addition, the Department of Education has used a different methodology and, in some cases, has changed the location descriptor for the most recent survey. This means current and previous BCA reports cannot be compared. Due to the amount of work required to provide this information I am not prepared to devote further resources to provide this amount of detail.

(d) Funding is managed centrally and is allocated to address needs in schools as they arise. The BCA report identifies all visible maintenance at each school from high priority to low priority works. The Department of Education is currently addressing a program of work to rectify the highest priority defects.

SCHOOLS — MAINTENANCE FUNDING

1908. Hon Donna Faragher to the Minister for Education and Training:

I refer to Building Condition Assessment (BCA) reports undertaken by the Department of Education for Western Australian public schools, and I ask:

(a) for the financial years 2015–16, 2016–17, 2017–18 and 2018–19, what was the total amount of funding made available for maintenance at each of the following schools:

(i) Armadale Primary School;

(ii) Byford Primary School;

(iii) Byford Secondary College;

(iv) Clifton Hills Primary School;

(v) Jarrahdale Primary School;

(vi) Marri Grove Primary School;

(vii) Mundijong Primary School;

(viii) Pickering Brook Primary School;

(ix) Roleystone Community College;

(x) Serpentine Primary School;

(xi) West Byford Primary School; and

(xii) Woodland Grove Primary School;

(b) for each of the schools listed in (a)(i)–(xii), what maintenance items identified in the 2013 BCA report are yet to be completed;

(c) for each of the schools listed in (a)(i)–(xii), what new maintenance items have been identified in the 2018 BCA report; and

(d) what amount of funding has been made available to each of these schools to rectify any new maintenance items that have been identified in the latest BCA report?

Hon Sue Ellery replied:

(a) [See tabled paper no 2588.]

(b)–(c) The Building Condition Assessment (BCA) process provides a strategic overview of building maintenance needs. There is significant work required to answer the questions as presented. There is five years' worth of data that would need to be assessed. In addition, the Department of Education has used a different methodology and, in some cases, has changed the location descriptor for the most recent survey. This means current and previous BCA reports cannot be compared. Due to the amount of work required to provide this information I am not prepared to devote further resources to provide this amount of detail.

(d) Funding is managed centrally and is allocated to address needs in schools as they arise. The BCA report identifies all visible maintenance at each school from high priority to low priority works. The Department of Education is currently addressing a program of work to rectify the highest priority defects.

SCHOOLS — MAINTENANCE FUNDING

1909. Hon Donna Faragher to the Minister for Education and Training:

I refer to Building Condition Assessment (BCA) reports undertaken by the Department of Education for Western Australian public schools, and I ask:

(a) for the financial years 2015–16, 2016–17, 2017–18 and 2018–19, what was the total amount of funding made available for maintenance at each of the following schools:

(i) Darling Range Sports College;

(ii) Dawson Park Primary School;

(iii) East Kenwick Primary School;

(iv) Edney Primary School;

(v) Forrestfield Primary School;

(vi) High Wycombe Primary School;

(vii) Kenwick School;

(viii) Maida Vale Primary School;

(ix) Orange Grove Primary School;

(x) Wattle Grove Primary School; and

(xi) Woodlupine Primary School;

(b) for each of the schools listed in (a)(i)–(xi), what maintenance items identified in the 2013 BCA report are yet to be completed;

(c) for each of the schools listed in (a)(i)–(xi), what new maintenance items have been identified in the 2018 BCA report; and

(d) what amount of funding has been made available to each of these schools to rectify any new maintenance items that have been identified in the latest BCA report?

Hon Sue Ellery replied:

(a) [See tabled paper no 2589.]

(b)–(c) The Building Condition Assessment (BCA) process provides a strategic overview of building maintenance needs. There is significant work required to answer the questions as presented. There is five years' worth of data that would need to be assessed. In addition, the Department of Education has used a different methodology and, in some cases, has changed the location descriptor for the most recent survey. This means current and previous BCA reports cannot be compared. Due to the amount of work required to provide this information I am not prepared to devote further resources to provide this amount of detail.

(d) Funding is managed centrally and is allocated to address needs in schools as they arise. The BCA report identifies all visible maintenance at each school from high priority to low priority works. The Department of Education is currently addressing a program of work to rectify the highest priority defects.

SCHOOLS — MAINTENANCE FUNDING

1910. Hon Donna Faragher to the Minister for Education and Training:

I refer to Building Condition Assessment (BCA) reports undertaken by the Department of Education for Western Australian public schools, and I ask:

(a) for the financial years 2015–16, 2016–17, 2017–18 and 2018–19, what was the total amount of funding made available for maintenance at each of the following schools:

(i) Darlington Primary School;

(ii) Falls Road Primary School;

(iii) Glen Forrest Primary School;

(iv) Gooseberry Hill Primary School;

(v) Kalamunda Primary School;

(vi) Kalamunda Senior High School;

(vii) Lesmurdie Primary School;

(viii) Lesmurdie Senior High School;

(ix) Mundaring Primary School;

(x) Parkerville Primary School; and

(xi) Walliston Primary School;

(b) for each of the schools listed in (a)(i)–(xi), what maintenance items identified in the 2013 BCA report are yet to be completed;

(c) for each of the schools listed in (a)(i)–(xi), what new maintenance items have been identified in the 2018 BCA report; and

(d) what amount of funding has been made available to each of these schools to rectify any new maintenance items that have been identified in the latest BCA report?

Hon Sue Ellery replied:

(a) [See tabled paper no 2590.]

(b)–(c) The Building Condition Assessment (BCA) process provides a strategic overview of building maintenance needs. There is significant work required to answer the questions as presented. There is five years' worth of data that would need to be assessed. In addition, the Department of Education has used a different methodology and, in some cases, has changed the location descriptor for the most recent survey. This means current and previous BCA reports cannot be compared. Due to the amount of work required to provide this information I am not prepared to devote further resources to provide this amount of detail.

(d) Funding is managed centrally and is allocated to address needs in schools as they arise. The BCA report identifies all visible maintenance at each school from high priority to low priority works. The Department of Education is currently addressing a program of work to rectify the highest priority defects.

SCHOOLS — MAINTENANCE FUNDING

1911. Hon Donna Faragher to the Minister for Education and Training:

I refer to Building Condition Assessment (BCA) reports undertaken by the Department of Education for Western Australian public schools, and I ask:

(a) for the financial years 2015–16, 2016–17, 2017–18 and 2018–19, what was the total amount of funding made available for maintenance at each of the following schools:

(i) Bayswater Primary School;

(ii) Durham Road School;

(iii) Embleton Primary School;

(iv) Hillcrest Primary School;

(v) Inglewood Primary School;

(vi) John Forrest Secondary College; and

(vii) Maylands Peninsula Primary School;

(b) for each of the schools listed in (a)(i)–(vii), what maintenance items identified in the 2013 BCA report are yet to be completed;

(c) for each of the schools listed in (a)(i)–(vii), what new maintenance items have been identified in the 2018 BCA report; and

(d) what amount of funding has been made available to each of these schools to rectify any new maintenance items that have been identified in the latest BCA report?

Hon Sue Ellery replied:

(a) [See tabled paper no 2591.]

(b)–(c) The Building Condition Assessment (BCA) process provides a strategic overview of building maintenance needs. There is significant work required to answer the questions as presented. There is five years' worth of data that would need to be assessed. In addition, the Department of Education has used a different

methodology and, in some cases, has changed the location descriptor for the most recent survey. This means current and previous BCA reports cannot be compared. Due to the amount of work required to provide this information I am not prepared to devote further resources to provide this amount of detail.

(d) Funding is managed centrally and is allocated to address needs in schools as they arise. The BCA report identifies all visible maintenance at each school from high priority to low priority works. The Department of Education is currently addressing a program of work to rectify the highest priority defects.

SCHOOLS — MAINTENANCE FUNDING

1912. Hon Donna Faragher to the Minister for Education and Training:

I refer to Building Condition Assessment (BCA) reports undertaken by the Department of Education for Western Australian public schools, and I ask:

(a) for the financial years 2015–16, 2016–17, 2017–18 and 2018–19, what was the total amount of funding made available for maintenance at each of the following schools:

(i) Clayton View Primary School;

(ii) Governor Stirling Senior High School;

(iii) Greenmount Primary School;

(iv) Guildford Primary School;

(v) Helena Valley Primary School;

(vi) Middle Swan Primary School;

(vii) Midvale Primary School;

(viii) Moorditj Noongar Community College;

(ix) Swan View Primary School;

(x) Swan View Senior High School; and

(xi) Woodbridge Primary School;

(b) for each of the schools listed in (a)(i)–(xi), what maintenance items identified in the 2013 BCA report are yet to be completed;

(c) for each of the schools listed in (a)(i)–(xi), what new maintenance items have been identified in the 2018 BCA report; and

(d) what amount of funding has been made available to each of these schools to rectify any new maintenance items that have been identified in the latest BCA report?

Hon Sue Ellery replied:

(a) [See tabled paper no 2592.]

(b)–(c) The Building Condition Assessment (BCA) process provides a strategic overview of building maintenance needs. There is significant work required to answer the questions as presented. There is five years' worth of data that would need to be assessed. In addition, the Department of Education has used a different methodology and, in some cases, has changed the location descriptor for the most recent survey. This means current and previous BCA reports cannot be compared. Due to the amount of work required to provide this information I am not prepared to devote further resources to provide this amount of detail.

(d) Funding is managed centrally and is allocated to address needs in schools as they arise. The BCA report identifies all visible maintenance at each school from high priority to low priority works. The Department of Education is currently addressing a program of work to rectify the highest priority defects.

SCHOOLS — MAINTENANCE FUNDING

1913. Hon Donna Faragher to the Minister for Education and Training:

I refer to Building Condition Assessment (BCA) reports undertaken by the Department of Education for Western Australian public schools, and I ask:

(a) for the financial years 2015–16, 2016–17, 2017–18 and 2018–19, what was the total amount of funding made available for maintenance at each of the following schools:

(i) Alinjarra Primary School;

(ii) Balga Primary School;

(iii) Balga Senior High School;

(iv) Boyare Primary School;

(v) Burbridge School;

(vi) Dryandra Primary School;

(vii) Gladys Newton School;

(viii) Illawarra Primary School;

(ix) Koondoola Primary School;

(x) North Balga Primary School;

(xi) Waddington Primary School;

(xii) Warriapendi Primary School;

(xiii) Westminster Junior Primary School; and

(xiv) Westminster Primary School;

(b) for each of the schools listed in (a)(i)–(xiv), what maintenance items identified in the 2013 BCA report are yet to be completed;

(c) for each of the schools listed in (a)(i)–(xiv), what new maintenance items have been identified in the 2018 BCA report; and

(d) what amount of funding has been made available to each of these schools to rectify any new maintenance items that have been identified in the latest BCA report?

Hon Sue Ellery replied:

(a) [See tabled paper no 2593.]

(b)–(c) The Building Condition Assessment (BCA) process provides a strategic overview of building maintenance needs. There is significant work required to answer the questions as presented. There is five years' worth of data that would need to be assessed. In addition, the Department of Education has used a different methodology and, in some cases, has changed the location descriptor for the most recent survey. This means current and previous BCA reports cannot be compared. Due to the amount of work required to provide this information I am not prepared to devote further resources to provide this amount of detail.

(d) Funding is managed centrally and is allocated to address needs in schools as they arise. The BCA report identifies all visible maintenance at each school from high priority to low priority works. The Department of Education is currently addressing a program of work to rectify the highest priority defects.

SCHOOLS — MAINTENANCE FUNDING

1914. Hon Donna Faragher to the Minister for Education and Training:

I refer to Building Condition Assessment (BCA) reports undertaken by the Department of Education for Western Australian public schools, and I ask:

(a) for the financial years 2015–16, 2016–17, 2017–18 and 2018–19, what was the total amount of funding made available for maintenance at each of the following schools:

(i) Camboon Primary School;

(ii) Dianella Heights Primary School;

(iii) Dianella Primary College;

(iv) Dianella Secondary College;

(v) Hampton Park Primary School;

(vi) Morley Primary School;

(vii) Morley Senior High School;

(viii) Nollamara Primary School;

(ix) Noranda Primary School;

(x) North Morley Primary School; and

(xi) Weld Square Primary School;

(b) for each of the schools listed in (a)(i)–(xi), what maintenance items identified in the 2013 BCA report are yet to be completed;

(c) for each of the schools listed in (a)(i)–(xi), what new maintenance items have been identified in the 2018 BCA report; and

(d) what amount of funding has been made available to each of these schools to rectify any new maintenance items that have been identified in the latest BCA report?

Hon Sue Ellery replied:

(a) [See tabled paper no 2594.]

(b)–(c) The Building Condition Assessment (BCA) process provides a strategic overview of building maintenance needs. There is significant work required to answer the questions as presented. There is five years' worth of data that would need to be assessed. In addition, the Department of Education has used a different methodology and, in some cases, has changed the location descriptor for the most recent survey. This means current and previous BCA reports cannot be compared. Due to the amount of work required to provide this information I am not prepared to devote further resources to provide this amount of detail.

(d) Funding is managed centrally and is allocated to address needs in schools as they arise. The BCA report identifies all visible maintenance at each school from high priority to low priority works. The Department of Education is currently addressing a program of work to rectify the highest priority defects.

SCHOOLS — MAINTENANCE FUNDING

1915. Hon Donna Faragher to the Minister for Education and Training:

I refer to Building Condition Assessment (BCA) reports undertaken by the Department of Education for Western Australian public schools, and I ask:

(a) for the financial years 2015–16, 2016–17, 2017–18 and 2018–19, what was the total amount of funding made available for maintenance at each of the following school:

(i) Coolbinia Primary School;

(ii) Mount Lawley Primary School;

(iii) Mount Lawley Senior High School;

(iv) Sir David Brand School;

(v) Sutherland Dianella Primary School;

(vi) West Morley Primary School; and

(vii) Yokine Primary School;

(b) for each of the schools listed in (a)(i)–(vii), what maintenance items identified in the 2013 BCA report are yet to be completed;

(c) for each of the schools listed in (a)(i)–(vii), what new maintenance items have been identified in the 2018 BCA report; and

(d) what amount of funding has been made available to each of these schools to rectify any new maintenance items that have been identified in the latest BCA report?

Hon Sue Ellery replied:

(a) [See tabled paper no 2595.]

(b)–(c) The Building Condition Assessment (BCA) process provides a strategic overview of building maintenance needs. There is significant work required to answer the questions as presented. There is five years' worth of data that would need to be assessed. In addition, the Department of Education has used a different methodology and, in some cases, has changed the location descriptor for the most recent survey. This means current and previous BCA reports cannot be compared. Due to the amount of work required to provide this information I am not prepared to devote further resources to provide this amount of detail.

(d) Funding is managed centrally and is allocated to address needs in schools as they arise. The BCA report identifies all visible maintenance at each school from high priority to low priority works. The Department of Education is currently addressing a program of work to rectify the highest priority defects.

SCHOOLS — MAINTENANCE FUNDING

1916. Hon Donna Faragher to the Minister for Education and Training:

I refer to Building Condition Assessment (BCA) reports undertaken by the Department of Education for Western Australian public schools, and I ask:

(a) for the financial years 2015–16, 2016–17, 2017–18 and 2018–19, what was the total amount of funding made available for maintenance at each of the following schools:

(i) Anne Hamersley Primary School;

(ii) Arbor Grove Primary School;

(iii) Aveley Primary School;

(iv) Bullsbrook College;

(v) Chidlow Primary School;

(vi) Eastern Hills Senior High School;

(vii) Ellen Stirling Primary School;

(viii) Ellenbrook Primary School;

(ix) Ellenbrook Secondary College;

(x) Gidgegannup Primary School;

(xi) Malvern Springs Primary School;

(xii) Mount Helena Primary School;

(xiii) Sawyers Valley Primary School;

(xiv) Upper Swan Primary School; and

(xv) Wooroloo Primary School;

(b) for each of the schools listed in (a)(i)–(xv), what maintenance items identified in the 2013 BCA report are yet to be completed;

(c) for each of the schools listed in (a)(i)–(xv), what new maintenance items have been identified in the 2018 BCA report; and

(d) what amount of funding has been made available to each of these schools to rectify any new maintenance items that have been identified in the latest BCA report?

Hon Sue Ellery replied:

(a) [See tabled paper no 2596.]

(b)–(c) The Building Condition Assessment (BCA) process provides a strategic overview of building maintenance needs. There is significant work required to answer the questions as presented. There is five years' worth of data that would need to be assessed. In addition, the Department of Education has used a different methodology and, in some cases, has changed the location descriptor for the most recent survey. This means current and previous BCA reports cannot be compared. Due to the amount of work required to provide this information I am not prepared to devote further resources to provide this amount of detail.

(d) Funding is managed centrally and is allocated to address needs in schools as they arise. The BCA report identifies all visible maintenance at each school from high priority to low priority works. The Department of Education is currently addressing a program of work to rectify the highest priority defects.

SCHOOLS — MAINTENANCE FUNDING

1917. Hon Donna Faragher to the Minister for Education and Training:

I refer to Building Condition Assessment (BCA) reports undertaken by the Department of Education for Western Australian public schools, and I ask:

(a) for the financial years 2015–16, 2016–17, 2017–18 and 2018–19, what was the total amount of funding made available for maintenance at each of the following schools:

(i) Bramfield Park Primary School;

(ii) East Maddington Primary School;

(iii) Forest Crescent Primary School;

(iv) Gosnells Primary School;

(v) Maddington Primary School;

(vi) South Thornlie Primary School;

(vii) Thornlie Primary School;

(viii) Thornlie Senior High School;

(ix) Yale Primary School; and

(x) Yule Brook College;

(b) for each of the schools listed in (a)(i)–(x), what maintenance items identified in the 2013 BCA report are yet to be completed;

(c) for each of the schools listed in (a)(i)–(x), what new maintenance items have been identified in the 2018 BCA report; and

(d) what amount of funding has been made available to each of these schools to rectify any new maintenance items that have been identified in the latest BCA report?

Hon Sue Ellery replied:

(a) [See tabled paper no 2597.]

(b)–(c) The Building Condition Assessment (BCA) process provides a strategic overview of building maintenance needs. There is significant work required to answer the questions as presented. There is five years' worth of data that would need to be assessed. In addition, the Department of Education has used a different methodology and, in some cases, has changed the location descriptor for the most recent survey. This means current and previous BCA reports cannot be compared. Due to the amount of work required to provide this information I am not prepared to devote further resources to provide this amount of detail.

(d) Funding is managed centrally and is allocated to address needs in schools as they arise. The BCA report identifies all visible maintenance at each school from high priority to low priority works. The Department of Education is currently addressing a program of work to rectify the highest priority defects.

SCHOOLS — MAINTENANCE FUNDING

1918. Hon Donna Faragher to the Minister for Education and Training:

I refer to Building Condition Assessment (BCA) reports undertaken by the Department of Education for Western Australian public schools, and I ask:

(a) for the financial years 2015–16, 2016–17, 2017–18 and 2018–19, what was the total amount of funding made available for maintenance at each of the following schools:

(i) Ballajura Community College;

(ii) Ballajura Primary School;

(iii) Banksia Grove Primary School;

(iv) Caversham Primary School;

(v) Herne Hill Primary School;

(vi) Joseph Banks Secondary College; and

(vii) South Ballajura Primary School;

(b) for each of the schools listed in (a)(i)–(vii), what maintenance items identified in the 2013 BCA report are yet to be completed;

(c) for each of the schools listed in (a)(i)–(vii), what new maintenance items have been identified in the 2018 BCA report; and

(d) what amount of funding has been made available to each of these schools to rectify any new maintenance items that have been identified in the latest BCA report?

Hon Sue Ellery replied:

(a) [See tabled paper no 2598.]

(b)–(c) The Building Condition Assessment (BCA) process provides a strategic overview of building maintenance needs. There is significant work required to answer the questions as presented. There is five years' worth of data that would need to be assessed. In addition, the Department of Education has used a different methodology and, in some cases, has changed the location descriptor for the most recent survey. This means current and previous BCA reports cannot be compared. Due to the amount of work required to provide this information I am not prepared to devote further resources to provide this amount of detail.

(d) Funding is managed centrally and is allocated to address needs in schools as they arise. The BCA report identifies all visible maintenance at each school from high priority to low priority works. The Department of Education is currently addressing a program of work to rectify the highest priority defects.

MINISTER FOR REGIONAL DEVELOPMENT — ESPERANCE VISIT

1920. Hon Colin de Grussa to the Minister for Regional Development:

I refer to the Minister for Regional Development's visit to Esperance on Friday, 22 February 2019, and I ask:

(a) will the Minister please provide an unredacted copy of the Minister's itinerary and travel arrangements for 22 February 2019;

(b) will the Minister please provide all briefing notes and advice in relation to meetings, functions and other commitments undertaken by the Minister on 22 February 2019;

(c) who accompanied the Minister during the visit and at each meeting, function or other commitments undertaken by the Minister on 22 February 2019; and

(d) on what date, what time and by what means were the following local members of Parliament notified of the Minister's visit:

(i) Peter Rundle MLA;

(ii) Hon Martin Aldridge MLC;

(iii) Hon Colin de Grussa MLC;

(iv) Hon Laurie Graham MLC;

(v) Hon Rick Mazza MLC; and

(vi) Hon Darren West MLC?

Hon Alannah MacTiernan replied:

(a) [See tabled paper no 2604.]

(b) There were no briefing papers prepared for these meetings. Media statement for the Regional Economic Development Grant program announcement included in tabled paper.

(c) Media Advisor and Senior Policy Advisor, CEO and Chairperson of the Goldfields Esperance Development Commission, Hon Darren West MLC and Hon Laurie Graham MLC

(d) As the Government's local members, the Hon Darren West MLC and Hon Laurie Graham MLC were involved in planning for the visit. No other members of Parliament were notified.

NEW STANDARD ENERGY — GREAT SANDY DESERT

1922. Hon Robin Chapple to the minister representing the Minister for Mines and Petroleum:

I refer to the New Standard Energy wells in the Great Sandy Desert and the photographs found at https://robinchapple.com/new-standard-energy-wells, and ask:

(a) how many wells did the company drill and what are their names;

(b) what is the status of the wells;

(c) in reference to the photograph of the Nicolay 1 gas well showing a Christmas tree and adjacent dam, has the Christmas tree been removed;

(d) if yes to (c), when was it removed and who removed it;

(e) if no to (c), who will remove the Christmas tree and who will pay for its removal;

(f) what was the purpose of the dam in the photograph of Nicolay 1 gas well;

(g) have the contents of the dam been tested for toxicity;

(h) has the dam been rehabilitated;

(i) if yes to (h), when was it rehabilitated, by whom and who paid for it;

(j) has the well been tested for leaks;

(k) if yes to (j), what were the results;

(l) if no to (j), why not;

(m) what is the estimated cost of rehabilitating the Nicolay 1 drill pad area, wellhead and any associated infrastructure;

(n) what is the estimated cost of rehabilitating all other New Standard Energy wells and infrastructure;

(o) what is the estimated timeframe for the rehabilitation of Nicolay 1 and any other New Standard Energy wells;

(p) will the Minister table the Department of Mines, Industry Regulation and Safety (DMIRS) direction notice provided to New Standard Energy in mid-2018 to rehabilitate the sites drilled by them in the Canning Basin;

(q) if not to (p), why not;

(r) was fracking conducted on any of the New Standard Energy wells; and

(s) how will the Minister ensure that oil and gas companies will rehabilitate wells and well sites in the future?

Hon Alannah MacTiernan replied:

(a) Four wells. Gibb Maitland-1, Nicolay-1, Lanagan-1 and Lawford-1.

(b) Nicolay-1 is suspended. All other wells are plugged and decommissioned.

(c) No.

(d) Not applicable.

(e) New Standard Onshore Pty Ltd have been directed to decommission Nicolay-1.

(f) To contain drill cuttings and drill fluids.

(g) No. The sump is lined with an artificial liner to prevent the leaching of liquids from the sump into the environment. The contents of the sump will be tested prior to rehabilitation. If material that poses an environmental risk is detected it will be removed and disposed of offsite at a licensed waste facility. The well was drilled using water based drill fluids.

(h) No. New Standard Onshore Pty Ltd have been directed to rehabilitate the Nicolay-1 site by 30 November 2019.

(i) Not applicable.

(j) Yes.

(k) No leaks were identified.

(l) Not applicable.

(m) The Department of Mines, Industry Regulation and Safety (DMIRS) does not have an estimate of the likely cost of the work as there is no requirement for the company to provide these costs under the *Petroleum and Geothermal Energy Resources Act 1967*. It is the company's responsibility to undertake these works at its own cost.

(n) Refer to response (m).

(o) New Standard has been directed to decommission Nicolay-1 by 30 November 2019. All other wells are plugged and decommissioned.

(p) Yes. [See tabled paper no 2606.]

(q) Not applicable.

(r) No.

(s) Rehabilitation requirements are regulated in accordance with the relevant Acts and subsidiary regulations. DMIRS, in conjunction with other regulators, is responsible for ensuring the decommissioning and rehabilitation of oil and gas activities.

WA COUNTRY HEALTH SERVICE — HOSPITAL EMERGENCY CODES

1923. Hon Martin Aldridge to the parliamentary secretary representing the Deputy Premier; Minister for Health; Mental Health:

I refer to the Western Australia Country Health Service (WACHS) and codes used internally to designate hospital emergencies, and I ask:

(a) what are the codes used and how is each defined and in what circumstances are each activated; and

(b) for each WACHS facility from 1 January 2015 until present, identify the date, duration and type of code declaration?

Hon Alanna Clohesy replied:

I am advised:

(a) The WA Country Health Service (WACHS) defines emergencies that occur within its facilities in accordance with clause 2.2, *Australian Standard (AS) 4083:2010 – Planning for emergencies – Health care facilities* and clause 4.3, *AS 3745:2010 Planning for emergencies in facilities.*

Emergencies may be activated within WACHS facilities as per the following circumstances:

Code red – fire/smoke – A code red emergency may be activated in response to an actual or suspected fire or smoke emergency within the facility grounds.

Code blue – medical emergency – A code blue – medical emergency may be activated for patients that meet certain clinical criteria. This includes, but is not limited to, airway threats, respiratory or cardiac arrest, a sudden fall in consciousness, oxygen saturations less than 84%, and seizure.

Code purple – bomb threat – A code purple emergency may be activated in response to an actual, or suspected, bomb threat or suspicious substance.

Code yellow – infrastructure and other internal emergenci**es** – A code yellow emergency may be activated due to an emergency caused by infrastructure damage or other internal event that may adversely impact service delivery and/or the safety of staff, patients and visitors.

Code black – personal threat – A code black emergency may be activated in response to a person threatening harm to others or themselves.

Code brown – external emergency – A code brown – external emergency is defined as a multi-casualty incident that stretches or overwhelms the available local health resources and/or preparation for reception of a significant number of casualties.

Code orange – evacuation – A code orange emergency evacuation involves the movement of patients, staff and visitors within or from the facility in as rapid and safe manner as possible when lives are threatened.

In addition to the abovementioned emergencies, WACHS utilises two additional sub-codes, as mandated by Department of Health policy. This includes:

Code black alpha – infant/child abduction – A code black alpha emergency may be activated in response to an infant or child abduction.

Code black bravo – active shooter – A code black bravo – active shooter may be activated in response to an armed intruder actively shooting at occupants inside a facility.

(b) [See tabled paper no 2607.]

WA COUNTRY HEALTH SERVICE — ABORIGINAL MEET-AND-GREET SERVICE

1925. Hon Martin Aldridge to the parliamentary secretary representing the Deputy Premier; Minister for Health; Mental Health:

I refer to the Minister's media statement of 2 May 2018 titled 'Meet and greet service expanded for regional Aboriginal patients', and I ask:

(a) when did the service originally commence;

(b) when was the service expanded and how was it expanded;

(c) what was the annual cost of the service for the following years 2015–16, 2016–17, 2017–18 and 2018–19;

(d) who provides the service; and

(e) how many unique patients are supported by the service for each month over the last 12 months?

Hon Alanna Clohesy replied:

I am advised:

(a) The transport service for rural and remote Aboriginal clients visiting Perth for specialist medical and hospital appointments started in the 1970s. It was first known as 'Aboriginal Hospital Liaison' and is now known as 'Country Health Connection'.

(b) The Country Health Connection service expanded in late 2017 following the State Government's Election Commitment of Meet and Greet services. Operational hours for the service were extended from Monday to Friday (8.30am to 4.30pm), to (6:00am to 10:00pm) and the service is available on weekends as required. The FTE increased by three and includes an additional Aboriginal Health Worker and two Aboriginal Drivers.

(c) Annual costs for the service before and after its expansion under the Meet and Greet program:

	2015–16	**2016–17**	**2017–18**	**2018–19**	
	Actual $	**Actual $**	**Actual $**	**Actual (YTD Feb 2019) $**	**FY Forecast $**
Meet and Greet	–	–	144,409	214,600	338,000
Country Health Connection	569,894	726,534	622,758	291,000	495,000
Total	**569,894**	**726,534**	**767,167**	**505,600**	**833,000**

(d) The service is delivered by the Country Health Connection team employed by the WA Country Health Service.

(e) Monthly data includes transport activity only. Based on available data from 2018, Country Health Connection provided an average of 620 transport episodes per month, including approximately 140 transport episodes over the weekends. Each transport episode carried one or more patients and/or carers.

PERTH CHILDREN'S HOSPITAL — GENDER DIVERSITY SERVICE

1926. Hon Nick Goiran to the parliamentary secretary representing the Deputy Premier; Minister for Health; Mental Health:

I refer to the adolescents who received treatment at the Perth Children's Hospital's Gender Diversity Service in the 2018 calendar year, and I ask:

(a) how many received treatment;

(b) what was the average cost per patient for this treatment;

(c) how much of the treatment cost is paid for by the State; and

(d) how much of the treatment cost is paid for by the individual?

Hon Alanna Clohesy replied:

I am advised:

(a) 59.

(b) $7,225.

(c) All.

(d) Nil.

Note: Treatment is defined as those patients who are pubertal and receiving gender affirming hormones.

DEPARTMENT OF FINANCE — COMMON-USER AGREEMENTS

1927. Hon Tjorn Sibma to the minister representing the Treasurer; Minister for Finance; Aboriginal Affairs; Lands:

Can the Minister provide the following details about the Department of Finance's administration of all current common user agreements (CUAs) by goods/services category:

(a) CUA number and the nature of the goods/services procured;

(b) duration of the CUA including any options for extension/renegotiation;

(c) the list or "panel" of approved suppliers under that CUA;

(d) the monetary value of goods/services procured by State Government agencies for each twelve month period that the CUA has operated; and

(e) with respect to (d), for recently executed CUAs please provide total State Government expenditure on goods/services procured for each twelve month period of the relevant preceding CUA?

Hon Stephen Dawson replied:

(a)–(e) [See tabled paper no 2599.]

The information in the tabled paper (a)–(c) is publicly available on the Department of Finance website.

Sales data has been provided from 2010 when the Data Capture and Reporting system was implemented.

DEPARTMENT OF FINANCE — COMMON-USER AGREEMENTS SELECTION

1928. Hon Tjorn Sibma to the minister representing the Treasurer; Minister for Finance; Aboriginal Affairs; Lands:

Can the Department of Finance please explain the administrative process it undertook to identify and select suitable contractors/suppliers for each common user agreement (CUA) it has established or extended since March 2017?

Hon Stephen Dawson replied:

A Common Use Arrangement (CUA) is a whole-of-government standing offer arrangement, awarded to a single supplier or a panel of suppliers for the provision of specific products or services commonly used within government.

The process for advertising and awarding CUAs is facilitated by a senior member of the Department of Finance's CUA team and complies with all relevant State Supply Commission (SSC) policies including Open and Effective Competition; Value-for-Money; Probity and Accountability; Sustainable Procurement; and Procurement Planning and Contract Management.

The procurement process involves request for tender submissions and evaluation of those submissions. The Department of Finance usually forms a Client Reference Group comprising the main agency buyers for the relevant CUA. The requirements of the Client Reference Group for individual CUAs are taken into account for the Request and those agencies are voting members of the evaluation panel making the award decision. The selection process entails evaluation of respondents offers against the following; pre-qualification requirements (if applicable), compliance, disclosure and qualitative requirements and consideration of price. Subsequent to making recommendations on preferred suppliers financial and other due diligence is undertaken by Finance.

CUAs are usually awarded for a period of five years and, prior to each extension option being exercised, a formal contract review is undertaken to determine if the CUA is to be extended or redeveloped. This review includes consultation with the Client Reference Group, discussion with suppliers, market research as to the products/services available including anything new or innovative, detailed analysis of the expenditure, determining the number of suppliers in the market and examination of any similar arrangements in other jurisdictions.

Once awarded a Buyers Guide is developed for each CUA and all purchases made using a CUA must be made in accordance with the relevant Buyers Guide and in accordance with the SSCs Common Use Arrangement policy.

PREMIER — PORTFOLIOS — STAFF LEAVE BALANCES

1929. Hon Tjorn Sibma to the Leader of the House representing the Premier; Minister for Public Sector Management; Federal–State Relations:

As at 31 December 2018, for each agency/department within the Minister's portfolio can you please provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply for leave balances of the following periods:

(a) 4 weeks or less;

(b) 4 to 5 weeks;

(c) 5 to 6 weeks;

(d) 6 to 7 weeks;

(e) 7 to 8 weeks; and

(f) more than 8 weeks?

Hon Sue Ellery replied:

GoldCorp:

Weeks Accrued	**Count**	**Value ($)**
< 4 Weeks	291	733,136
4–5 Weeks	43	304,116
5–6 Weeks	26	263,065
6–7 Weeks	15	140,875
7–8 Weeks	18	226,756
> 8 Weeks	10	240,374
Grand Total	**403**	**1,908,322**

Lotterywest:

Accrued annual leave balances	**Number of Staff**	**$ Value**
(a) 4 weeks or less	121	$346,177.42
(b) 4 to 5 weeks;	21	$169,705.79
(c) 5 to 6 weeks;	16	$168,891.94
(d) 6 to 7 weeks;	10	130,434.77
(e) 7 to 8 weeks	10	$119,592.58
(f) More than 8 weeks	38	$934,577.75
Total	**216**	**$1,869,380.25**

Premier & Cabinet:

(a)–(f) See table below.

Annual leave balance	**Total dollar value of accrued annual leave balances**	**Number of staff**
(a) 4 weeks or less	Approximately $1 007 000	301 staff
(b) four to five weeks	Approximately $505 000	49 staff

(c)	five to six weeks	Approximately $382 000	38 staff
(d)	six to seven weeks	Approximately $367 000	29 staff
(e)	seven to eight weeks	Approximately $466 000	24 staff
(f)	greater than eight weeks	Approximately $1 768 000	66 staff

Public Sector Commission:

Number of weeks		**Total dollar value of annual leave balances**	**Number of staff**
(a)	4 weeks or less	$136 821	97
(b)	4 to 5 weeks	$42 588	5
(c)	5 to 6 weeks	$45 800	4
(d)	6 to 7 weeks	$113 879	6
(e)	7 to 8 weeks	$97 423	6
(f)	More than 8 weeks	$172 173	8

Salaries and Allowances Tribunal

Accrued annual leave balance		**Number of staff**	**Value**
(a)	4 weeks or less	3	$9700 (approximately)
(b)	4 to 5 weeks	0	–
(c)	5 to 6 weeks	0	–
(d)	6 to 7 weeks	0	–
(e)	7 to 8 weeks	0	–
(f)	more than 8 weeks	0	–

MINISTER FOR STATE DEVELOPMENT, JOBS AND TRADE — PORTFOLIOS — STAFF LEAVE BALANCES

1930. Hon Tjorn Sibma to the minister representing the Minister for State Development, Jobs and Trade:

As at 31 December 2018, for each agency/department within the Minister's portfolio can you please provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply for leave balances of the following periods:

(a) 4 weeks or less;

(b) 4 to 5 weeks;

(c) 5 to 6 weeks;

(d) 6 to 7 weeks;

(e) 7 to 8 weeks; and

(f) more than 8 weeks?

Hon Alannah MacTiernan replied:

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

	Weeks	**No. Staff**	**Financial Value $**
(a)	4 weeks or less	192	690,205
(b)	4 to 5 weeks	20	192,552
(c)	5 to 6 weeks	13	167,014
(d)	6 to 7 weeks	11	169,832
(e)	7 to 8 weeks	9	164,620
(f)	More than 8 weeks	29	696,547

DEPUTY PREMIER — PORTFOLIOS — STAFF LEAVE BALANCES

1931. Hon Tjorn Sibma to the parliamentary secretary representing the Deputy Premier; Minister for Health; Mental Health:

As at 31 December 2018, for each agency/department within the Minister's portfolio can you please provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply for leave balances of the following periods:

(a) 4 weeks or less;

(b) 4 to 5 weeks;

(c) 5 to 6 weeks;

(d) 6 to 7 weeks;

(e) 7 to 8 weeks; and

(f) more than 8 weeks?

Hon Alanna Clohesy replied:

The Department of Health and health service providers advise:

North Metropolitan Health Service			
Leave Periods		**Headcount**	**Annual Leave Dollars**
(a)	4 weeks or less	4,379	$17,505,375.18
(b)	4 to 5 weeks	1,113	$8,720,390.25
(c)	5 to 6 weeks	926	$8,955,299.92
(d)	6 to 7 weeks	847	$9,650,938.47
(e)	7 to 8 weeks	664	$8,974,128.92
(f)	more than 8 weeks	2,520	$56,505,038.28
Total		**10,449**	**$110,311,171.02**
South Metropolitan Health Service			
Leave Periods		**Headcount**	**Annual Leave Dollars**
(a)	4 weeks or less	3,328	$13,953,411.01
(b)	4 to 5 weeks	844	$7,044,340.57
(c)	5 to 6 weeks	735	$7,462,717.57
(d)	6 to 7 weeks	616	$7,346,459.14
(e)	7 to 8 weeks	536	$7,594,319.88
(f)	more than 8 weeks	1,952	$46,001,739.68
Total		**8,011**	**$89,402,987.85**
East Metropolitan Health Service			
Leave Periods		**Headcount**	**Annual Leave Dollars**
(a)	4 weeks or less	2,953	$12,012,183.79
(b)	4 to 5 weeks	688	$5,816,892.10
(c)	5 to 6 weeks	594	$6,225,129.81
(d)	6 to 7 weeks	485	$5,741,577.84
(e)	7 to 8 weeks	445	$6,019,264.10
(f)	more than 8 weeks	1,662	$37,179,504.56
Total		**6,827**	**$72,994,552.20**
WA Country Health Service			
Leave Periods		**Headcount**	**Annual Leave Dollars**
(a)	4 weeks or less	3,715	$13,756,187.49

(b) 4 to 5 weeks	849	$6,670,877.22
(c) 5 to 6 weeks	709	$6,588,174.23
(d) 6 to 7 weeks	598	$6,599,336.94
(e) 7 to 8 weeks	503	$6,314,578.60
(f) more than 8 weeks	1,628	$29,099,234.72
Total	**8,002**	**$69,028,389.20**
Child & Adolescent Health Service		
Leave Periods	**Headcount**	**Annual Leave Dollars**
(a) 4 weeks or less	1,629	$6,767,433.28
(b) 4 to 5 weeks	424	$3,613,965.77
(c) 5 to 6 weeks	356	$3,800,222.24
(d) 6 to 7 weeks	281	$3,218,078.70
(e) 7 to 8 weeks	214	$3,260,771.15
(f) more than 8 weeks	980	$22,221,513.41
Total	**3,884**	**$42,881,984.55**
Department of Health		
Leave Periods	**Headcount**	**Annual Leave Dollars**
(a) 4 weeks or less	429	$1,802,272.29
(b) 4 to 5 weeks	112	$1,113,182.75
(c) 5 to 6 weeks	81	$965,856.88
(d) 6 to 7 weeks	57	$761,582.16
(e) 7 to 8 weeks	54	$873,586.80
(f) more than 8 weeks	188	$4,968,654.94
Total	**921**	**$10,485,135.82**
Health Support Services		
Leave Periods	**Headcount**	**Annual Leave Dollars**
(a) 4 weeks or less	345	$1,445,034.59
(b) 4 to 5 weeks	115	$985,686.15
(c) 5 to 6 weeks	89	$870,905.85
(d) 6 to 7 weeks	92	$1,141,969.88
(e) 7 to 8 weeks	70	$913,814.28
(f) more than 8 weeks	342	$7,133,529.91
Total	**1,053**	**$12,490,940.66**
PathWest		
Leave Periods	**Headcount**	**Annual Leave Dollars**
(a) 4 weeks or less	532	$2,645,165.71
(b) 4 to 5 weeks	170	$1,318,109.25
(c) 5 to 6 weeks	194	$2,178,940.55
(d) 6 to 7 weeks	172	$2,102,719.49
(e) 7 to 8 weeks	149	$1,869,923.40
(f) more than 8 weeks	752	$17,198,466.19
Total	**1,969**	**$27,313,324.59**

QEII Medical Centre Trust			
Leave Periods		**Headcount**	**Annual Leave Dollars**
(a)	4 weeks or less	13	$47,858.96
(b)	4 to 5 weeks	1	$5,883.82
(c)	5 to 6 weeks	2	$16,471.72
(d)	6 to 7 weeks	3	$32,999.93
(e)	7 to 8 weeks	–	$0.00
(f)	more than 8 weeks	3	$58,512.50
Total		**22**	**$161,726.93**

Mental Health Commission advises:

The total unaudited dollar value of the Mental Health Commission annual leave for all employees at 31 December 2018 is based on reported leave balances and employee substantive remuneration as at that date. The figures include pro-rata annual leave.

Mental Health Commission			
Leave Periods*		**Headcount**	**Annual Leave Dollars**
(a)	4 weeks or less	197	$702,652
(b)	4 to 5 weeks	28	$256,970
(c)	5 to 6 weeks	24	$267,034
(d)	6 to 7 weeks	12	$171,413
(e)	7 to 8 weeks	13	$186,557
(f)	more than 8 weeks	18	$397,074

* For the purpose of this report a week is 37.5 hours.

Mental Health Advocacy Service			
Leave Periods*		**Headcount**	**Annual Leave Dollars**
(a)	4 weeks or less	4	$18,953
(b)	4 to 5 weeks	1	$8,613
(c)	5 to 6 weeks	0	$0
(d)	6 to 7 weeks	1	$8,093
(e)	7 to 8 weeks	0	$0
(f)	more than 8 weeks	1	$50,194

* For the purpose of this report a week is 37.5 hours

Mental Health Tribunal			
Leave Balances*		**Headcount**	**Annual Leave Dollars**
(a)	4 weeks or less	9	$39,489
(b)	4 to 5 weeks	0	$0
(c)	5 to 6 weeks	0	$0
(d)	6 to 7 weeks	0	$0
(e)	7 to 8 weeks	1	$10,613
(f)	more than 8 weeks	0	$0

* For the purpose of this report a week is 37.5 hours.

Office of the Chief Psychiatrist			
	Leave Balances*	**Headcount**	**Annual Leave Dollars**
(a)	4 weeks or less	7	$25,185
(b)	4 to 5 weeks	5	$46,624
(c)	5 to 6 weeks	0	$0
(d)	6 to 7 weeks	1	$32,189
(e)	7 to 8 weeks	1	$11,627
(f)	more than 8 weeks	6	$201,155

* For the purpose of this report a week is 37.5 hours

Health & Disability Services Complaints Office			
	Leave Balances	**Headcount**	**Annual Leave Dollars**
(a)	4 weeks or less	15	$47,738
(b)	4 to 5 weeks	0	$0
(c)	5 to 6 weeks	1	$14,495
(d)	6 to 7 weeks	2	$30,038
(e)	7 to 8 weeks	0	$0
(f)	more than 8 weeks	1	$57,234
Total:		**19**	**$149,505**

Healthway advises:

Accrued annual leave balances for staff at Heathways as at 31 December 2018 was:

Healthway			
	Leave Balances	**Headcount**	**Annual Leave Dollars**
(a)	4 weeks or less	10	$44,130.27
(b)	4 to 5 weeks	3	$25,549.30
(c)	5 to 6 weeks	2	$23,220.87
(d)	6 to 7 weeks	0	$0.00
(e)	7 to 8 weeks	0	$0.00
(f)	more than 8 weeks	2	$36,883.36
Total		**17**	**$129,783.80**

Animal Resources Authority advises:

Animal Resources Authority			
	Leave Balances	**Headcount**	**Annual Leave Dollars**
(a)	4 weeks or less	39	$98,873.76
(b)	4 to 5 weeks	8	$44,554.28
(c)	5 to 6 weeks	2	$36,383.24
(d)	6 to 7 weeks	4	$20,457.25
(e)	7 to 8 weeks	2	$11,226.66
(f)	more than 8 weeks	8	$140,493.15
Total		**63**	**$351,988.34**

MINISTER FOR EDUCATION AND TRAINING — PORTFOLIOS — STAFF LEAVE BALANCES

1932. Hon Tjorn Sibma to the Minister for Education and Training:

As at 31 December 2018, for each agency/department within the Minister's portfolio can you please provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply for leave balances of the following periods:

(a) 4 weeks or less;

(b) 4 to 5 weeks;

(c) 5 to 6 weeks;

(d) 6 to 7 weeks;

(e) 7 to 8 weeks; and

(f) more than 8 weeks?

Hon Sue Ellery replied:

Department of Education

(a)–(f)

As at 31 December 2018	Number of Staff*	Accrued Leave Balances ($)
(a) four weeks or less	5 718	9 420 461
(b) four to five weeks	344	2 172 098
(c) five to six weeks	259	2 122 331
(d) six to seven weeks	188	1 920 719
(e) seven to eight weeks	153	1 789 820
(f) greater than eight weeks	332	6 530 156

*Teachers, education assistants and ministerial officers do not accrue annual leave.

Department of Training and Workforce Development

(a)–(f)

As at 31 December 2018	Number of Staff	Accrued Leave Balances ($)
(a) four weeks or less	369	870 176.63
(b) four to five weeks	32	278 808.67
(c) five to six weeks	23	234 319.24
(d) six to seven weeks	25	292 339.55
(e) seven to eight weeks	11	156 265.01
(f) greater than eight weeks	21	560 830.52

North Metropolitan TAFE

(a)–(f)

As at 31 December 2018	Number of Staff	Accrued Leave Balances ($)
(a) four weeks or less	1 132	2 224 763
(b) four to five weeks	77	546 483
(c) five to six weeks	46	371 524
(d) six to seven weeks	20	225 156
(e) seven to eight weeks	15	203 288
(f) greater than eight weeks	18	232 701

South Metropolitan TAFE

(a)–(f)

As at 31 December 2018	Number of Staff	Accrued Leave Balances ($)
(a) four weeks or less	827	1 987 054.44

(b)	four to five weeks	83	637 081.24
(c)	five to six weeks	53	485 338.90
(d)	six to seven weeks	24	268 987.91
(e)	seven to eight weeks	14	150 283.59
(f)	greater than eight weeks	24	431 284.60

North Regional TAFE

(a)–(f)

As at 31 December 2018		**Number of Staff**	**Accrued Leave Balances ($)**
(a)	four weeks or less	223	478 893.66
(b)	four to five weeks	13	101 367.16
(c)	five to six weeks	15	168 065.83
(d)	six to seven weeks	7	84 289.49
(e)	seven to eight weeks	11	151 720.18
(f)	greater than eight weeks	21	331 033.63

NB: Excludes North West Leave

Central Regional TAFE

(a)–(f)

As at 31 December 2018		**Number of Staff**	**Accrued Leave Balances ($)**
(a)	four weeks or less	236	519 171.76
(b)	four to five weeks	33	211 538.42
(c)	five to six weeks	23	202 702.63
(d)	six to seven weeks	19	212 777.97
(e)	seven to eight weeks	11	129 273.14
(f)	greater than eight weeks	29	510.338.50

South Regional TAFE

(a)–(f)

As at 31 December 2018		**Number of Staff**	**Accrued Leave Balances ($)**
(a)	four weeks or less	315	583 247.66
(b)	four to five weeks	42	290 291.59
(c)	five to six weeks	21	188 783.79
(d)	six to seven weeks	9	93 150.22
(e)	seven to eight weeks	7	70 134.11
(f)	greater than eight weeks	16	366 334.80

Building Construction Industry Training Fund

(a)–(f)

As at 31 December 2018		**Number of Staff**	**Accrued Leave Balances ($)**
(a)	four weeks or less	15	55 055.37
(b)	four to five weeks	1	13 097.65
(c)	five to six weeks	3	28 738.41
(d)	six to seven weeks	Nil	Nil
(e)	seven to eight weeks	Nil	Nil
(f)	greater than eight weeks	2	66 658 61

MINISTER FOR REGIONAL DEVELOPMENT — PORTFOLIOS — STAFF LEAVE BALANCES

1935. Hon Tjorn Sibma to the Minister for Regional Development; Agriculture and Food; Ports; Minister Assisting the Minister for State Development, Jobs and Trade:

As at 31 December 2018, for each agency/department within the Minister's portfolio can you please provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply for leave balances of the following periods:

(a) 4 weeks or less;

(b) 4 to 5 weeks;

(c) 5 to 6 weeks;

(d) 6 to 7 weeks;

(e) 7 to 8 weeks; and

(f) more than 8 weeks?

Hon Alannah MacTiernan replied:

[See tabled paper no 2605.]

MINISTER FOR EMERGENCY SERVICES — PORTFOLIOS — STAFF LEAVE BALANCES

1936. Hon Tjorn Sibma to the minister representing the Minister for Emergency Services; Corrective Services:

As at 31 December 2018, for each agency/department within the Minister's portfolio can you please provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply for leave balances of the following periods:

(a) 4 weeks or less;

(b) 4 to 5 weeks;

(c) 5 to 6 weeks;

(d) 6 to 7 weeks;

(e) 7 to 8 weeks; and

(f) more than 8 weeks?

Hon Stephen Dawson replied:

The Department of Justice advises:

	Number of weeks	**Employees**	**Total Dollar Value as at 27 December 2018**
(a)	4 weeks or less	2456	$5,578,156.78
(b)	4 to 5 weeks	414	$3,046,777.18
(c)	5 to 6 weeks	322	$2,986,225.27
(d)	6 to 7 weeks	277	$2,957,813.18
(e)	7 to 8 weeks	257	$3,214,556.00
(f)	More than 8 weeks	667	$13,542,109.65

Note: Data is as at 27 December 2018 for Corrective Services Division Employees only (unable to provide data as at 31 December; 27 December is the closest date a leave extract existed).

The Department of Fire and Emergency Services advises:

	Number of weeks	**Employees**	**Total Dollar Value as at 31 December 2018**
(a)	4 weeks or less	1,230	$4,555,514.00
(b)	4 to 5 weeks	190	$1,786,494.00
(c)	5 to 6 weeks	101	$1,192,112.00
(d)	6 to 7 weeks	65	$953,023.00
(e)	7 to 8 weeks	36	$632,866.00
(f)	More than 8 weeks	56	$1,293,302.00

The Office of the Inspector for Custodial Services advises:

	Number of weeks	**Employees**	**Total Dollar Value as at 31 December 2018**
(a)	4 weeks or less	7	$52,389
(b)	4 to 5 weeks	1	$8,967
(c)	5 to 6 weeks	3	$12,854
(d)	6 to 7 weeks	5	$74,298
(e)	7 to 8 weeks	1	$13,930
(f)	More than 8 weeks	0	$0

Supervised Review Release Board (SRRB) advises:

(a)–(f) Nil.

Note: The SRRB does not have staff directly associated with it. The administrative area of the Prisoners Review Board provides the administrative support required of the SRRB.

MINISTER FOR LOCAL GOVERNMENT — PORTFOLIOS — STAFF LEAVE BALANCES

1937. Hon Tjorn Sibma to the Leader of the House representing the Minister for Local Government; Heritage; Culture and the Arts:

As at 31 December 2018, for each agency/department within the Minister's portfolio can you please provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply for leave balances of the following periods:

(a) 4 weeks or less;

(b) 4 to 5 weeks;

(c) 5 to 6 weeks;

(d) 6 to 7 weeks;

(e) 7 to 8 weeks; and

(f) more than 8 weeks?

Hon Sue Ellery replied:

Department of Local Government, Sport and Cultural Industries

No. of Weeks		**$ Value**	**No. of Staff**
(a)	4 weeks or less	$827 392	311
(b)	4 to 5 weeks	$299 967	30
(c)	5 to 6 weeks	$322 045	25
(d)	6 to 7 weeks	$293 984	19
(e)	7 to 8 weeks	$169 871	11
(f)	more than 8 weeks	$987 813	32

Art Gallery of Western Australia

No. of Weeks		**$ Value**	**No. of Staff**
(a)	4 weeks or less	$102 587	31
(b)	4 to 5 weeks	$73 081	8
(c)	5 to 6 weeks	$85 838	5
(d)	6 to 7 weeks	$31 865	3
(e)	7 to 8 weeks	$11 939	1
(f)	more than 8 weeks	$114 766	4

Perth Theatre Trust

No. of Weeks	$ Value	No. of Staff
(a) 4 weeks or less	$140 941	38
(b) 4 to 5 weeks	$27 818	8
(c) 5 to 6 weeks	$43 184	4
(d) 6 to 7 weeks	$32 731	3
(e) 7 to 8 weeks	$69 040	5
(f) more than 8 weeks	$76 176	4

State Library of Western Australia

No. of Weeks	$ Value	No. of Staff
(a) 4 weeks or less	$295 293	116
(b) 4 to 5 weeks	$149 484	18
(c) 5 to 6 weeks	$82 772	8
(d) 6 to 7 weeks	$29 278	2
(e) 7 to 8 weeks	$93 080	6
(f) more than 8 weeks	$83 623	5

State Records Office

No. of Weeks	$ Value	No. of Staff
(a) 4 weeks or less	$37 470	12
(b) 4 to 5 weeks	$10 226	1
(c) 5 to 6 weeks	$15 907	2
(d) 6 to 7 weeks	Nil	Nil
(e) 7 to 8 weeks	Nil	Nil
(f) more than 8 weeks	Nil	Nil

Western Australian Museum

No. of Weeks	$ Value	No. of Staff
(a) 4 weeks or less	$613 138	185
(b) 4 to 5 weeks	$128 986	17
(c) 5 to 6 weeks	$111 524	11
(d) 6 to 7 weeks	$106 345	9
(e) 7 to 8 weeks	$15 510	1
(f) more than 8 weeks	$56 533	2

Metropolitan Cemeteries Board

No. of Weeks	$ Value	No. of Staff
(a) 4 weeks or less	$327 397.64	130
(b) 4 to 5 weeks	$88 480.19	13
(c) 5 to 6 weeks	$69 610.67	8
(d) 6 to 7 weeks	$24 786.20	2
(e) 7 to 8 weeks	$86 863.14	6
(f) more than 8 weeks	$49 999.12	3

National Trust of Western Australia

No. of Weeks	$ Value	No. of Staff
(a) 4 weeks or less	$49 337.55	26
(b) 4 to 5 weeks	Nil	Nil
(c) 5 to 6 weeks	$10 988.67	1

(d)	6 to 7 weeks	Nil	Nil
(e)	7 to 8 weeks	Nil	Nil
(f)	more than 8 weeks	$87 313.71	3

Department of Planning, Lands and Heritage

(a)–(f) Please refer to Legislative Council question on notice 1945.

MINISTER FOR SENIORS AND AGEING — PORTFOLIOS — STAFF LEAVE BALANCES

1940. Hon Tjorn Sibma to the Leader of the House representing the Minister for Seniors and Ageing; Volunteering; Sport and Recreation:

As at 31 December 2018, for each agency/department within the Minister's portfolio can you please provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply for leave balances of the following periods:

(a) 4 weeks or less;

(b) 4 to 5 weeks;

(c) 5 to 6 weeks;

(d) 6 to 7 weeks;

(e) 7 to 8 weeks; and

(f) more than 8 weeks?

Hon Sue Ellery replied:

Sport and Recreation (WA)

Please refer to Legislative Assembly Question on Notice No 1937.

Department of Communities

Please refer to Legislative Assembly Question on Notice No 1947.

TREASURER — PORTFOLIOS — STAFF LEAVE BALANCES

1941. Hon Tjorn Sibma to the minister representing the Treasurer; Minister for Finance; Aboriginal Affairs; Lands:

As at 31 December 2018, for each agency/department within the Minister's portfolio can you please provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply for leave balances of the following periods:

(a) 4 weeks or less;

(b) 4 to 5 weeks;

(c) 5 to 6 weeks;

(d) 6 to 7 weeks;

(e) 7 to 8 weeks; and

(f) more than 8 weeks?

Hon Stephen Dawson replied:

Department of Treasury

	$ Value of Accrued Leave	**No. of Staff**
(a)	$394,461	188
(b)	$344,374	35
(c)	$234,121	21
(d)	$182,889	13
(e)	$308,399	11
(f)	$674,719	27

Department of Finance

(a)	(b)	(c)	(d)	(e)	(f)
$1,613,605	$720,114	$992,231	$930,566	$1,081,582	$2,906,328
581	80	90	73	72	128

Western Australia Treasury Corporation

No of Weeks	$	Staff No
(a) 4 weeks or less	154,555	46
(b) 4 to 5 weeks	83,695	7
(c) 5 to 6 weeks	32,051	3
(d) 6 to 7 weeks	95,011	6
(e) 7 to 8 weeks	12,371	1
(f) more than 8 weeks	513,506	10

Economic Regulation Authority

	$ Value of Accrued Leave	Number of Staff
(a)	$214,779.83	37
(b)	$58,971.77	5
(c)	$87,929.66	7
(d)	$145,851.46	7
(e)	$50,001.48	3
(f)	$100,578.60	3

Department of Planning, Lands and Heritage

(a)–(f) Please refer to Legislative Council question on notice 1945.

Aboriginal Policy and Coordination Unit

(a)–(f) Please refer to Legislative Council Question on Notice 1929.

Government Employees Superannuation Board

	$ Value of Accrued Leave	Number of Staff
(a) 4 weeks or less	$88 544	32
(b) 4 to 5 weeks	$49 412	4
(c) 5 to 6 weeks	$51 259	4
(d) 6 to 7 weeks	$50 701	3
(e) 7 to 8 weeks	$16 480	1
(f) more than 8 weeks	$45 726	3

Fire and Emergency Services Superannuation Fund

	$	Number of Staff
4 weeks or less	$4,440.17	1
4 to 5 weeks	0	0
5 to 6 weeks	0	0
6 to 7 weeks	0	0
7 to 8 weeks	0	0
More than 8 weeks	$39,796.97	1

Insurance Commission of Western Australia

Period	Dollar Value	Number of employees
(a) 4 weeks or less	$ 752,768	262
(b) 4 to 5 weeks	$ 254,484	36
(c) 5 to 6 weeks	$ 346,539	37
(d) 6 to 7 weeks	$ 236,510	20

(e) 7 to 8 weeks	$ 137,639	11
(f) more than 8 weeks	$ 441,896	19

Office of the Auditor General

Number of weeks	Number of staff	Accrued annual leave liability dollar value
4 weeks or less	84	$283,621.96
4–5 weeks	16	$155,864.13
5–6 weeks	15	$177,238.92
6–7 weeks	6	$67,302.33
7–8 weeks	7	$154,682.56
more than 8 weeks	11	$275,275.37

Department of Local Government, Sport and Cultural Industries

(a)–(f) Please refer to Legislative Council Question on Notice 1937.

Landcorp

Period	Total Liability	Number of Staff
<4 weeks	$471 115	118
4–5 weeks	$128 183	9
5–6 weeks	$117 173	9
6–7 weeks	$147 136	9
7–8 weeks	$123 342	6
>8 weeks	$700 100	15

Landgate

Category	Total $ Value Accrued Annual Leave	Headcount
(a) 4 weeks or less;	$ 229,515	412
(b) 4 to 5 weeks;	$ 254,707	29
(c) 5 to 6 weeks;	$ 198,583	18
(d) 6 to 7 weeks;	$ 167,078	12
(e) 7 to 8 weeks; and	$ 172,959	11
(f) more than 8 weeks	$ 460,186	19
Total	**$ 1,483,028**	**501**

MINISTER FOR MINES AND PETROLEUM — PORTFOLIOS — STAFF LEAVE BALANCES

1943. Hon Tjorn Sibma to the minister representing the Minister for Mines and Petroleum; Industrial Relations:

As at 31 December 2018, for each agency/department within the Minister's portfolio can you please provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply for leave balances of the following periods:

(a) 4 weeks or less;

(b) 4 to 5 weeks;

(c) 5 to 6 weeks;

(d) 6 to 7 weeks;

(e) 7 to 8 weeks; and

(f) more than 8 weeks?

Hon Alannah MacTiernan replied:

Department of Mines, Industry Regulation and Safety

		Dollar Value of Accrued Annual Leave	Number of Staff
(a)	4 weeks or less	$2,612,249.49	882
(b)	4 to 5 weeks	$1,149,985.68	127
(c)	5 to 6 weeks	$1,127,316.85	99
(d)	6 to 7 weeks	$1,064,264.90	82
(e)	7 to 8 weeks	$1,306,133.32	90
(f)	More than 8 weeks	$3,093,377.98	132

Mineral Research Institute WA

		Dollar Value of Accrued Annual Leave	Number of Staff
(a)	4 weeks or less	$25652.57	4

(b)–(f) Not applicable.

WA Industrial Relations Commission

		Dollar Value of Accrued Annual Leave	Number of Staff
(a)	4 weeks or less	36,901.47	13
(b)	4 to 5 weeks	54,076.98	7
(c)	5 to 6 weeks	41,464.36	6
(d)	6 to 7 weeks	29,760.17	3
(e)	7 to 8 weeks	25,354.65	2
(f)	More than 8 weeks	91,257.60	5

WorkCover WA

		Dollar Value of Accrued Annual Leave	Number of Staff
(a)	4 weeks or less	$208 102	124
(b)	4 to 5 weeks	$7 882	1
(c)	5 to 6 weeks	$10 741	1
(d)	6 to 7 weeks	$13 874	1
(e)	7 to 8 weeks	$Nil	Nil
(f)	More than 8 weeks	$30 343	1

Construction Industry Long Service Leave Payments Board

		Dollar Value of Accrued Annual Leave	Number of Staff
(a)	4 weeks or less	$29 872.45	7
(b)	4 to 5 weeks	$37 202.50	5
(c)	5 to 6 weeks	$16 768.12	2
(d)	6 to 7 weeks	$11 914.46	1
(e)	7 to 8 weeks	$22 520.02	2
(f)	More than 8 weeks	$76 574.63	3

MINISTER FOR ENERGY — PORTFOLIOS — STAFF LEAVE BALANCES

1944. Hon Tjorn Sibma to the minister representing the Minister for Energy:

As at 31 December 2018, for each agency/department within the Minister's portfolio can you please provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply for leave balances of the following periods:

(a) 4 weeks or less;

(b) 4 to 5 weeks;

(c) 5 to 6 weeks;

(d) 6 to 7 weeks;

(e) 7 to 8 weeks; and

(f) more than 8 weeks?

Hon Stephen Dawson replied:

Public Utilities Office

(a)–(f) Please refer to Legislative Council Question on Notice 1941.

Western Power

		Dollar Value of Accrued Annual Leave	**Number of Staff**
(a)	4 weeks or less	$6,640,671	1501
(b)	4 to 5 weeks	$3,112,369	318
(c)	5 to 6 weeks	$2,797,844	228
(d)	6 to 7 weeks	$2,760,609	191
(e)	7 to 8 weeks	$2,260,933	133
(f)	8 weeks	$9,523,285	359

Western Power recognises these figures are increasing, and has developed a leave management plan to reduce these numbers.

Synergy

		Dollar Value of Accrued Annual Leave	**Number of Staff**
(a)	4 weeks or less	$1,993,367	416
(b)	4 to 5 weeks	$818,170	61
(c)	5 to 6 weeks	$717,318	51
(d)	6 to 7 weeks	$651,128	31
(e)	7 to 8 weeks	$643,521	29
(f)	8 weeks	$7,629,093	144

Horizon Power

		Dollar Value of Accrued Annual Leave	**Number of Staff**
(a)	4 weeks or less	$1,014,736.87	206
(b)	4 to 5 weeks	$495,001.30	48
(c)	5 to 6 weeks	$455,116.18	32
(d)	6 to 7 weeks	$432,509.13	23
(e)	7 to 8 weeks	$214,323.74	11
(f)	8 weeks	$1,914,800.70	51

Data as at 23 December 2018 due to the pay cycle.

The calculation of number of weeks has been generated based on total hours accrued divided by the standard number of hours worked per week. i.e. 37.5 for full-time employees and applicable pro-rated weekly hours for part-time employees.

MINISTER FOR HOUSING — PORTFOLIOS — STAFF LEAVE BALANCES

1946. Hon Tjorn Sibma to the minister representing the Minister for Housing; Veterans Issues; Youth; Asian Engagement:

As at 31 December 2018, for each agency/department within the Minister's portfolio can you please provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply for leave balances of the following periods:

(a) 4 weeks or less;

(b) 4 to 5 weeks;

(c) 5 to 6 weeks;

(d) 6 to 7 weeks;

(e) 7 to 8 weeks; and

(f) more than 8 weeks?

Hon Stephen Dawson replied:

Department of Communities

Please refer to Legislative Council Question On Notice 1947.

Department of Jobs, Tourism, Science and Innovation

Please refer to Legislative Council Question On Notice 1929.

MINISTER FOR CHILD PROTECTION — PORTFOLIOS — STAFF LEAVE BALANCES

1947. Hon Tjorn Sibma to the Leader of the House representing the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:

As at 31 December 2018, for each agency/department within the Minister's portfolio can you please provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply for leave balances of the following periods:

(a) 4 weeks or less;

(b) 4 to 5 weeks;

(c) 5 to 6 weeks;

(d) 6 to 7 weeks;

(e) 7 to 8 weeks; and

(f) more than 8 weeks?

Hon Sue Ellery replied:

This answer covers multiple Ministers' portfolios, including Disability Services, Seniors and Ageing, Volunteering, Housing, Veterans Issues. Youth, as well as my Child Protection, Women's Interests, Prevention of Family and Domestic Violence and Community Services portfolios.

The following data is provided for the Department of Communities, current as at 31 December 2018:

Question	Leave balance in weeks	Total dollar value	Number of staff
(a)	4 weeks or less	$11,264,863	3,806
(b)	4 to 5 weeks	$4,248,031	533
(c)	5 to 6 weeks	$4,051,936	417
(d)	6 to 7 weeks	$3,552,456	297
(e)	7 to 8 weeks	$2,824,828	202
(f)	More than 8 weeks	$12,813,479	615

MINISTER FOR EMERGENCY SERVICES — AGRICULTURAL REGION VISIT

1949. Hon Martin Aldridge to the minister representing the Minister for Emergency Services; Corrective Services:

I refer to the Minister's visit to the Agricultural Region on 2 March 2019, and I ask:

(a) please provide an unredacted copy of the Ministers itinerary and travel arrangements for 2 March 2019;

(b) please provide all briefing notes and advice provided to the Minister in relation to meetings, functions and other commitments undertaken by the Minister on 2 March 2019;

(c) who accompanied the Minister during the visit and at each meeting, function or other commitments undertaken the Minister on 2 March 2019; and

(d) on what date, at what time and by what means were the following local members of Parliament notified of the Minister's visit:

(i) Mr Peter Rundle MLA;

(ii) Hon Martin Aldridge MLC;

(iii) Hon Colin de Grussa MLC;

(iv) Hon Laurie Graham MLC;

(v) Hon Jim Chown MLC;

(vi) Hon Rick Mazza MLC; and

(vii) Hon Darren West MLC?

Hon Stephen Dawson replied:

(a) Please find itinerary and flight details attached. [See tabled paper no 2602.]

(b) Please find the briefing note attached. [See tabled paper no 2602.]

(c) Commissioner Darren Klemm, Fire and Emergency Services. Mia Onorato-Sartari, Senior Policy Adviser, Office of the Hon Francis Logan MLA. Kim Lusk, A/District Officer, Fire and Emergency Services.

(d) (i)–(vii) No members were notified on this occasion. While the Minister will generally notify local members of visits, it did not occur in this instance due to late confirmation of travel arrangements necessitated because of the ongoing emergency situation. The Member is reminded that the notification to local members of a Minister's attendance to events in their electorate is provided as a courtesy, not an obligation.

DEPARTMENT OF THE PREMIER AND CABINET — FOI REQUESTS

1950. Hon Tjorn Sibma to the Leader of the House representing the Premier; Minister for Public Sector Management; Federal–State Relations:

For each of the ten financial years 2008–9 until 2017–18 (inclusive) can the Department of Premier and Cabinet's Freedom of Information (FOI) unit advise:

(a) the total number of applications received;

(b) the proportion of these applications by occupation of the applicant (eg. member of parliament, legal firm on behalf of client, journalist, organisation, member of the public, other);

(c) the proportion of FOI applications completed within the 45-day legislated timeframe;

(d) staffing levels within the unit; and

(e) cost per application processed?

Hon Sue Ellery replied:

Department of the Premier and Cabinet

Section 111 of the FOI Act requires the Information Commissioner to provide a report to the Speaker of the Legislative Assembly and the President of the Legislative Council on the operation of the legislation during the financial year. As part of this report, statistical information is provided to the Information Commissioner by each government agency at the end of each financial year.

(a) The number of FOI applications received by the Department is reported to the Information Commissioner annually and is available in the Information Commissioner's relevant annual reports.

(b)–(c) This statistical information has not been requested by the Information Commissioner and has not been tracked. Answering this question would involve a manual search of every application received by the agency for the specified years and would entail a review of all FOI applications. The Government is not prepared to divert such a substantial and unreasonable portion of agency resources away from core operations to undertake such an intensive search.

(d) The staffing levels for the FOI Unit were two FTE before January 2012 and five FTE since that date.

(e) The application fees collected and the charges for access to documents are available in the Information Commissioner's relevant annual reports.

DEPARTMENT OF MINES, INDUSTRY REGULATION AND SAFETY — "MANAGEMENT OF CROWN LAND SITE CONTAMINATION" REPORT

1952. Hon Robin Chapple to the minister representing the Treasurer:

I refer to the Western Australian Auditor General's Report No. 13 of June 2018: *Management of Crown Land Site Contamination*, and ask:

(a) why was the Department of Mines, Industry Regulation and Safety not part of the audit;

(b) is an audit of the Department of Mines, Industry Regulation and Safety regarding contaminated land planned for the future;

(c) if yes to (b), when will:

(i) the audit occur; and

(ii) a public report be available;

(d) will the Minister please provide a list of all State agencies that own or manage land that is contaminated, including:

(i) the location of the site;

(ii) the contaminate or substance; and

(iii) the dates in which it was reported to be potentially contaminated, investigated and remediated; and

(e) to date, how many sites remain to be inspected?

Hon Stephen Dawson replied:

(a)–(b) Please refer to the response to (a) of Legislative Council Question on Notice 1818.

(c) (i)–(ii) Not applicable.

(d) Please refer to the response to (b) of Legislative Council Question on Notice 1818.

(e) Please refer to the response to (c) of Legislative Council Question on Notice 1818.

PAYROLL TAX — THRESHOLD BANDS

1954. Hon Tjorn Sibma to the minister representing the Treasurer; Minister for Finance; Aboriginal Affairs; Lands:

In tabular form for each payroll tax threshold band which applied in financial years, 2012–13, 2013–14, 2014–15, 2015–16, 2016–17 and 2017–18, can the Treasurer please advise of the:

(a) number of companies within each threshold;

(b) industry sector to which those companies belonged (if known); and

(c) total taxation revenue received per threshold (and total taxation revenue by sector if known)?

Hon Stephen Dawson replied:

(a)–(c) [See tabled paper no 2600.]

PAYROLL TAX — THRESHOLD BANDS

1955. Hon Tjorn Sibma to the minister representing the Treasurer; Minister for Finance; Aboriginal Affairs; Lands:

In tabular form for each payroll tax threshold band which applies in the present 2018–19 financial year, can the Treasurer please advise the:

(a) estimated number of companies within each threshold;

(b) industry sector to which these companies belong (if known); and

(c) total taxation revenue to be received per threshold (and total taxation revenue to be received by sector if known)?

Hon Stephen Dawson replied:

(a)–(c) [See tabled paper no 2601.]

PREMIER —SOUTH METROPOLITAN REGION VISIT

1956. Hon Nick Goiran to the Leader of the House representing the Premier; Minister for Public Sector Management; Federal–State Relations:

I refer to the email from the Premier's office, dated 5 March 2019 and received at 4:37pm from the Premier's appointments secretary, and I ask:

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

(b) further to (a):

(i) how many meetings, events, functions or similar did the Premier attend;

(ii) who attended each of the meetings, events, functions or similar with the Premier; and

(iii) did the Premier receive or create any documents during or in preparation for the meetings, events, functions or similar;

(c) if yes to (b)(iii), what were those documents;

(d) further to (c), will the Premier table those documents;

(e) if yes to (d), when; and

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

Hon Sue Ellery replied:

(a)–(f) For the Member's information, the Premier's public engagement on the 6th of March in the South Metropolitan Region was at the Maritime Museum in Fremantle. The Premier was in attendance for approximately 1 hour and 45 minutes. Also in attendance was Hon Dave Kelly, Minister for Fisheries; Forestry; Innovation and ICT; Science.

For the benefit of the honourable member, that email contained contact details if he required further detail.

Emails of this nature are sent as a courtesy. If the member finds them a nuisance, he can reply asking to be removed from future correspondence.

PREMIER —SOUTH METROPOLITAN REGION VISIT

1957. Hon Nick Goiran to the Leader of the House representing the Premier; Minister for Public Sector Management; Federal–State Relations:

I refer to the email from the Premier's office, dated 7 March 2019 and received at 2:41pm from the Premier's appointments secretary, and I ask:

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

(b) further to (a):

(i) how many meetings, events, functions or similar did the Premier attend;

(ii) who attended each of the meetings, events, functions or similar with the Premier; and

(iii) did the Premier receive or create any documents during or in preparation for the meetings, events, functions or similar;

(c) if yes to (b)(iii), what were those documents;

(d) further to (c), will the Premier table those documents;

(e) if yes to (d), when; and

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

Hon Sue Ellery replied:

(a)–(f) For the Member's information, the Premier's public engagement on the 8th of March in the South Metropolitan Region was at the Phoenix Waste to Energy Plant Site. The Premier was in attendance for approximately 1 hour and 15 minutes. Also in attendance was Hon Melissa Price, Federal Minister for the Environment and various Elected Members from Local Government Authorities.

The Premier also attended the 2019 Australian Fleet Reception aboard HMAS Canberra, Fremantle Harbour in the evening. He was in attendance for approximately 90 minutes.

For the benefit of the honourable member, that email contained contact details if he required further detail.

Emails of this nature are sent as a courtesy. If the member finds them a nuisance, he can reply asking to be removed from future correspondence.

PUBLIC HOUSING — SOLAR PHOTOVOLTAIC SYSTEMS

1959. Hon Tim Clifford to the minister representing the Minister for Energy:

(1) I refer to question without notice No. 39 asked in the Legislative Council on 13 February 2019 by Hon Tim Clifford, and ask will the Minister please provide a copy of a report completed by the Public Utilities Office (PUO) which documents the results of a 2012 pilot project undertaken by the PUO in collaboration with the Housing Authority and which examined and reported on the viability of installing solar photovoltaic panels on public housing properties?

(2) In relation to the installation of solar photvoltaic panels or any other renewable technologies on social, public or community housing, has the PUO undertaken any further research and if so will the Minister please provide copies of relevant reports?

Hon Stephen Dawson replied:

(1) The 2012 solar photovoltaic (PV) in public housing pilot project was led and managed by the then Department of Housing, although the Public Utilities Office provided funding and technical support. The Public Utilities Office undertook an analysis of the pilot project, but no formal report was produced. The analysis found that the pilot project was successfully implemented in 2012–13 by the Department of Housing, delivering average annual savings of $334 to individual recipients through avoided electricity purchases and exports under the Renewable Energy Buyback Scheme (based on 2016–17 electricity tariffs and buyback rates). Further, the analysis found that the Department of Housing effectively used its procurement powers and standard contract management practices to deliver the pilot project within budget, with a very low component failure rate, and no injuries to tenants or suppliers.

(2) The Public Utilities Office is currently investigating potential initiatives to install rooftop solar PV systems on social, public or community housing. This work has not been finalised and no formal reports are available.

CHILD PROTECTION — CHILDREN IN CARE OF THE CEO

1962. Hon Nick Goiran to the Leader of the House representing the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:

(1) I refer to question on notice No. 1636, asked by Hon Alison Xamon MLC, to which the Minister informed the house that as at 1 October 2018, 2 of the 25 young people at Banksia Hill Detention Centre in the CEO's care have been granted bail, but remain in remand due to a lack of suitable accommodation being offered by the Department, and I ask:

(a) have the 2 young people aforementioned been released to suitable accommodation;

(b) if yes to (a), do those young people remain at that accommodation; and

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

(2) how many young people in the CEO's care are currently at Banksia Hill Detention Centre:

(a) of these, how many are currently in custody because there is no suitable accommodation available for them to be released on bail or on supervised release orders?

Hon Sue Ellery replied:

(1) (a) Yes.

(b) Yes.

(c) Not applicable.

(2) As at 12 March 2019, there were 28 children in care at Banksia Hill.

(a) Nil.

MINISTER FOR REGIONAL DEVELOPMENT — PORTFOLIOS — TRAVEL BOOKINGS

1988. Hon Robin Chapple to the Minister for Regional Development; Agriculture and Food; Ports; Minister Assisting the Minister for State Development, Jobs and Trade:

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

(a) in the last year have ministerial departments used the services of booking agents, booking platforms or multinational online travel agencies other than Corporate Travel Management (CTM) for the provision of accommodation for the Minister, ministerial staff and departmental staff; and

(b) if yes to (a), please list the following information:

(i) the name of the booking agency, booking platform or multinational online travel agency;

(ii) the number of times it was used;

(iii) for which portfolio area of responsibility;

(iv) who the booking was made for;

(v) and the reason for the travel; and

(vi) the reason why CTM was not used for the booking?

Hon Alannah MacTiernan replied:

Department of Primary Industries and Regional Development (DPIRD)

(a)–(b) As DPIRD officers all book their own accommodation using corporate credit cards answering this question would require a manual examination of all bookings made by all staff. The government is not prepared to divert such a substantial and unreasonable portion of agency resources away from core operations to undertake such an intensive search. If the Member has a question about a particular booking made by a DPIRD officer I would encourage him to ask a specific question and I will endeavour to answer it.

Pilbara Ports Authority

(a) No.

(b) N/A.

Southern Ports Authority

(a) No.

(b) N/A.

Fremantle Port Authority

(a) Yes.

(b) (i)–(v) Bookings.com was used once by the Fremantle Ports Harbour Master to attend an International Harbour Masters Association biennial meeting.

(vi) Significantly cheaper than CTM. Fremantle Port Authority is not obliged to use CTM as it is not bound by the State Supply Commission Act.

Kimberley Port Authority

(a) Yes.

(b) (i)–(v) Flight Centre was used on three occasions by the CEO to attend meetings.

(vi) Kimberley Port Authority is not obliged to use CTM as it is not bound by the State Supply Commission Act.

Mid West Port Authority

(a) Yes.

(b) (i)–(v) 230 accommodation bookings have been made through Corporate Traveller over the past twelve months for travel by board members, CEO, pilots, engineers, environmental officers, and other various other staff to attend training, meetings and conferences.

(vi) Mid West Port Authority is not obliged to use CTM as it is not bound by the State Supply Commission Act. Corporate Traveller is the preferred supplier for the MWPA.

MINISTER FOR LOCAL GOVERNMENT — PORTFOLIOS — TRAVEL BOOKINGS

1990. Hon Robin Chapple to the Leader of the House representing the Minister for Local Government; Heritage; Culture and the Arts:

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

(a) in the last year have ministerial departments used the services of booking agents, booking platforms or multinational online travel agencies other than Corporate Travel Management (CTM) for the provision of accommodation for the Minister, ministerial staff and departmental staff; and

(b) if yes to (a), please list the following information:

(i) the name of the booking agency, booking platform or multinational online travel agency;

(ii) the number of times it was used;

(iii) for which portfolio area of responsibility;

(iv) who the booking was made for;

(v) and the reason for the travel; and

(vi) the reason why CTM was not used for the booking?

Hon Sue Ellery replied:

(a)–(b) [See tabled paper no 2584.]

TREASURER — PORTFOLIOS — TRAVEL BOOKINGS

1994. Hon Robin Chapple to the minister representing the Treasurer; Minister for Finance; Aboriginal Affairs; Lands:

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

(a) in the last year have ministerial departments used the services of booking agents, booking platforms or multinational online travel agencies other than Corporate Travel Management (CTM) for the provision of accommodation for the Minister, ministerial staff and departmental staff; and

(b) if yes to (a), please list the following information:

(i) the name of the booking agency, booking platform or multinational online travel agency;

(ii) the number of times it was used;

(iii) for which portfolio area of responsibility;

(iv) who the booking was made for;

(v) and the reason for the travel; and

(vi) the reason why CTM was not used for the booking?

Hon Stephen Dawson replied:

Department of Treasury

(a) Yes.

(b) [See tabled paper no 2603.]

Department of Finance

(a) Yes.

(b) [See tabled paper no 2603.]

Western Australia Treasury Corporation

(a) No.

(b) Not applicable.

Economic Regulation Authority

(a) No.

(b) Not applicable.

Department of Planning, Lands and Heritage

Please refer to Legislative Council question on notice 1998.

Aboriginal Policy and Coordination Unit

Please refer to Legislative Council question on notice 1982.

Government Employees Superannuation Board

(a) Yes.

(b) [See tabled paper no 2603.]

Fire and Emergency Services Superannuation Fund

(a) No.

(b) Not applicable.

Insurance Commission of Western Australia

(a) No.

(b) Not applicable.

Office of the Auditor General

(a) Yes.

(b) [See tabled paper no 2603.]

Department of Local Government, Sport and Cultural Industries

Please refer to Legislative Council question on notice 1990.

Landcorp

(a) No.

(b) Not applicable.

Landgate

(a) No.

(b) Not applicable.

DEPARTMENT OF PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT — MACHINERY-OF-GOVERNMENT CHANGES

2003. Hon Colin de Grussa to the Minister for Regional Development; Agriculture and Food; Ports; Minister Assisting the Minister for State Development, Jobs and Trade:

I refer to the Department of Primary Industries and Regional Development (DPIRD) and the Machinery of Government changes, and I ask:

(a) please provide the staff and FTE numbers of DPIRD employees involved in the provision of:

  (i) information technology services and support for the Department; and

  (ii) human resources functions for DPIRD;

(b) please provide the number of staff and FTE for the functions at (a)(i) and (a)(ii) for each of the following departments, at the 1st July 2017:

  (i) Department of Agriculture and Food;

  (ii) Department of Fisheries; and

  (iii) Department of Regional Development; and

(c) please provide the following details for the staff involved in the functions at (a)(i) and (a)(ii):

  (i) how many of these staff were previously working for any of the departments listed at (b);

  (ii) please provide a breakdown of the numbers of staff from each of the former departments at (b); and

  (iii) if any of the staff were not previously employed by the departments at (b), please provide a breakdown of their immediate previous employer?

Hon Alannah MacTiernan replied:

(a)

Department	**(i)**		**(ii)**	
	Staff	**FTE**	**Staff**	**FTE**
Department of Primary Industries and Regional Development	84	82.6	60	55.6

(b) The Departments listed in (b) did not exist on 1 July 2017, therefore the answer has been provided on the assumption the Member was seeking the numbers from 30 June 2017.

Department	**(i)**		**(ii)**	
	Staff	**FTE**	**Staff**	**FTE**
Department of Agriculture and Food	80	76.3	54	50.1
Department of Fisheries	34	32.9	25	23.7
Department of Regional Development	11	11.0	11	10.0

(c) (i) Department of Primary Industries and Regional Development 128

(ii) Department of Agriculture and Food 70

Department of Fisheries 43

Department of Regional Development 15

(iii) Commenced from outside WA Public Sector 12

New contract from within WA Public Sector 4