Parliamentary Debates
(HANSARD)

FORTIETH PARLIAMENT
FIRST SESSION
2017

LEGISLATIVE ASSEMBLY

Wednesday, 8 November 2017

Legislative Assembly

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

ROYALTIES FOR REGIONS — BOARDING AWAY FROM HOME ALLOWANCE

Petition

MR I.C. BLAYNEY (Geraldton) [12.01 pm]: I have a petition that has been certified as conforming with the standing orders of the Legislative Assembly. It has 163 signatures and reads as follows —

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, say
>
> *That the State Government's decision to remove the Royalties for Regions contribution from the Boarding Away from Home Allowance will cause hardship to isolated families and may result in children not completing their education due to this financial hardship*
>
> Now we ask the Legislative Assembly
>
> *To reverse the Budget decision to remove the Royalties for Regions contribution to the Boarding Away From Home Allowance.*

[See petition 25.]

GOLD ROYALTY RATE INCREASE

Petition

MR K.M. O'DONNELL (Kalgoorlie) [12.02 pm]: I have a petition that has been certified by the clerks of the Legislative Assembly. It has 587 signatures and is couched in the following terms —

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, are strongly against the State Government's proposed gold royalty rate increase. Any increase to the gold royalty rate could result in mine closures, exploration cutbacks and job losses. We respectfully ask the Legislative Assembly to oppose this increase, in order to protect future of WA's gold industry.

[See petition 26.]

PAPERS TABLED

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

BILLS

Appropriations

Messages from the Governor received and read recommending appropriations for the following bills —

1. Historical Homosexual Convictions Expungement Bill 2017.
2. Court Jurisdiction Legislation Amendment Bill 2017.

COMMONWEALTH BANK OF AUSTRALIA AND BANKWEST — ANNUAL CERTIFICATES OF COMPLIANCE

Statement by Treasurer

MR B.S. WYATT (Victoria Park — Treasurer) [12.05 pm]: I am pleased to inform this house that the Commonwealth Bank of Australia and Bankwest have provided me with their annual certificates of compliance as at 30 June 2017, which are required under part 5A of the Bank of Western Australia Act 1995.

By way of background, the original act enabled the state government to sell Bankwest in 1995. The act placed requirements on the buyer to maintain Bankwest as a significant financial institution headquartered in Western Australia. These requirements included keeping the head office and managing officer within WA, and requiring that the Bankwest business remain of the same type and scale as it was just prior to its 1995 sale. Amendments to the act were passed in 2012 to facilitate the absorption of Bankwest into the corporate entity of its parent, the Commonwealth Bank of Australia. These amendments updated the requirements of the Bankwest owner, as well as including provisions for the state government to monitor compliance with the updated requirements.

The certificates that I table today confirm that the banks have complied with both the ongoing and transitional obligations set out under the act. The ongoing obligations have no expiry date. However, I inform this house that the transitional obligations expired on 1 October 2017. As per the original act, the ongoing obligations require that the type and scale of business remain the same and that the head office and managing officer are to remain in Western Australia. Other ongoing obligations under the act require the Bankwest banking business to carry on using the Bankwest name. It also requires that sufficient records of the Bankwest business be kept in WA to enable the Bankwest owner to comply with any notice issued by the government with regard to the ongoing obligations. Bankwest has assured government that it will not reduce its employment efforts in Western Australia and, as such, the government is not seeking to extend the expired transitional provisions.

I am pleased to table these certificates of compliance and I thank Bankwest for its continuing support of Western Australian community groups and schools.

[See paper 943.]

ELECTRICAL WORKERS — HEALTH AND SAFETY REGULATIONS

Statement by Minister for Commerce and Industrial Relations

MR W.J. JOHNSTON (Cannington — Minister for Commerce and Industrial Relations) [12.07 pm]: I am pleased to inform the house that the McGowan government recently introduced regulations to improve the health and safety of those undertaking electrical work. As many in this place are aware, far too many electrical accidents have occurred over the past four years. Over that period, four electrical workers lost their lives and another two were seriously injured while undertaking electrical work.

In February 2015, a high-voltage fuse switch exploded at the Morley Galleria Shopping Centre, killing two people and seriously injuring two others. Preliminary findings of the investigations revealed that the electricity supply was not isolated while work was being undertaken on the equipment. I note that WorkSafe's investigation into the incident is progressing. In March 2016, an electrician was electrocuted while doing work in the roof space of a property in Yokine. This fatality bears many similarities to the tragic death of young Jayden Zappelli in the ceiling space of a property in East Bunbury in 2013. The main contributing factor in all of these tragic cases was the fact that the electrical equipment and installations were energised. In situations such as this, the government has a responsibility to protect members of the public and workers. It is for that reason that the McGowan government is mandating safety precautions. I am pleased to report that these measures arose from the collaborative work of EnergySafety and WorkSafe. As members are aware, the McGowan government's machinery-of-government changes have encouraged collaboration between agencies. In my portfolio, the creation of the Department of Mines, Industry Regulation and Safety has successfully stimulated collaboration to improve safety outcomes. Under the new regulations, electrical work on or near live electrical installations and equipment is prohibited, except for rare circumstances in which it is not possible to work without the electrical installation being energised, such as testing. In these cases, strict control measures will have to be implemented to ensure work can be done safely. To address the issue of workers being killed by electricity in roof spaces of domestic dwellings, we have introduced new requirements that require the electricity main switch to be turned off before any workers enter the ceiling space of a domestic property. I am proud to say that this is a first in Australia.

The McGowan government is committed to improving occupational health and safety for Western Australian workers. These regulations will significantly improve worker safety and will go some way to ensuring all workers return home safely at the end of the day.

PERTH CHILDREN'S HOSPITAL — MINISTER FOR HEALTH

Standing Orders Suspension — Motion

DR M.D. NAHAN (Riverton — Leader of the Opposition) [12.10 pm] — without notice: I move —

> That so much of standing orders be suspended to enable the following motion to be moved forthwith —
>
> > That this house expresses deep concern with regards to the Minister for Health for his unprecedented attempt to gag the opposition from holding the McGowan government to account in relation to prematurely accepting practical completion of the Perth Children's Hospital and its mismanagement of the project since forming government.

This is urgent. The issue of Perth Children's Hospital is one of the most important facing the government and the public of Western Australia. It is a magnificent, but empty, $1.2 billion hospital. It is obviously a legitimate and necessary thing for the opposition and the Parliament to debate. It has been controversial for some time, and has been vigorously debated in this house for a number of years. Last Friday I received a letter from the Minister for Health, basically telling the opposition to temper and reduce debate on this important issue, in public and in the community.

Standing Orders Suspension — Amendment to Motion

MR D.J. KELLY (Bassendean — Minister for Water) [12.11 pm]: I move —

To insert after "forthwith" the following —

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

Amendment put and passed.

Standing Orders Suspension — Motion, as Amended

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

Question put and passed with an absolute majority.

Motion

DR M.D. NAHAN (Riverton — Leader of the Opposition) [12.13 pm]: I move the motion. I will be the lead speaker, but we have 15 minutes. The children's hospital is one of the most controversial issues facing the government and the state. It is a magnificent, but empty, hospital, costing the state $1.2 billion. Practical completion was taken by the government in April of this year, and had a range of issues related to it. That was a controversial decision. It is an issue that we have debated in this house extensively in this and previous terms of government. It is now the subject of a Public Accounts Committee review, led by the member for Armadale as chair, and the member for Bateman as deputy chair. It is also subject to the Langoulant inquiry. A government-controlled committee is investigating the issues very thoroughly, often with public submissions. The Langoulant inquiry is also taking submissions and inquiring into the issue. Last Friday, the Minister for Health sent me a letter that reads, in part —

> I ask you and the Opposition to temper your comments on the granting of practical completion and the source of lead contamination in potable water at PCH …

He stated that the reason for this request was that —

> Your recent public commentary —

I assume this is both in the Parliament and in public —

> seems to indicate that you are willing to support the case advanced by the contractor, in their commercial interests, rather than the State, who is acting in the public interest.

In other words, us debating this issue in Parliament is pursuing the interests of the contractor. In the carriage of the debate in this house, on one of the most important issues facing the state, the minister asked us to temper and stifle debate on it. The issue that he asked us to stifle our discussions on, which is subject to the Public Accounts Committee review and to the Langoulant inquiry, is the decision, amongst other things, to take practical completion. The government of the day, in a controversial manner, which we have discussed in this house—it was not unanimous—took practical completion in April, after the Department of Health said we are nowhere close to this. The government took practical completion of the hospital, while defining the lead in the water supply as a minor defect. That is a controversial decision and should be the subject of debate in this Parliament. The idea that the opposition should not debate that issue here and in public, usually—almost always—based on information provided by the government, is an outrageous attempt to stifle parliamentary debate, and the opposition.

The other wideranging issue for some time has been the source of the lead in the water supply to the hospital. Again, the minister asks us to desist from talking about and debating the source of the lead, even though he does it extensively, and has done it extensively in this Parliament and in the last Parliament, speculating on all sources. A fundamental and crucial role for an opposition is to debate, using received evidence, arguments and reports from the government on issues of public concern. There is no doubt that the decision to take practical completion of the children's hospital, and the source of lead in the water, are major issues that this Parliament must discuss.

I received the letter from the Minister for Health last Friday. The first thing I did was get hold of the minister and ask for a briefing on it. I did not say anything publicly until I received a briefing at 9.00 am today. We received a briefing from the Department of Health on a range of technical issues, but that was not the issue of the letter. The letter was saying that there was some commercial or contractual reason for us to desist debating. We found that this letter had not gone to the State Solicitor's Office for legal advice. What is the legal basis for this accusation? There was not any. We asked whether the same argument was being put to the Public Accounts Committee or the Langoulant inquiry. No, it was not. The letter was sent only to the opposition, in a clear attempt to stop us from debating decisions of government that are legitimate and controversial issues. These are issues that we have debated extensively. We can only interpret this as an attempt to stifle Parliament in dutifully carrying out its responsibility on an issue of unquestioned importance to the community. It is outrageous behaviour from a minister who is basically asking the opposition not to examine his activities and decisions—do not look at them; ignore them.

We worried that there might be some legal issue, so we did not say anything, but the first meeting we had with the minister's people revealed that there was no substance to the accusations in the letter. There is a lot of material, and I am sure that the Department of Health is unquestionably doing its best to resolve this issue, but the attempt by the Minister for Health to stop the opposition and Parliament from scrutinising this issue is an outrageous attempt to stifle the functions of Parliament.

MR W.R. MARMION (Nedlands) [12.19 pm]: I wish to speak in favour of the motion. This is unprecedented. Never in my career in government have I seen a letter written by the government to the opposition basically asking it to go easy on a topic. The job of the opposition is to hold the government to account. The Perth Children's Hospital is one of the largest infrastructure projects that the government is involved in. There are problems with it at the moment. The media and the public want to know what is going on, and what happens? A letter is addressed to the Leader of the Opposition stating —

> … I ask you and the Opposition to temper your comments on the granting of practical completion and the source of that contamination in potable water at PCH, as they may undermine the contractual and commercial position of the State.

The pertinent issues are then explained. Today we had a briefing. We wanted to get some background on whether this is a real issue. We do not want to cause the state more expense in any claims, so we accepted a briefing. In the briefing we got a case for why practical completion should have been granted and that they are doing everything they can to improve the water in the hospital. That is great; we are happy with that, but we take umbrage at a letter that tells us to go quiet, to gag us, to stop us —

Mr V.A. Catania: Muzzled like a dog.

Mr W.R. MARMION: Yes, to stop the democratic process. I cannot come into Parliament and say what I want to say. That just goes against the whole democratic process and what Parliament is all about. There is an implication in this and what the minister said last week in a debate that we are on the side of the proponent, John Holland. That is not the issue here. The total issue is that we, as members of Parliament, are being muzzled by a letter, and in my view that is a contempt of Parliament. It is just outrageous that we get a letter saying, "Go easy, guys. We reckon practical completion was reasonable when we did it." That is debatable. The letter states that the government has most of the reports about the source of the lead and that most of them state that it is not the dead leg. However, that of course disregards the Building Commissioner's report that stated that it was a possibility. We are not saying that it is the source of the lead, just like the Building Commissioner; we are only quoting from the Building Commissioner's report that one possible source of the lead in the water in the hospital is the dead leg or the ring main that was contaminated. I think that is a reasonable thing to suggest. The Building Commissioner thought it was reasonable, and that is all we are doing. The reason that the opposition has suspended standing orders is to make the point that we will not be muzzled and, indeed, we have a job to do. That is why we are sitting in Parliament today. We take umbrage at the letter. I was quite surprised in the briefing to find out that the letter did not go to crown law for advice.

Mr B.S. Wyatt: Crown law?

Mr W.R. MARMION: Or that it did not go to some state source for some legal advice on this, and I think it was confirmed today that that was the case.

MRS L.M. HARVEY (Scarborough — Deputy Leader of the Opposition) [12.22 pm]: The reason the opposition has been raising this issue of practical completion is that through the freedom of information process, we received briefing note after briefing note right up until 31 March 2017 stating that the government should not take practical completion of the hospital until the lead issue is resolved. Then, all of a sudden, on 10 April 2017, that changed and that was a decision of this Minister for Health. He went against the longstanding advice that the lead issue needed to be resolved and decided that the government needed to take practical completion of the hospital. We have been trying to interrogate that issue and have met nothing but roadblocks from this government in doing so. We tried, unsuccessfully, to get a copy of the draft report from the Building Commission for 164 days. We FOI-ed this document because we had a suspicion that some amendments might have been made between the draft document and the final document from the Building Commission, and we were right. We went through an FOI process to the Building Commission and we got a no. We went through an internal review process for FOI and we got a no. We went to the Information Commissioner and requested him to review those decisions and he forced the release of the draft report. What did we find in the draft report? We found some significant differences. The draft report had a recommendation —

> The Building Commission recommends that an independent organisation undertakes a scientific and forensic testing regime to fully determine the source, or sources, of the lead at the PCH. This work should also address whether there is more than one source of the lead and to what degree each is contributing to the elevated lead levels.

That sounds like a sensible recommendation. That was watered down to the following —

> The Building Commission recommends that the State appoints an independent organisation to review the existing test results and carry out whatever additional tests are needed to determine the proportions of lead that came from the identified sources …

There was another recommendation about water testing —

> A strategic forensic analysis of chemical signatures in water is required to conclusively determine the source or sources of excessive lead.

I would have thought that a government would want to identify all of the potential sources of lead going into a children's hospital. Why would it water down a Building Commission recommendation to identify that? We on this side of the house are not defending John Holland. If John Holland is responsible for the source of the lead, it needs to pay for all of the rectification efforts that have occurred. However, if this is a monumental stuff-up by the Department of Health and the state, the government should not be trying to pin it back on a contractor in a misleading fashion, and that is what we are trying to determine. We want to find the source of the lead and we want to know who is responsible. This government should be following that course of attack as well. Instead, what do we get? We get this ridiculous letter. We knew a lawyer had not drafted this letter because of its content. It is amateur hour. The letter states —

> I outline the facts of these two matters so as to inform your future public comment. Your recent public commentary seems to indicate that you are willing to support the case advanced by the contractor, in their commercial interests, rather than the State, who is acting in the public interest.

Several members interjected.

Mrs L.M. HARVEY: Wait; it continues —

> We should not forget that this is an unreliable contractor that has missed multiple dates over many years. I ask you to put the interests of the public first.

This is the Minister for Health putting out information that the contractor is unreliable when he is about to go to court on behalf of the state. What on earth would a court think of that comment being out in public and being sent to an opposition: "Stop examining my decision to put the taxpayer money of the state of Western Australia at risk by taking practical completion prematurely"? That has been our argument and that has been our premise: find the source of the lead, act fairly and justly, and let all Western Australians know exactly what happened at Perth Children's Hospital, instead of trying to shore up the minister's decision and put someone else in the frame. If it is the minister's decision that has put the hospital and taxpayer funds at risk, it needs to be scrutinised. If the Department of Health did not perform its duties and allowed the lead into the water, it needs to be held accountable. If it is John Holland, by all means, make it pay. But find the source, be truthful and stop trying to shut down the opposition from doing its job in this Parliament. There are not many of us; we do not get many opportunities to scrutinise and the government blocks us at every opportunity—164 days trying to withhold the report from us. It is appalling.

Mr R.H. Cook interjected.

The DEPUTY SPEAKER: Minister!

MR R.H. COOK (Kwinana — Minister for Health) [12.27 pm]: Madam Deputy Speaker, thank you very much for the opportunity to speak on this motion. The fact of the matter remains that this opposition has to decide whose side it is on. Is the opposition on the side of Western Australia or has it decided, for lack of any other material to bring to this place, to insert itself into this legal argument simply because it has nothing else to do and nothing else to run with.

Dr M.D. Nahan interjected.

Mr R.H. COOK: The Leader of the Opposition has a decision to make: is he going to back the WA taxpayer or is he going to insert himself into this legal argument?

Dr M.D. Nahan: We were elected to represent the people of Western Australia.

Mr R.H. COOK: Then get on and do it, Leader of the Opposition.

Dr M.D. Nahan interjected.

The DEPUTY SPEAKER: Leader of the Opposition, I think we have heard you give your presentation. We would like to hear the Minister for Health now, please, so would you please not yell across the chamber. Minister for Health, if you want him to yell across the chamber, keep talking to him, but you probably need to talk through the Chair.

Mr R.H. COOK: There is this feigned outrage we are getting from the other side at the moment because the opposition is trying to conjure up some sort of conspiracy theory that somehow we are trying to gag it and undermine its role as the opposition.

We are simply not. But we do ask the question: what sort of opposition does it want to be? We have made a decision that we want to be open and transparent as a government, so we will endeavour to provide the opposition and the WA public with as much information about this difficult issue as possible and as we are able to. What we also did, which is something we were never afforded in opposition, was provide a briefing from the department about the issues surrounding Perth Children's Hospital. We are being open and transparent. That is the hallmark of the government the Premier wishes to lead. The question is: what sort of opposition does it want to be?

This is not an exercise in trying to gag. This is an exercise of just simply saying to the opposition that it can choose to insert itself in the legal debate between the government and the contractor, or it can choose to do its job as an opposition, which is to actually examine issues of public policy. All we see from this opposition is seemingly questionable motives behind who it is backing in this one—the WA taxpayer or this big contractor—coming in here with questions and arguments day in, day out that fit nicely within the narrative of the managing contractor. We just simply ask the question —

Ms J.M. Freeman: Whose side are you on?

Mr R.H. COOK: Whose side is the opposition on? That is the question we want the answer to.

Several members interjected.

Mr R.H. COOK: We afforded the opposition the opportunity to acquaint itself with the argument because we thought that with a grown-up opposition we could have a good discussion around a briefing, so that it could understand the complexities of the issues involved. But it is clearly not up for that. It is not up for actually fulfilling its role as an opposition. All it wants to do is enter into these little exercises of conjecture and rubbish that we see from it.

We have also seen today this continuous confusion that seems to reign across the other side. If we look at the motion, it refers to "prematurely accepting practical completion of the Perth Children's Hospital". This was part of the motion that it moved in this place last Wednesday. The problem is that only one member of the opposition actually argued that we took practical completion too early. The Leader of the Opposition and the member for Nedlands actually argued that the hospital should already be open. I am not quite sure what is driving these arguments. Only the member for Churchlands actually stuck to the script. I suspect that was because they just did not tell him about the flip-flopping nature of their arguments. We had the member for Churchlands talking in some detail about the premature acceptance of practical completion, yet we had the member for Nedlands and the hapless Leader of the Opposition arguing that the hospital should already be open. We have to have a resolution from the other side. What sort of opposition does it want to be? And, at a much more basic level, what does it want to argue? Does it want to argue that the hospital should be open, or does it want to argue that we took practical completion too early? All I get is these confused narratives, and today is another exercise in that.

The member for Scarborough once again raised the opposition's confused state of mind around the issues to do with the Building Commission. The Minister for Commerce and Industrial Relations tried on several occasions last week to provide clarity around this. I will once again quote the Minister for Commerce and Industrial Relations, for the benefit of the house and those opposite, on how the Building Commissioner works. He said —

> I rise under standing order 82A to add further information to my answer to a question. Yesterday I was asked by the member for Nedlands inter alia why the independent Building Commissioner chose to edit the draft recommendations to their final form in respect of his report into Perth Children's Hospital of April 2017. This morning I spoke to the independent Building Commissioner about why he edited the recommendations in the way he did. The Building Commissioner explained to me that he chose to edit the recommendation because he believes it was appropriate.

He believes it was appropriate. The Minister for Commerce and Industrial Relations continued —

> Further, in respect of the member's supplementary question, I note that this was substantially the same as the question without notice 350 to me of 17 August 2017 from the Leader of the Opposition. I urge the member to refer to that answer.

The Building Commissioner is an independent statutory authority. The Minister for Commerce and Industrial Relations has no capacity to advise or instruct the Building Commissioner, in the same way that I have no capacity to instruct the Chief Health Officer. This project is under the guidance of both the Building Commissioner and the Chief Health Officer, executing their statutory roles as independent statutory officers. Nevertheless, day in, day out we see these conspiratorial —

Dr M.D. Nahan: Why did you write the letter?

Mr R.H. COOK: I wrote the letter, Leader of the Opposition, because I was trying to inform you so you can do your job better. It was to assist you to do your job, so that you can actually argue the public policy issues, not simply insert yourself into a legal argument between the WA taxpayer and this contractor. The question for the Leader of the Opposition is: what sort of opposition does he want?

Dr M.D. Nahan: Effective! Hold you to —

Several members interjected.

Dr M.D. Nahan: To hold you to account for your decisions!

Mr R.H. COOK: Then, Leader of the Opposition, you have to decide what your argument is! Did we take practical completion too early, as the member for Churchlands contends, or should the hospital already be open, as the member for Nedlands and you contend? It is a confused rabble over there! No wonder the opposition is having to insert itself into this argument with the assistance of the managing contractor! The opposition has no arguments!

It is hopeless in its pursuit of this particular issue. We tried to do the opposition and the WA public a favour by providing the opposition with some extra information in addition to the debate we had in this place. We tried to do the opposition a favour by providing it with extra information by way of a briefing. We are trying to be transparent and accountable around this hospital in a way that the former government never was because it was trying to hide its stuff-ups around this project! We are trying to fix them! And your problem, Deputy Leader of the Opposition is, firstly, you are confused and, secondly, you are hopeless, and therefore you are happy to insert yourself in this legal argument. The fact of the matter is that this mob has to decide what it will do. Is it going to back the WA taxpayer or is it going to continue to try to insert itself in this debate on behalf of the managing contractor? We are trying to provide the opposition with all the information it would expect a grown-up government to provide a grown-up opposition. Clearly, it is not up for the task. We are trying to provide the opposition with information so that it can get on with its duties as an opposition, but all it is simply interested in is cheap political pointscoring at the expense of the WA taxpayer! That is what is going on here.

The opposition has once again come into this place firing off limp, deranged and confused narratives and wasting the time of this Parliament with suspension motions. But we will let it continue to suspend because every time it suspends standing orders, it exposes itself for what a useless mob it is!

MR M. McGOWAN (Rockingham — Premier) [12.38 pm]: The Liberal Party has some gall even raising this issue. Considering its record in government of not being able to deal with this issue, the fact it even comes into Parliament to talk about this issue shows it has no appreciation of what it did when it was in government. It was the one responsible for selecting the main contractor in this contract. It was the Liberal Party in government that made a mess of this project, and it is Labor now in government that is pulling out all the stops to try to fix its errors.

Let us go to the letter. It basically said two things. It asked the opposition to temper its comments in relation to this matter—temper its comments. This fake, mock outrage, this over-the-top behaviour, is because it has been asked to temper its comments. The way it goes totally from zero to 100 about us asking it to temper its comments is absolutely incredible. The reason we have asked members of the opposition to temper their comments is that the head contractor, which has not done a good job on this project, is clearly feeding them information and they are running into this Parliament and trying to cause trouble. That is what they are doing; they are doing it all the time.

Several members interjected.

Point of Order

Ms R. SAFFIOTI: The Leader of the Opposition said that something was a lie. He would need to move a substantive motion to make that allegation.

Dr M.D. NAHAN: The Premier just accused us of being fed information for our debate from John Holland. He said, "You are clearly". That is untrue.

The DEPUTY SPEAKER: Leader of the Opposition, my understanding is that a point of order has been called to correct some language. I agree that you called the Premier a liar and that is not parliamentary.

Dr M.D. NAHAN: He stated —

The DEPUTY SPEAKER: Leader of the Opposition, I am sorry, but can you just let me finish. Would you please sit down. If you used the word "liar" to accuse the Premier of behaviour, you need to withdraw that.

Dr M.D. NAHAN: On a point of clarification —

The DEPUTY SPEAKER: No; there is no explanation.

Dr M.D. Nahan interjected.

The DEPUTY SPEAKER: If you used the word "liar" in relation to the Premier —

Dr M.D. NAHAN: I did not. I said, "That is a lie". The statement that he made was untrue. It was a lie.

The DEPUTY SPEAKER: Okay; that is fine. Continue on, Premier.

Ms R. SAFFIOTI: My understanding is that you cannot say that that is a lie in this place and that has been, as I understand —

Dr M.D. Nahan: Are you questioning the Deputy Speaker?

Ms R. SAFFIOTI: No.

The DEPUTY SPEAKER: I am sorry, but my decision will stand. Just be careful with your language in the house, particularly around mistruths and lies.

Mr S.K. L'ESTRANGE: I have a point of order.

The DEPUTY SPEAKER: If it is to do with this, I have made my decision.

Mr S.K. L'ESTRANGE: No, it is not to do with this. The Premier was making an imputation on the opposition that it was in dealings with the contractor. Standing order 92 states —

> Imputations of improper motives and personal reflections on the Sovereign, the Governor, a judicial officer or members of the Assembly or the Council are disorderly other than by substantive motion.

The DEPUTY SPEAKER: Thank you. That is not a point of order.

Debate Resumed

Mr M. McGOWAN: Clearly, the Liberal Party in this state is in the pocket of John Holland in relation to these matters. The Liberal Party is pursuing the interests —

Point of Order

Mr S.K. L'ESTRANGE: Madam Deputy Speaker, surely what the Premier just said is an imputation against members of Parliament on this side of the chamber.

The DEPUTY SPEAKER: I am sorry; it has to be against an individual. In this matter, you are not quite correct in your interpretation of that standing order, but I appreciate that you read the standing orders, member.

Debate Resumed

Mr M. McGOWAN: The Liberal Party is in the pocket of John Holland in a dispute between a multinational corporation and the taxpayers of Western Australia. The opposition comes in here in question time and raise questions that are clearly in the interests of that multinational corporation. We are on the side of the Western Australian taxpayers and that is why we took control of that hospital. Had we not taken control of that hospital, it would never open because it would not be in the commercial interest of John Holland to allow that hospital to open. All the opposition does is come in here and pursue John Holland's interests rather than the interests of the taxpayers of Western Australia. This motion today is all about a letter the Minister for Health wrote to the Leader of the Opposition to say two things. There are two things in it. First, he asks the Leader of the Opposition and the opposition to temper their comments. That is it. The second point in it is to offer the opposition a full briefing on this matter. We have learnt from opposition members that they reject briefings because they are happy to be wilfully ignorant or to pursue the case of outside parties against the taxpayers of Western Australia. We know that their record in government was to lose the state nearly $40 billion. Here they are pursuing the interests of a private contractor against the taxpayers of Western Australia. They are determined to make the debt situation they created even worse for the taxpayers of Western Australia. We will not have it. We are going to proceed on the basis of defending the taxpayer interest and will open that hospital as soon as possible. That is why we took control of that hospital earlier this year. As the Leader of the Opposition noted from the letter sent to him by the Deputy Premier; Minister for Health, the agency briefed him that that was the right course of action when he was Treasurer. The truth of the matter is this: this is just another example of the opposition trying to cause trouble and turmoil against the interests of the taxpayers of Western Australia in favour of a multinational corporation. We do not accept it; we will always act in the taxpayers' interests, as opposed to the Liberal Party of Western Australia. It seems to be in the pockets of any multinational corporation that comes along.

Division

Question put and a division taken, the Deputy Speaker casting her vote with the noes, with the following result —

Ayes (13)

Mr C.J. Barnett	Mrs L.M. Harvey	Dr M.D. Nahan	Mr W.R. Marmion *(Teller)*
Mr I.C. Blayney	Mr Z.R.F. Kirkup	Mr D.C. Nalder	
Mr V.A. Catania	Mr S.K. L'Estrange	Mr K. O'Donnell	
Ms M.J. Davies	Mr R.S. Love	Mr P.J. Rundle	

Noes (32)

Ms L.L. Baker	Mr W.J. Johnston	Mrs L.M. O'Malley	Ms J.J. Shaw
Dr A.D. Buti	Mr D.J. Kelly	Mr P. Papalia	Mrs J.M.C. Stojkovski
Mr J.N. Carey	Mr F.M. Logan	Mr S.J. Price	Mr C.J. Tallentire
Mr R.H. Cook	Mr M. McGowan	Mr D.T. Punch	Mr B. Urban
Mr M.J. Folkard	Ms S.F. McGurk	Mr J.R. Quigley	Mr R.R. Whitby
Ms J.M. Freeman	Mr K.J.J. Michel	Ms C.M. Rowe	Ms S.E. Winton
Mr T.J. Healy	Mr S.A. Millman	Ms R. Saffioti	Mr B.S. Wyatt
Mr M. Hughes	Mr Y. Mubarakai	Ms A. Sanderson	Mr D.R. Michael *(Teller)*

Pairs

Mr P. Katsambanis	Mr D.A. Templeman
Ms L. Mettam	Mr M.P. Murray
Mr J.E. McGrath	Mrs M.H. Roberts
Mr D.T. Redman	Mr P.C. Tinley
Mr A. Krsticevic	Ms E. Hamilton

Question thus negatived.

HERITAGE BILL 2017

As to Introduction and First Reading

On motion by **Mr D.J. Kelly (Minister for Water)** resolved —

That bills notice of motion 1 be postponed until a later stage of the sitting.

LAND TAX ASSESSMENT AMENDMENT BILL 2017

Introduction and First Reading

Bill introduced, on motion by **Mr B.S. Wyatt (Minister for Finance)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR B.S. WYATT (Victoria Park — Minister for Finance) [12.50 pm]: I move —

That the bill be now read a second time.

The Land Tax Assessment Amendment Bill 2017 seeks to amend the Land Tax Assessment Act 2002 to address a deficiency in the land tax exemption for public statutory authorities, which has the unintended effect of extending the exemption to private sector organisations. It is the longstanding policy intent that the exemption be confined to statutory authorities established to carry on an undertaking of a public nature for the benefit of the community under some authority or direction of the government. However, advice received by the Commissioner of State Revenue in 2015 confirms that the current exemption extends to any entity established under an enactment of the state, regardless of the nature of its undertaking. The issue resulted from an alteration in the definition of "public statutory authority" when the Land Tax Assessment Act was rewritten in 2002.

In July 2015, the then Minister for Finance issued a media statement and the following month advised the Legislative Assembly of the previous government's intention to introduce amendments to address the issue with retrospective effect to 1 July 2003, the date the new act came into operation. This government has considered the matter and agrees the amendments are necessary as they restore the policy intent of the exemption by ensuring the exemption will apply only to those organisations established for a public purpose and that perform a statutory function on behalf of the state. Although the amendments will operate from 1 July 2003, they will not apply to any matters that were subject to objection or review proceedings that commenced prior to the previous government's announcement in 2015.

As the legislation has been consistently administered in line with the original policy intent of the exemption, it is not anticipated that any reassessment of taxpayers' past year's land tax assessments will be required.

The associated explanatory memorandum contains further details on the amendments.

I commend the bill to the house.

Debate adjourned, on motion by **Mr W.R. Marmion**.

SCHOOL CURRICULUM AND STANDARDS AUTHORITY AMENDMENT BILL 2017

Introduction and First Reading

Bill introduced, on motion by **Mr P. Papalia (Minister for Tourism)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR P. PAPALIA (Warnbro — Minister for Tourism) [12.52 pm]: I move —

That the bill be now read a second time.

I am pleased to introduce legislation to the house that will further enhance the role of the School Curriculum and Standards Authority of Western Australia. Improving educational outcomes for each student requires a comprehensive picture of student services and outcomes across government portfolios. Multiple agencies, including child welfare, health, and early learning, all seek to improve outcomes for children and young people.

There are three key changes regarding the disclosure of student data that this bill seeks to achieve by amendments to the School Curriculum and Standards Authority Act 1997. Firstly, amendments to section 9 of the act will permit the disclosure of identified student data held by the authority for the purposes of student registration in online National Assessment Program — Literacy and Numeracy testing, known as NAPLAN online, commencing in 2018. The current wording of the act prevents the authority from releasing student data for the purpose of participation in NAPLAN online. The bill addresses this by amending section 9 of the act to clarify the ongoing role of the authority as the test administration authority for WA for all national assessment program testing. The insertion of a new provision in section 9 of the act also clarifies the authority's role with respect to other national

assessments that require student data for the purposes of development and participation. The act currently contains confidentiality exemption provisions that are constrained by the narrow nature of the objects of the legislation. For example, without the proposed amendments, the authority would have to individually collect and manage consent for 123 000 students participating in NAPLAN online, which would be impracticable.

The second key change involves the insertion of another new provision in section 9 of the act to permit the authority to disclose identified student data for the purposes of research to promote or understand outcomes connected with student achievement and wellbeing. Data would only be provided to parties with a relevant and legitimate need to access it. The current wording in the act prevents the authority from releasing identified student data to organisations such as the Telethon Kids Institute to undertake research for which educational achievement is relevant. Sharing data with independent research institutes will enable them to undertake improved research that better supports educational practices, identifies trends in student outcomes and may lead to improvements in student wellbeing. Strategic data disclosure will also support greater collaboration between agencies providing services to children and young people to better meet their unique needs.

Thirdly, the insertion of proposed section 32B in the bill will ensure that identifying student data disclosed for the purposes of research is protected. The bill seeks to achieve this by requiring the board of the authority to be satisfied that disclosure is necessary for the purposes of the research, and that obtaining individual consent is impracticable; enabling the board to impose strict conditions on recipients of data; and ensuring transparency and accountability in the authority's disclosure of student data by requiring the board to establish procedures for disclosure approved by the Minister for Education. Conditions set out in proposed section 32B on recipients of data require the person to store information in a way that protects it from misuse, interference, unauthorised access or modification. Conditions are also imposed to specify that the use of information be only for the purpose for which it was disclosed, the time period for which information may be retained and how it will be disposed of. Furthermore, proposed section 32B of the amendment bill provides for a statutory penalty of $10 000 for noncompliance with the conditions.

The authority has engaged in extensive consultation with bodies representing a broad range of interest groups, including research organisations, relevant government agencies, school systems and sector, and parent representative groups.

Educational outcomes are affected by factors beyond what the education system can influence, such as social and environmental circumstance, and the culture of their home learning environments. The provision of identified student data is vital to better understand these factors to evaluate and improve the education services and outcomes.

I commend this bill to the house.

Debate adjourned, on motion by **Mr W.R. Marmion**.

IRON ORE (CHANNAR JOINT VENTURE) (HAMERSLEY RANGE) AGREEMENTS AMENDMENT BILL 2017

Second Reading

Resumed from 18 October.

MR W.R. MARMION (Nedlands) [12.58 pm]: I will not be the lead speaker on the Iron Ore (Channar Joint Venture) (Hamersley Range) Agreements Amendment Bill 2017. The Leader of the Opposition will be the lead speaker, but I will open the batting. The opposition will be supporting this bill. This is a very important agreement that is of longstanding significance to Western Australia. The Leader of the Opposition will probably back me up when I say that this is possibly the first joint venture that the Chinese have entered into overseas. I know that it is their first mining venture, but possibly the first joint venture of a significant scale that they have entered into outside China. The first agreement was signed in 1987 and open pit mining started in 1990. I do not know the initial percentage, but history suggests that around seven to 10 per cent of the operations were owned by the Sinosteel Corporation, a Chinese company. It now owns 40 per cent of it and the other 60 per cent is owned by Rio Tinto. It has obviously had different names since 1987.

The current state agreement is due to expire next year. The purpose of this amendment bill is to increase the term of the agreement by 10 years, with the option of a further five years, hence the urgency of this bill and why it needs to get through Parliament this year.

The bill seeks to amend two state agreements. The first is the Iron Ore (Channar Joint Venture) Agreement Act 1987. This agreement sets up the joint venture for the mining and processing of the ore body at Channar. The second is the Iron Ore (Hamersley Range) Agreement Act 1963. Hamersley Iron provides services and facilities to support the mining operations at Channar with the processing of the iron ore at Channar and its export out of Western Australia under the Iron Ore (Hamersley Range) Agreement Act, with Rio Tinto being the deliverer of those services. The original production limit for the Channar mine was 200 million tonnes by 2012. It is now approaching 250 million tonnes, and this bill will enable it to be extended to a target of 270 million tonnes. The extension of the agreement for a further five years is for the purpose of ensuring that the rehabilitation and decommissioning activities are completed at the expiry of the agreement.

The Channar mine is located about 20 kilometres from Paraburdoo. It is a very rich high-grade iron ore body and a key part of the blend that is exported by Rio, mainly to China. The ore is mined in an open pit operation, crushed and screened on site, transported by conveyor to Hamersley Iron's Paraburdoo processing plant, and then railed to either Dampier Port or Cape Lambert. The ore may be blended further with iron ore from other Rio Tinto deposits in the Pilbara. That provides Rio Tinto with flexibility to deliver the product that its customers desire.

The Channar mine has been in operation since 1990. The fact that Channar was the first joint venture agreement between China and Western Australia holds us in good stead for the future. China is now Western Australia's number one export destination, and it all started with the Channar mine. The model for the Channar joint venture is similar to the model that was used by Japanese companies such as Mitsui and Co and Mitsubishi when they first started to invest in iron ore operations in Western Australia. They would take only a small percentage of the project, and under an offtake agreement they would be involved as the middleman —

Dr M.D. Nahan: They would also get a seat on the board.

Mr W.R. MARMION: Yes, and of course they would also get a seat on the board. That was a clever way for them to put their toe in the water but reduce the risk. Mitsui and Mitsubishi and the other Japanese companies that have invested in Western Australia have done very well since the 1960s. In one particular year some years ago, most of Mitsui's worldwide profit came from its investments in Western Australia. The first investment that China made through Channar followed a similar model to the one that the Japanese had successfully used to invest in Australia. Of course, not all Chinese companies have followed that model. When I was Minister for Mines and Petroleum, there were a number of Chinese companies that were very keen to take 100 per cent of a project and got into a bit of trouble. One example is Citic Pacific Mining, which has a magnetite deposit. That is a complex project and there have been a number of issues. Lessons can be learnt from history, and the way in which the Japanese have invested in the Western Australian iron ore industry has certainly delivered the goods. I am sure that the Chinese experience through Channar and their more recent experience has given them an angle on how to successfully invest in Australia in the future.

Western Australia is unique not only because of its bulk of minerals but also its amazing tourism potential. Karijini National Park is very close to the Channar mine. We should exploit our mining industries in the Pilbara to encourage more tourists to visit these remote areas of Western Australia. I understand the Premier will be going to China tomorrow. I am sure he will mention the Channar mine when he is there. I am sure he will also encourage Chinese tourists to visit our wonderful state. Western Australia has fantastic links through our exports to various areas in China, and that gives us a window of opportunity to promote our wonderful tourist attractions. Although the Pilbara is remote, it is a unique part of the world and provides tourism attractions that we can prosper from.

The Channar mine was closed for a brief time in 2008 during the global financial crisis after joint venture partner Sinosteel failed to honour the benchmark contract price for ore from the Channar mine. I understand that at that time ore from Channar was costing the company 11 per cent more than the equivalent product from Brazil. However, once the steel industry in China took off, it required more iron ore, and the Channar mine was recommissioned and continues to this day. We need to amend the Iron Ore (Hamersley Range) Agreement Act because it includes Rio Tinto's delivery process of the ore bodies from Channar. The Channar agreement act has to be amended to make it clear that that is how the processing and transportation of the ore will be undertaken. It will also make it clear that the royalties are to be paid under the current agreement, and that they will continue under the current regime.

The opposition fully supports the Iron Ore (Channar Joint Venture) (Hamersley Range) Agreements Amendment Bill. It is important for the state of Western Australia, our relationships with China, our iron ore industry and our sovereignty. It highlights the importance of state agreement acts. If we think about it, without the very first state agreement act for Channar, we may not be where we are today with the wonderful exports to China, which have overtaken those from Japan. The opposition fully supports the bill and looks forward to it going through both houses of Parliament before the end of the year.

MR V.A. CATANIA (North West Central) [1.11 pm]: I rise on behalf of the National Party to support the Iron Ore (Channar Joint Venture) (Hamersley Range) Agreements Amendment Bill 2017. The Channar mine is in my electorate, 20 kilometres from Paraburdoo. People often think that the seat of the Pilbara has all the iron ore, but the Pilbara part of my electorate probably has the majority of Western Australia's iron ore! It plays a huge part in what I think has really made the state of Western Australia.

I want to raise a couple of issues. These state agreements come through often; I am trying to think how many times state agreements have gone through this house since I have been a member. I think there have been two already this year.

Mr D.J. Kelly interjected.

The ACTING SPEAKER (Ms J.M. Freeman): Minister!

Mr V.A. CATANIA: I want to highlight some issues. The National Party fully supports this bill. We see the iron ore industry as a very important industry for Western Australia's economy and also for the part that these companies play in local communities such as Paraburdoo, Tom Price and Pannawonica in my electorate. It is good to see that this bill includes a negotiation to allow ratings by local governments to occur, which plays a huge part in enabling local governments to be able to plan ahead, knowing that the funds they get will enhance the community. We have seen that in places such as Onslow, Paraburdoo and Tom Price. As I said, the National Party has identified a couple of issues—perhaps I will put them as missed opportunities. The government has the ability, and the Labor Premier has said in this place that the government needs to negotiate with mining companies to get outcomes. We took a policy to the election for increasing the special lease rental fee from 25c upward to help Western Australia's finances. The government is missing an opportunity to negotiate a better financial outcome for Western Australia. We will not stand between the government passing this state agreement amendment bill; we will pass it, but I want to highlight that this is another missed opportunity for the Labor government to negotiate a better financial outcome for Western Australia. This also highlights another missed opportunity in the companies' local participation plans, which are not visible to the community; they are visible only to, and are signed off by, the minister of the day. These companies' local participation plans should at least be brought to Parliament to see that they are open and transparent.

Mr D.J. Kelly interjected.

The ACTING SPEAKER: Minister!

Mr V.A. CATANIA: I have said before in this place that is interesting that when the Minister for Water was on this side of the house, he opposed payroll tax. He opposed lots of things, but suddenly he is in government now and he is very supportive. He opposed the gold royalty increase while in opposition.

The ACTING SPEAKER: Member, direct your comments to me.

Mr V.A. CATANIA: While in government —

The ACTING SPEAKER: Member!

Mr D.J. Kelly interjected.

Mr V.A. CATANIA: I am directing my comments to the Chair.

Mr D.J. Kelly interjected.

The ACTING SPEAKER: Minister, stop!

Mr V.A. CATANIA: While in opposition, the minister opposed the gold royalty increase, but in government he wants to introduce it. There is the hypocrisy; everyone knows that he is a hypocrite.

Mr D.J. Kelly interjected.

Mr V.A. CATANIA: Members —

Point of Order

Mr M. McGOWAN: The member used a clearly unparliamentary term. It seems to be a trait of the opposition today. I would ask him to withdraw it.

Mr V.A. CATANIA: I do not think it was unparliamentary, was it, Madam Acting Speaker?

The ACTING SPEAKER (Ms J.M. Freeman): There is no point of order, but can you just direct your comments to me and I will protect you from the Minister for Water and call him if he continues to interject.

Debate Resumed

Mr V.A. CATANIA: Thank you, Madam Acting Speaker, but I do not think anyone in this house needs protection from the Minister for Water!

Mr D.J. Kelly: Are you challenging the Acting Speaker's ruling?

The ACTING SPEAKER: Thank you. Minister for Water, I call you to order for the first time. Member for North West Central, please direct your comments through me.

Mr V.A. CATANIA: Thank you, Madam Acting Speaker. It was great to see that was not a point of order and that the rules actually certify the hypocrisy that exists over the other side!

Withdrawal of Remark

The ACTING SPEAKER (Ms J.M. Freeman): Member!

Mr V.A. CATANIA: I will get back to the point.

The ACTING SPEAKER: Member, I gave you some leverage. I will now ask you to withdraw your comment on the basis that I allowed debate to go on. I had a discussion with the Clerk. It was iffy, but I allowed debate to go on. Please withdraw your comment, then I will call a quorum.

Mr V.A. CATANIA: I withdraw.

Debate Resumed

[Quorum formed.]

Mr V.A. CATANIA: It is great to see we have a few more members in the house to listen to debate about this very important state agreement.

Mr W.R. Marmion: They've all come in for you.

Mr V.A. CATANIA: They have all come in to listen to how they can improve it in the future. As I said, the local participation plan is not visible to the local community. It is not visible to Parliament. It is visible only to the company and the minister of the day. Some sort of check and balance is needed to ensure that the communities get what the company has set out to deliver through its local community participation plan. They are not visible in any of the state agreements that have come before us in this house.

These are interesting times; we have talked about the missed opportunity of negotiating better financial outcomes through the special lease rental and the missed opportunity of ensuring that Aboriginal employment is solid and adhered to. That is something that I do not think is in this agreement. There is reference to local employment. The legislation provides that when it is reasonably and economically practicable to use local labour, materials, plant, equipment and supplies from Western Australia, they should be used. It refers to Western Australia and the Premier has spoken about local jobs, but when it comes to local communities and local businesses in the Pilbara, this bill does not make it mandatory for the company to look at local jobs, employment, contractors and small businesses first. That is something that is missing from these state agreements. The Labor government has had an opportunity to negotiate a better outcome for Pilbara communities and a better outcome for the financial situation of Western Australia through the special lease rental or even through the royalty rate. There needs to be a way in which this government can do what is beneficial for Western Australia and local communities.

We read in all these reports from overseas about trading hubs and employment in Singapore and about automation, which affects payroll tax income. Through legislation passed last night, payroll tax is going to tax the two big miners. We are seeing automation occur with the two big miners at a rate of knots, and that will affect our payroll tax income. I asked the Treasurer whether he has looked at the rate of automation that is occurring and the effect it is going to have on payroll tax into the future. The Treasurer and the Labor government would like to raise $435 million through payroll tax increases over the next five years; is that really going to be true, given the fact that automation really is starting to affect the workforce? That is something that the unions should be very concerned about because it affects their memberships up in the Pilbara as well. It will be interesting to see what they say about automation occurring, since they are affiliated with the Labor Party, and what they are saying to the Minister for State Development, Jobs and Trade—the Premier—and other members of the Labor Party. Have they missed the opportunity to negotiate a modern state agreement that reflects the needs of the community and of government to operate?

Those are some of the negotiations that should be occurring to get the best result possible for the natural resources that belong to all Western Australians. I bear in mind that the member for Nedlands mentioned the fact that state agreements are vitally important for the growth of Western Australia. They are responsible for developing the iron ore industry we have today. I do not think anyone is trying to take away from, or is failing to acknowledge, the impact of the iron ore industry. I think this state agreement came about in the 1970s—am I right, member for Nedlands?

Mr W.R. Marmion: It was 1987.

Mr V.A. CATANIA: It was 1987. State agreements such as this one need to be reviewed when companies want to come back and negotiate a different way of operating. That would give the government the ability to negotiate a better or more modernised outcome for state agreements, but as I said, the Labor government has yet again missed an opportunity. It is looking at ways to tax mums and dads and to increase taxes across the board for small, medium or even large businesses, and at every alternative other than taxing industries that can afford to pay a little bit more. Given the current price of iron ore, the controversy surrounding tax in Australia, the existence of trading hubs in places such as Singapore, and the fact that automation is occurring at a rate of knots and reducing payroll tax income, the future for iron ore in this state is looking very bright, but the impact on the state's economy is looking very bleak.

This week it was confirmed that the federal Labor opposition is not going to fix the GST; the federal Liberal Party does not look like it is going to fix the GST either, so we have a fundamental problem for Western Australia and no-one is going to fix it. We have to use what power we have as a Parliament and as a state government, and opportunities like this, to negotiate a modern state agreement that will have financial benefits for the state of Western Australia. We should be doing that instead of looking to increase payroll tax and water and power charges. That is something that the Minister for Water constantly referred to—that water charges would go up. Well, they have gone up under this government's watch. Everywhere we turn, we see things such as day care funding in regional Western Australia being cut, royalties for regions being cut, and aged care being cut in Carnarvon. We have seen hospitals stopped from going ahead and we have seen employees in the health system disappear from

the areas in the regions that create the wealth. We are seeing a theme of cutting public servants—3 000 jobs—and who knows how many more? We are seeing an increase in taxes, from water to power to payroll tax, and who knows what else?

The Treasurer and the Premier are going to put an impost on Western Australians yet again. They are reluctant to negotiate a modern state agreement to reflect the needs of Western Australians. That is what is disappointing about this bill and bills that have been passed by this house in the past, even during my time. Let us learn and get the best opportunities and deals for Western Australia by having a modern, open and accountable state agreement that has visibility for both the public and, more importantly, this Parliament, to ensure that the minister of the day can hold a company to account for the development of a local participation plan. I think that is fair and reasonable.

When it comes to missing opportunities, the Premier—who is the minister responsible for agreements like this—has missed an opportunity to stop taxing mums and dads, to stop breaking promises, to stop cuts in regional Western Australia and to stop royalties for regions becoming just a name. The Premier has the ability to do that by ensuring that companies like Rio pay a little bit more. In the Premier's words, we have to negotiate with these companies. Here is the government's chance. What has it negotiated? The only thing I can see is that the government has negotiated local government rates, which is a great outcome, and something that companies should be doing. It is something that a lot of companies do off their own bat, whether they have a state agreement or not. I think that is a great outcome, but it is very light on with regard to getting the ultimate outcome, which is a financial benefit from our resources that can provide our state with the finance that is needed to repair the state budget. That is something the Labor government is reluctant to do, other than by making sure that everyone in this house and everyone outside this house—the mums and dads around this state—pays for its election commitments, such as Metronet. Metronet is something I support, but when the government cannot afford to do it, it should not do it. It needs to have a financial plan to pay for these things. The National Party did. Our plan was to ensure that we could get a little more off our big companies, which have made billions and billions of dollars of profit over a long time. It is time to modernise state agreements. The Premier has yet again missed that opportunity.

DR M.D. NAHAN (Riverton — Leader of the Opposition) [1.30 pm]: The member for Nedlands went through the Iron Ore (Channar Joint Venture) (Hamersley Range) Agreements Amendment Bill 2017 in detail. What I would like to do is to talk about the historical and current importance of this project.

The ACTING SPEAKER: Are you the lead speaker for the opposition?

Dr M.D. NAHAN: I am the lead speaker, yes, but I will not talk at length on this bill.

As indicated, the Channar project was first signed in 1987, but it goes way back before that. The iron ore industry in Western Australia, which is to a great extent Western Australia's most important industry, particularly now in terms of exports, grew with the rise of Japan and, subsequently, Korea. Without their investment, offtakes, participation and commitment for long-term contracts, the iron ore industry in Western Australia simply would not exist and iron ore would probably be taken from some other place. In about 1973, Rio, which was then called Conzinc Riotinto of Australia, decided that it needed to diversify its iron ore markets outside of Japan. Korea was not a big source at that time. It decided to look to China. At that time, China was in the midst of a cultural revolution, so it was not really a rational place. In today's quantities, there were very minor initial shipments of 20 000 to 30 000 tonnes of iron ore from Rio Tinto's operations to spot markets in China. Exports grew steadily, but not by too much. Then Deng Xiaoping came in and revolutionised China and opened it up to the world over the next 30 to 40 years. Later in the 1970s, particularly after Deng Xiaoping opened up China, CRA decided to put a person in Beijing to promote the purchase of iron ore. It also promoted a targeted joint venture between Rio and some Chinese government enterprises to develop iron ore resources in Western Australia and to open up new, potentially large markets and to diversify the source of the markets for Rio. That laid the foundations for the success of this state, which is now pushing 800 million-plus tonnes of iron ore exports. At today's price of about $60 a tonne, that comes to nearly $50 billion. The lion's share of those exports is now to China. Indeed, virtually all the growth in exports of iron ore over the last 15 to 20 years has been to China.

This project was the seed of that. It was very successful. When it was first developed in 1987, it was the first major investment by a Chinese government entity in a mineral project outside of China. At the time, it was the largest single offshore investment by a Chinese entity across the board, so it was a major investment. It was not huge by our standards. It was not even huge by the standards of the iron ore industry in Western Australia back then, but it was important. Initially, Rio Tinto took most of the risk. It had the ore body and it sold it with an offtake arrangement to a number of firms, which has evolved into Sinosteel. The important point the member for Nedlands highlighted was the way in which Rio went about it—it slowly and steadily introduced China to the iron ore market in Western Australia, which got China using our iron ore. That was very important, because to a large extent steel mills are built to meet the quality and content of the iron ore that they source. At that time, China was beginning a major expansion in the construction of steel mills and it was important to get those steel mills built with Western Australian iron ore in mind. It illustrates that these were long-term plans. CRA set up an office in Beijing with a very active person, who I understand is still involved in the facility and with Rio. He promoted it very heavily and got on board the Prime Minister of Australia at the time—Bob Hawke—and also the premier of China and the ambassador to China. They agreed to set up this joint venture in 1985. It was signed in 1987, with the first exports in 1990.

Besides getting China to build steel mills with Western Australian iron ore in mind, this project brought a raft of Chinese businesspeople to Western Australia with these government business enterprises. A large number of the now very senior decision-makers in the steel and iron ore industry in China have spent some time in Western Australia through the Channar project. I meet them on my rounds around the Chinese business community. It is surprising how many people who are in Sinosteel and other steel companies have spent time with the Channar project, particularly as young people. The success of that project is, firstly, that those people get to know Western Australia. They can then design their operations for Western Australian iron ore. They know how we operate and that Western Australia is a safe place in which to invest and from which to get supplies. They also get to know where the ore bodies are, how we make transactions, how they can make purchases, how reliable we are, our infrastructure and so on and so forth. This project is very important because it sowed the seeds of the future growth of the iron ore industry. It is remarkable. Also in 1997, Western Australia signed a sister–state relationship with Zhejiang province. The Western Australian Chinese Chamber of Commerce, with which I have had a lot to do, started in the same year. There was a lot of inaugural activity in 1987 in developing the relationship between Western Australia and China. This project was one such activity. It has had its ups and downs over the years. At one time in 2008 it stopped operating. In the middle of the global financial crisis, the differential between ore cost to China from here and from Brazil reversed. There was a dispute between Sinosteel and Rio and it stopped producing. The GFC luckily passed us by very quickly, and it was up and running again. There were also a couple of strange takeover attempts to stop the mine, but generally the mine has been operating during that period.

I rightly acknowledge the importance of this project. There are a couple of lessons from this. Firstly, developing these large operations takes a long time, particularly with markets like Japan, Korea and China. Secondly, companies have to diversify their sources, as Rio did. It really takes some effort by companies to get to know the countries to which they export. The government is always putting out reports about getting to know Asia. One seldom meets anyone in Rio Tinto's iron ore division who has not spent a great deal of time in and around China or Japan. Those firms have been doing it for a long time. Governments play a major role in this operation, not only through Bob Hawke indicating strong federal government support for this project and of course also the president of China, but also by the Premiers of Western Australia helping to develop this relationship right from the start. The company itself has done quite a bit. In totality, this is not a large source of iron ore exports from Western Australia; in fact, it is quite a small one. I am not sure exactly how much Rio Tinto will export this year but I think it will be north of 300 million tonnes. The Channar project exports between five million and eight million tonnes, maybe going to 10 million tonnes, so it is a very small proportion of the total, but the symbolic value is great. Of course, as the member for Nedlands indicated, it is important that Sinosteel, or its predecessor, was very much a minority joint venture partner then. I do not think Sinosteel paid very much for this project at all, but that was not the task; the task was to get it involved in the industry. It was an investment on the part of CRA Ltd and the governments involved. It was not a big investment, but it was important for the blending with Hamersley Iron and the development of knowledge of the industry.

This is a pretty historic period. Since 1987, there have been successive expansions in target output agreed to by Rio Tinto and Sinosteel under the Channar project. It started out at 200 and went to 250. I understand the plan is 270 now. The 10 years will go on for some time. It employs 140-plus people mainly on-site, with some fly in, fly out, which is important. It is not a large number of people relative to the iron ore industry, but it is significant nonetheless—every increment counts in jobs. The importance of this agreement is what it did. As the member for Nedlands indicated, it was an attempt to have Chinese state-owned enterprises, in terms of structural operation, emulate the Japanese. That took off-take but also involved small ownership of the projects, and the enterprises sat on the board, so they learned how the operation was monitored and became comfortable with it. After that, the Chinese operations deviated from that model and basically bought and owned major shares in mining firms, such as the magnetite mines operated by CITIC Pacific Mining and Karara Mining Ltd. They have been much more active than the Japanese ever were in directly owning and operating mining firms. Some of those have done well; some of those have not. But they sprang from the skills, knowledge and confidence that originated in the Channar project, so it was a very important project.

The Chinese investor Sinosteel—in fact across the Chinese iron ore and steel communities—rates this as a very, very important project. I guess in symbolic value this is an extremely important mine and joint venture in China and, of course, here. On reflection, if we had not done this, maybe something else would have come in and instead—you never can say—but given the importance of growth in iron ore prices and volumes to China over the last 15 years, we can confidently say that if we had not done something similar to this, we simply would not have been in the position to expand our iron ore mines to fill growth in China. Iron ore is not a rare commodity around the world; there is plenty of it. It is really about the infrastructure that is there to get the dirt to the markets and to China. We sit physically close to China, which is good, and we have pretty high quality ore bodies, but not as high as Brazil or Africa. If this had not been done by far-sighted leaders—business and governments in China and Australia—we might not be in the situation we are in now. It is amazing how these little things add up.

Talking to investors, one of the most important things they will tell us is that this project was a training ground for Chinese investors in Western Australia. They know how things work, how this agreement acts, and how we have

always recognised how important that is to them and have never ripped up an agreement act. They do not only rely on us to provide ore without disruption on a regular basis, but they also design steel mills to a large extent based on this mix of ore. They are making multibillion-dollar investments that rely on this stable supply of iron ore to them. They have learned that we are a good, reliable and stable seller of high-quality ore that can be relied on to produce that ore for decades. That is the core of Western Australia's strength in the mining sector and our economic growth, and to a large extent, at least in the China story, that sprang from this project.

On behalf of the Liberal Party, we of course support the extension of the Sinosteel Channar and Hamersley Iron agreements for 10 years with a five-year renewal period, largely, as the member for Nedlands indicated, to ameliorate the environmental impact. I also want to recognise the importance of this agreement and thank the many thousands of people from Australia and China who have been involved in this project and who have helped to build the relationship with China and the modern Western Australian iron ore industry that has been, and remains, the basis of our economy. It is a remarkable story. It is good to be on the periphery participating in supporting the continuation of that project through the approval of these amendments to the two agreement acts.

MR I.C. BLAYNEY (Geraldton) [1.45 pm]: I want to speak briefly on the Iron Ore (Channar Joint Venture) (Hamersley Range) Agreements Amendment Bill 2017 to support the extension of the agreement. Apparently, the original investment was $420 million and at the time it was China's first major overseas investment. I understand that the mix is about 60 per cent Rio Tinto and 40 per cent Sinosteel.

Another reason I want to speak on this bill is that as the member for Geraldton I have had continuous dealings with Sinosteel. Exports out of Geraldton are not huge because Sinosteel is not a processor; it is just a trader. I want to acknowledge the work Sinosteel did at Koolanooka, where they finished off some other deposits and rehabilitated the country. I am told it did that very well and that it is a very strong supporter of the community. I wanted to acknowledge what Sinosteel does in my community.

It is interesting to see how this project fits into the history of modern China: the death of Chairman Mao in 1976 and the end of the Cultural Revolution, and the economic reforms that Deng Xiaoping initiated in 1978 and the impact that has had. Of course, China stands as the second largest economy in the world in dollar terms and the largest in the world in PPP, or purchasing power parity, and I think it will be the largest economy in the world by about 2020. Obviously China is our biggest trading partner, but we have to remember that China is now the largest trading partner of about 140 countries. But our trade has become much more broadly based and will continue to become more broadly based with the rise of the Chinese middle class, which is expected to be around 850 million people by 2030. Although in percentage terms growth in the Chinese economy has dropped in the last few years, if it is measured in dollar terms, the actual amount of growth in the Chinese economy last year was greater than it has ever been. The China story is not really slowing down; it is changing, but its impact on the world economy will continue to grow and it will be massive.

We first sold iron ore to China in 1973. As others have said, thinking about what China was like in 1973, it was in the depths of the Cultural Revolution. A lot of us would remember seeing photographs of then Prime Minister Gough Whitlam visiting China in the 1970s; it was an amazingly different country from what it is now. In 1990, our exports were still less than 10 million tonnes per annum. By 2010, exports had risen to 260 million tonnes. By 2010, China was producing about half the world's steel; whereas, 10 years earlier, it had only been 15 per cent. Currently, Chinese steel production sits at around 800 million tonnes a year. I think it has gone over 800 million tonnes a couple of times. Predictions were around that Chinese steel production sooner or later would go through the one billion tonnes mark, but I do not think it actually has.

Another big challenge for the rest of the world is to come to terms with a China that has a huge share of the world economy. Of course, the world has to adjust to the fact that the size of that economy has enabled China to spend a lot more on its military. Somehow that has to be fitted into the world we live in. It is a work in progress; I am sure we will get there.

Anytime I want to be reminded of the importance of China to my region's economy, I just have to look at the Mid West Port Authority's website and see where the ships have come from or where they are going to over the last month. Invariably, over 90 per cent of them go to China. It is quite an amazing story and another tile in the mosaic, if you like. It is a really important story because it was one of the early state agreements that showed the path forward. The big exciting story of this century, which will continue into the rest of the century, is the rise of China; there has never been anything like it in the world and there probably will never be anything like it again.

MR M. McGOWAN (Rockingham — Minister for State Development, Jobs and Trade) [1.50 pm] — in reply: I note that both parties in opposition have indicated their support for the Iron Ore (Channar Joint Venture) (Hamersley Range) Agreements Amendment Bill 2017, and I appreciate that. This is an important piece of legislation to extend the operation of the Channar Mining Joint Venture for 10 years with an option for a further five years—a 15-year extension—to allow mining to continue at the Channar mine and for rehabilitation and decommissioning activities to be undertaken once mining has been completed.

In overall terms it is a relatively small but important mine. As I indicated the other week in the house, it is symbolic because it was the first major overseas investment by modern-day China after the revolution of 1949. It is a very important part of Chinese economic activity and outreach around the world. China invested in Western Australia back in the 1980s, getting a source of iron ore for its fairly small but soon to rapidly grow steel industry. It was the first large-scale mining initiative between Australia and China. The parties to the agreement are the state, Channar Mining Pty Ltd, Sinosteel Channar and Hamersley Iron. As someone said, the mine is near Paraburdoo and its target has been lifted from $200 million tonnes to $270 million tonnes of iron ore by February 2018. Hamersley Iron provides the services and facilities under the agreement to support the mining at Channar mine. The ore is transported from the Channar mining areas by conveyer up to Hamersley Iron's Paraburdoo processing plant. It is then loaded onto trains and sent to the ports around Karratha for export. Channar mine produces eight to 10 million tonnes of high quality iron ore per annum and employs 142 Western Australian workers. In overall terms, when we think about the scale of the mining industry, 10 million tonnes per annum is very small. But as I said, it is symbolic and obviously very important to the 142 people who work there and the associated industries that benefit from that.

The state agreement was signed by me and the joint venture partners, so it is a contract that has been ratified or given added authority by this act of Parliament. It is important that this legislation passes through both houses and receives assent before the end of this year. These things are ordinarily not controversial. I hope that this legislation is treated expeditiously by all sides of Parliament in both houses because we need it to pass through. That investment and those jobs are dependent upon this legislation getting through both houses of Parliament. The bill puts into the agreement the payment of rates by the miners for the on-site buildings—in particular, accommodation buildings and the like. Although that is an improvement on what was there before, I understand that by agreement those rates were being paid. That is a change to the state agreement, which one could argue is a significant improvement. At the conclusion of the state agreement in 10 to 15 years, once mining has been completed, this bill provides plans and the like for the purposes of rehabilitating the areas that have been disturbed by mining. This bill is the continuation of what was a bipartisan position on this joint venture. The legislation was brought forward in 1988 by the then Dowding government. As I indicated recently, I went to a function celebrating 30 years of the Channar Mining Joint Venture. Hon Bob Hawke was there and there was a photo of him atop the ore body with a very senior Chinese politician of the era, who I think may have now passed on. At the time, the Chinese partners and friends of Western Australia were greatly excited about this arrangement. It is very important now that we show good faith and pass this legislation unamended through both houses of Parliament, because it is a contract that was entered into between the state of Western Australia and the joint venture partners and that is the traditional way in which to deal with these things. I urge all members to support the bill and I commend the bill to the house.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Mr M. McGowan (Minister for State Development, Jobs and Trade)**, and transmitted to the Council.

APPROPRIATION (RECURRENT 2010–11 TO 2015–16) SUPPLEMENTARY BILL 2017
APPROPRIATION (CAPITAL 2010–11 TO 2015–16) SUPPLEMENTARY BILL 2017

Second Reading — Cognate Debate

Resumed from 1 November.

MR B. URBAN (Darling Range) [1.56 pm]: I want to talk about this much-needed bill and start by introducing the Darling Scarp or the Darling Range to this chamber, because not many people from here have been to the Darling Range. The member for Nedlands has been there and, Madam Acting Speaker, you have been there too, but I will go into that a little later in my speech.

Mr V.A. Catania: I fly over it.

Mr B. URBAN: The member does fly over it.

Several members interjected.

The ACTING SPEAKER (Ms J.M. Freeman): Members!

Mr B. URBAN: The Darling Range was named after the Governor of New South Wales, Lieutenant-General Ralph Darling. In the 1830s, maps showed that the scarp labelled "General Darling's Range" later became the Darling Range. The scenery on the front edge of the scarp is very beautiful, particularly in the south from Keysbrook all the way up through to Kalamunda.

Several members interjected.

The ACTING SPEAKER: Members, a speaker is on his feet. There is lots of general discussion and settling and I understand that, but let us have a bit of respect for the member on his feet.

Mr B. URBAN: The Darling Range has a number of natural dams and, obviously, the Mundaring Weir, which is just over the back of Pickering Brook and Carmel. It is a lovely spot with a little pub or tavern and on many Sunday afternoons, motorcyclists—I am one of them—go there to partake in a coffee or a green tea, of course.

Mr R.H. Cook interjected.

Mr B. URBAN: Was somebody heckling me just then? We have green tea, member.

Of course, there is the most beautiful Serpentine Dam, which is just over the back of wonderful Jarrahdale. It is an absolutely beautiful spot and at the top of the lookout point there is a cafe where the birds can be fed. It has a beautiful view all the way down through that area. It is quite amazing at this time of year because the dam is quite full—thanks to the Minister for Water for helping us with that—particularly the Serpentine Pipehead Dam, which provides water for Jarrahdale.

Mr W.R. Marmion: Have you jumped off Serpentine Falls?

Mr B. URBAN: I am going to get on to Serpentine Falls, member for Nedlands. I have not jumped there because, as a police officer, I have been to a number of fatalities when people had killed themselves jumping off those rocks. I have actually been in the water in my blue uniform trying to hold somebody's neck still in the water to try to get them out—they hit the rocks because they did not jump away. That aside, Serpentine Falls itself is an absolutely wonderful spot. It is a beautiful location.

Debate adjourned, pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

PERTH CHILDREN'S HOSPITAL — MINISTER FOR HEALTH

638. Dr M.D. NAHAN to the Minister for Health:

Did the minister receive advice from the State Solicitor's Office about the letter to me dated 2 November 2017, and did that advice indicate that the opposition was jeopardising the state's position in regard to disputes with John Holland over Perth Children's Hospital; and, if not, on what basis did the minister make the request of the opposition to stop holding him to account for his decisions on the hospital?

Mr R.H. COOK replied:

As you know, Mr Speaker, we canvassed this issue fairly extensively earlier this afternoon, but I am happy to answer the question from the Leader of the Opposition because I never get tired of getting up in this place to explain to the people of Western Australia how badly members opposite managed the children's hospital project when they were in power and how we are now having to go about the complex task of fixing up the mess that the previous government provided to the people of Western Australia, and to me as Minister for Health, in making sure that we get this much-needed hospital open. The answer to the Leader of the Opposition's question is no, we did not get legal advice. We sent the opposition a courteous letter, which treated it with the respect that it clearly does not deserve given the reaction, to simply ask that the opposition refrain from the language it is using, because that simply inflames the legal dispute that we obviously have with the contractor by virtue of the fact that the contractor has indicated to us that it will be claiming $300 million from us. This was a respectful and courteous letter to the Leader of the Opposition.

Mrs L.M. Harvey interjected.

The SPEAKER: Member for Scarborough!

Mr R.H. COOK: The opposition has alleged that we have been trying to gag it. Nothing could be further from the truth. We have asked members opposite to temper their comments on the granting of practical completion and the source of lead contamination, as it undermines the contractual and commercial position of the state. Again, it comes back to this point: whose side is the Leader of the Opposition on? Is he on the side of the people of Western Australia in this dispute with the contractor?

Dr M.D. Nahan: We are on the side of truth. Which side are you on?

Mr R.H. COOK: The government has provided more information and transparency around this project than anyone in this process to date—certainly more than was provided by the other side. We have provided the other side with this courteous letter and with briefings, and we expect members opposite to be respectful and courteous in response, but that clearly cannot happen because the opposition is not capable of it.

Mrs L.M. Harvey interjected.

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

Mr R.H. COOK: The opposition's response to this letter has been, quite frankly, false, misleading and disingenuous. I would quite happily admit to making the odd mistake as the Minister for Health. One of my mistakes was thinking that we had a bunch of grown-ups on the other side who could be treated respectfully and would respond like an appropriate and respectful opposition.

PERTH CHILDREN'S HOSPITAL — MINISTER FOR HEALTH

639. Dr M.D. NAHAN to the Minister for Health:

I have a supplementary question. I go back. The minister made an accusation in a letter sent to me on 2 November 2017, which I referred to in my question. He said that debates in this house were jeopardising the legal position of the state. I ask the minister: did he receive legal advice to that extent, and will he table it?

Mr R.H. COOK replied:

That is the problem with supplementary questions when they do not relate to the answer given by the other side. I have actually answered that question. The question is: what sort of opposition does this mob want to be? Will they be a bunch of grown-ups who are capable of proper prosecution of public policy, or are they going to side with the other side, against the interests of the Western Australian taxpayers? As I said earlier in today's debate, members opposite do not know what argument they want to prosecute in this debate. They do not know whether they want to argue that we should have taken practical completion and the hospital should be open, or that we took practical completion too early. They are such a confused, hopeless bunch.

Dr M.D. Nahan interjected.

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

Mr R.H. COOK: The lesson has been learnt. I will not treat members opposite with the same respect and courtesy next time. We will continue to resolve the issues around the hospital in a systematic way, which means that we will open this hospital as soon as possible, when it is safe for kids. This mob on the other side has suspended standing orders today and is asking questions today. I am happy for them to suspend every day, because every day I am happy to stand up in this place and point out how we are having to clean up the mess left by them in government.

PREMIER — CHINA AND JAPAN VISIT

640. MR S.J. PRICE to the Premier:

I refer to the Premier's upcoming visit to our two biggest trading partners, China and Japan. How will this trade mission help deliver on this government's commitment to strengthening the WA economy, creating jobs, growing tourism and driving international education?

Mr M. McGOWAN replied:

I thank the member for Forrestfield for the question.

Mr A. Krsticevic interjected.

The SPEAKER: Member for Carine, you do not learn any day, do you? I call you to order for the first time.

Mr M. McGOWAN: I am pleased to inform the house that this evening I will be leading a trade delegation to China, and from there I will be proceeding on to Japan, and I will be returning Sunday week. The purpose of my first overseas visit as Premier of Western Australia is to engage with our major trading partners, China and Japan. The business delegation that I am taking with me will go to China with the express purpose of addressing the issues of international students and expanding our tourism industry. It is a very significant delegation, comprising around 40 businesspeople and people from the higher education and tourism sectors. We have deliberately made this delegation about the tourism and higher education sectors because we think that those industries have enormous scope in Western Australia, and we can expand our relationship in mining and oil and gas, particularly in China, into those areas of activity. Currently, the number of Chinese students coming to Western Australia, as a proportion of the national figure, is 3.7 per cent of the international enrolments of students from China. Obviously, with 11 per cent of the population of Australia, that is significantly below what our state should be receiving. We are very keen to expand the number of Chinese students, and that is an important part of the delegation.

I will be promoting Western Australia as an ideal study destination for Chinese students. I will have significant representatives from the education sector with the delegation. I inform the house that the vice-chancellors from all the major universities will be accompanying me—the University of Western Australia, Edith Cowan University, Curtin University and Murdoch University—along with representatives from the University of Notre Dame Australia. The Nobel Prize winner, Professor Barry Marshall, will accompany the delegation, along with the Chief Scientist, Professor Peter Klinken, and Professor Lyn Beazley, the chair of StudyPerth. With me will be the Ministers for Education and Training, Tourism, and Asian Engagement. They will all be undertaking part of the program to open doors and provide opportunities for Western Australian industry, education providers and tourism providers in China.

The second aspect of the trip is of course about tourism numbers. Western Australia's share of Chinese tourists has dropped to 4.4 per cent. I have said that we are 11 per cent of the nation's population, and we get 4.4 per cent of Chinese tourists. Chinese tourists rank sixth in the number of visitors to Western Australia; in other states the average is second. Clearly, we can do better when it comes to Chinese tourists coming to Western Australia. With me as part of that delegation will be the Perth Airport CEO, Kevin Brown; Optus Stadium CEO, Mike McKenna; the Perth Arena general manager; the deputy director of the Perth Convention Bureau; and directors and chief executives of a range of businesses in Western Australia that rely upon tourism. As part of the trip, I will be celebrating the thirtieth anniversary of the relationship with Zhejiang province—an important relationship for Western Australia—so there will be events in Hangzhou as part of that.

The second part of the visit will be to Japan, where I will be meeting with companies that have had long trading relationships with Western Australia—particularly Mitsubishi, Mitsui and Kawasaki—and some of the other investors in Western Australia, government representatives and the like, and going to Kobe for events with Hyogo Prefecture, our sister state in Japan, and Governor Ido in particular.

I indicate to the house that this government regards our relationship with our major trading partners as incredibly important. We want to treat them seriously. We are treating it so seriously that on the first visit, particularly to China, I am taking a delegation of 40 Western Australian business and higher education providers, because we want to make sure that doors are opened and opportunities are provided for Western Australia to secure additional tourists and higher education students into our state.

The SPEAKER: Member for South Perth. Good to have you back!

PERTH STADIUM — NAMING RIGHTS

641. Mr J.E. McGRATH to the Premier:

My interest in the sport of kings has been rekindled!

Before asking my question, on behalf of the member for Dawesville, I would like to recognise the staff and students of Falcon Primary School who are in the Speaker's gallery.

It is interesting that the Premier mentioned that one of the people going on his visit to China and Japan will be a representative of Optus, and also the fact that his government has announced that the naming rights to the new Perth Stadium have been sold or will be sold to Optus.

(1) Did the government undertake a cost–benefit analysis for this sale in terms of value for tourism and value out of the stadium or what Optus could provide, apart from the money it is putting up?

(2) If that did not happen, is the Premier telling the people of Western Australia that a basic commercial evaluation was not carried out before selling the naming rights to this great Western Australian asset that is soon to be opened?

Mr P. Papalia: That was longer than your inaugural, mate!

Mr J.E. McGRATH: I am "rekindled"!

Mr M. McGOWAN replied:

(1)–(2) The Minister for Sport and Recreation today announced that the government has been successful in selling the naming rights to the stadium, and from this point forward it will be known as Optus Stadium. The government went through a competitive tender process and selected the bidder that provided the best value return to the taxpayers of Western Australia. I must say that although it is commercial-in-confidence, there is a very, very significant return to the taxpayers of the state from this arrangement. The arrangement itself is not uncommon. In fact, we have nib Stadium and Domain Stadium here in Western Australia; around the stadium itself we have the Chevron Parkland, which the former government sold; and under the watch of the former government, Domain Stadium changed from Subiaco to Domain. It is not unusual for this occur. The government basically took the view that although it would be nice to retain the name "Perth Stadium", in the financial circumstances that the Liberal Party left the people of Western Australia, there was no alternative but to secure maximum value from the name of the stadium.

I also indicate to the people of the state, and perhaps to the opposition, that we were very clear prior to the state election that this is what we would be doing. We were very clear that this is what we would be doing. Optus itself will offer a range of services to patrons of the stadium, and those telecommunications services, apps and the like that it provides to people attending events at the stadium will be world-leading.

But let us just get this straight. The former Liberal–National government left this state with $40 billion of additional debt.

Several members interjected.

Mr M. McGOWAN: We have to address that. Although at times —

Several members interjected.

The SPEAKER: Premier.

Mr M. McGOWAN: They left us with $40 billion of additional debt, and although at times it is unpleasant, we have to take steps to address that. I think most people understand.

Several members interjected.

The SPEAKER: Members, the question has been asked. I want to hear the answer. If anyone else interjects and just rabbles on, I will call them to order.

Mr M. McGOWAN: Most people understand that they can go to stadia around Australia and the world and they have commercial naming arrangements that bring benefit to the taxpayers of those particular states. In Western Australia, it has been the case for a long period of time. For the benefit of members who did not listen to what said I before, we have nib Stadium and Domain Stadium and we will have Optus Stadium. Everyone knows that it is in Perth and it will provide a benefit to the taxpayers. We look forward to ensuring that Western Australians have a first-rate experience, and this arrangement will ensure that that happens as well.

PERTH STADIUM — NAMING RIGHTS

642. Mr J.E. McGRATH to the Premier:

I have a supplementary question. Is the Premier saying that the taxpayers, who are paying for the stadium, are not entitled to know the benefit? That is why we asked the question. The Premier has talked a lot about tourism. What will the benefit be? What will be the spin-off —

Several members interjected.

The SPEAKER: Members!

Mr J.E. McGRATH: What is the business case that the Premier will be able to put to the people of Western Australia and say, "We've got the best deal for you and we're going to deliver it"?

Mr M. McGOWAN replied:

The government went through a competitive process with a range of bidders and selected the bidder that provided the best value and the most money for the people of the state.

Several members interjected.

Mr M. McGOWAN: That is the process we went through. It is novel for the Liberal Party to talk about business cases. It did not put a business case out there for anything it did! It did not have a business case when it built the stadium!

The truth of the matter is that it would be nice and I would like to have left the name "Perth Stadium", but the reality is that the financial situation we face means we have to make these sorts of tough decisions. I would prefer an international corporation provide benefit to the taxpayers of Western Australia, rather than the mums and dads at home having to pay additional to subsidise that stadium. That is what I prefer. I think that when most people think about it in those terms, the ongoing subsidy to the stadium is now gone. It has now gone because of this arrangement. It makes a return to the state. Had we not done this, ordinary people around Western Australia would have been subsidising the operations of that stadium, rather than us securing an arrangement and a deal with an international corporation that will provide benefit and alleviate the obligation on people.

TOURISM — DOMESTIC VISITORS

643. Mrs L.M. O'MALLEY to the Minister for Tourism:

I firstly acknowledge the staff and students from the gifted and talented program at Melville Senior High School who are in the public gallery today.

I refer to the challenges facing WA's domestic tourism industry and the strong competition from nearby destinations in Asia and the Pacific region. What is the government doing to attract more visitors to our iconic local attractions, particularly Rottnest Island?

Mr P. PAPALIA replied:

I thank the member for her question. In advance of answering, on behalf of the member for Cannington, I acknowledge—although they have left, it will still get on the *Hansard*—the staff and students from St Norbert College in Queens Park.

Member, that is a good question. I understand —

Dr M.D. Nahan: Are you going to sell the naming rights to Rottnest?

Mr P. PAPALIA: I could not afford it!

It is a good question, member! I am aware that tourism is attracting a little comment today, particularly, I understand, the naming of the stadium. We have heard suggestions that there is some angst around —

Ms R. Saffioti: Doom!

Mr P. PAPALIA: Yes.

There is angst around taxpayers having a windfall in the form of many, many tens of millions of dollars that they will not have to find to fill the gap that was left by the previous government. That is thanks to a sponsorship deal, and is a wonderful thing.

In regards to what we have been doing, the member may have noticed that on the weekend the Premier and I attended the launch of the third ferry service to Rottnest Island. The member talked about Rottnest in particular. That is an interesting topic. The third ferry service is being provided by SeaLink. SeaLink is a huge national company with links to 3 000 marketing agents around the world. The good thing about SeaLink coming on board, apart from the obvious increase in berths, is the additional trips to the island, which amount to 700 000 additional seats on a ferry that we can market to international markets, as well as local people and interstate visitors. That is an incredible increase. Last year, a total of 645 000 people visited the island. Potentially, we have double the capacity. That is an incredible increase and a wonderful opportunity to market Western Australia around the world, particularly to the Asian region, and to be able to say that we have the capacity and we can meet that demand if we can grow it. That is a great thing. As soon as SeaLink arrived, it drove down the price of tickets by 30 per cent. That is another good thing that we can employ in marketing to Asia because Malaysia and Singapore already represent the second and third greatest source of visitation to the state. They are very comfortable coming down here for a weekend. They can do it easily because of direct flights. We can market to them, "Get out to Rottnest; it's a good place to visit."

I understand that someone made a comment this morning about the naming rights of Perth Stadium being sold. I am disappointed that he is not here, but the former Premier made the claim, which I have to respond to, that Western Australia is falling off the table—falling off the map. He said that it brings tears to his eyes to observe that. He was asked by Geoff Hutchison: where is the evidence of Western Australia falling off the map? His response was, "Do you read much about WA in the national news or globally?" I do. Recently, we made a one-day trip to Singapore, which included a media announcement organised by government media advisers, which resulted in significant coverage in Singapore. In relation to Rottnest Island, we got on the front page of *The Business Times*. It linked to an inside story, with a big picture of a quokka, and the headline "Western Australia puts out welcome mat for S'pore, Malaysia, China". People can read about Western Australia in Singapore under this government. That was one publication. There were a number of publications—about five or six in total. Media Monitors put the value of that free publicity at $101 886. People can read about Western Australia in the media under this government. I read in "Inside Cover" that people were reading about Western Australia in Switzerland recently as a result of my very poor attempt to get a selfie with a quokka! Nevertheless, people were able to read about that.

The observation I would finally like to make with respect to reading about Western Australia is that under our government, the news is good. We are promoting the fact that there is capacity—we have affordable, high-quality hotels and now is the time to visit. Under our government, that is the message about Western Australia. Unfortunately, we could not read about Western Australia under the previous government. There were a lot of global stories but most of them revolved around the former member for Vasse, and none of them were complimentary.

RESOURCES SECTOR — SPECIAL LEASE RENTAL FEE — SPORTS LEVY

644. Mr P.J. RUNDLE to the Premier:

I refer to an article in the *Pilbara News* on 1 November, which outlines the plan of the Minister for Sport and Recreation and the member for Pilbara to introduce a 2c to 4c per tonne levy on resource companies in the Pilbara.

(1) Does the Premier agree with the minister's proposed levy?

(2) Can he explain why asking big miners in the Pilbara to chip in for sporting equipment is okay but asking for an increase to the special lease rental to fund hospitals, schools and the broader state budget is not?

Mr M. McGOWAN replied:

(1)–(2) If there is one thing that I have noticed about the opposition's question time strategy, it is this: it trawls through the papers and finds things that are two weeks old and then comes in here and asks us about it. I will give members opposite a bit more coaching. One of the things they need to do is be topical. The article in question was brought to my attention a week or two ago, whenever it was. Obviously, we do not have any plans to undertake that activity, but I will say this: the Minister for Sport and Recreation is passionate about sport. He is someone who fights for sport in this state. He is someone who cares about sport in this state. He cares about the kiddies playing sport. Rather than coming in here and trying to score points off obscure newspaper articles, the member would do well to talk to the Minister for Sport and Recreation. He is someone who could teach everyone in this place a thing or two about sport. He is a well-known Collie sporting identity and sporting champion. The member for Pilbara is also a local champion and local hero who represents his community very well.

All I would say to the member for Roe is that people like the Minister for Sport and Recreation are experienced. He is experienced and knowledgeable. He has done a great job today. He has taken forward the case of sport. The member for Roe should seek his counsel more often.

RESOURCES SECTOR — SPECIAL LEASE RENTAL FEE — SPORTS LEVY

645. Mr P.J. RUNDLE to the Premier:

I have a supplementary question. I will let the Premier know that I have played my fair share of sport over the years.

Several members interjected.

Mr V.A. Catania: Challenge him to a game!

Mr P.J. RUNDLE: We will have a game of tennis one day!

When will the Premier's government start focusing on meaningful debt-reduction strategies to ensure that all Western Australians benefit from our natural resources?

Mr M. McGOWAN replied:

Two things are plain from that question. First, the National Party continues its jihad against the iron ore industry. Second, the National Party takes absolutely no responsibility for the fact that the Liberal–National government was the most grossly irresponsible government in the history of this state and probably any state in what it received when it arrived in government and what it left when it went into opposition. It was simply appalling what it did.

Mr V.A. Catania interjected.

The SPEAKER: I can hear the member for North West Central. Just talk a bit quieter. I know you want to be heard but you do not make sense when you make a noise.

Mr M. McGOWAN: It is appalling what the previous government did. Although the member for Roe was not in this place during those dismal years when the Liberal and National Parties devastated this state's finances, so I do not blame him, all those people around him were and they were the ones who did it.

I also note that when we talk about these issues and when we bring budget repair measures into this house, the National Party votes against them. National Party members come in here and ask questions about these issues, and when it comes to putting their money where their mouths are and voting on something, they vote against it. I think members opposite need to learn about this thing called consistency. Consistency means that if they care about these issues, they should come into this place and support the government when it tries to address them.

LOCAL GOVERNMENT ACT — REVIEW

646. Ms S.E. WINTON to the Minister for Local Government:

I refer to the McGowan Labor government's commitment to review the outdated Local Government Act and the release today of the discussion paper outlining potential reforms. Why is reform needed and how will the discussion paper assist in ensuring that we have an effective and efficient local government sector?

Mr D.A. TEMPLEMAN replied:

I thank the member for the question. I have just returned from the casino with my very good friend the shadow Minister for Local Government. I took him in the car.

Several members interjected.

Mr D.A. TEMPLEMAN: You better declare that.

He was more interested in going off to the buffet afterwards and not keen to get back to question time! It is a very serious question and I thank the member for Wanneroo because she knows very well from her experience the importance of local government in Western Australia. She understands that Western Australia needs very, very robust local government. That means we need legislation that is clear, concise and agile and ensures that local government does what it needs to do for the benefit of ratepayers, residents and businesses in their communities. That is why, before the election, we committed to reviewing the Local Government Act. We recognised that a 20-plus-year-old act is tired and, indeed, is not delivering to a modern Western Australian community within the parameters of a modern Western Australian economy. I am pleased that at the Local Government Professionals WA Annual State Conference today I was able to officially launch the first phase of the consultation, which focuses on a number of key elements. We are inviting the community, stakeholders, individuals, ratepayers, councillors, elected members, people working in local government and people interested in making sure we have a robust local government sector to comment on it.

In the first phase of the consultation document, which I announced today, we are seeking feedback on a range of issues, including transparency and accountability; making sure there is clear definition of roles and responsibilities for elected members and staff; and making sure when we are talking about selection of chief executive officers there is a robust process focused on ensuring that happens. We also want to make sure we address the issue of gifts because we know that has been a clumsily handled process for some time that needs to be fixed. We are also encouraging feedback on enabling regional subsidiaries; that is, if two or more councils want to create an entity to

deliver quality outcomes with a regional subsidiary, they will have the capacity to do so. We also want to make sure this is an involved process in which people can tell me and tell the government exactly what a modern local government needs to look like.

The first phase is out for consultation. I know the member will immediately read and comment on it. I invite all members to read the document, to comment and spread it among their constituencies asking for feedback. We want feedback on this within the time frame. We have that open until 9 February and, almost concurrently, the second phase will commence, which looks at a range of other important matters, including codes of conduct, issues around how we can create greater participation and ensure we get quality people putting themselves forward so they can make a quality contribution to their local government and, indeed, the community they seek to represent. It is a very important opportunity for Western Australia to come out with legislation at the end of this process that is enabling and agile and reflects the modern environment we are operating under and delivers quality to ratepayers, residents and businesses in local governments across the state and is modern legislation that effectively delivers quality to the people of Western Australia.

WESTERN POWER — FOREIGN OWNERSHIP

647. Mr D.C. NALDER to the Premier:

I refer to the Premier's vocal opposition to the partial sale of Western Power to Australian superannuation funds.

(1) Can the Premier confirm commencement of a new 180-megawatt Warradarge wind farm, which his government is underwriting and that it will be foreign owned, foreign built and foreign operated?

(2) Can he also confirm that he is selling two existing state-owned power stations to a foreign entity?

Mr M. McGOWAN replied:

(1)–(2) The Minister for Energy is sitting over there, so perhaps the member for Bateman could have asked him for specific details.

I will explain this to him. Western Power and the provision of electricity through poles and wires is a natural monopoly and we did not support the sale of a natural monopoly. We were very clear about that. We were very clear that we did not support the sale of Fremantle port, which is the state's only container port, again, a natural monopoly. We do not support the sale of the Water Corporation, a natural monopoly. Clearly, from the member's questions, it is showing that he wants to sell the Water Corporation, Western Power and Fremantle port, so we will be able to go to the next election and let people know that that is their policy. That is what they want to do.

In the case of the arrangement announced in the paper today, clearly there is a significant expansion of renewable energy in Western Australia under this government and a significant expansion in jobs under this government due to the arrangement published today. I support renewable energy and I support jobs. Again, the Liberal Party, by the tone of its questions, does not support renewable energy. Last week it did not support it and this week it does not support it. The third point to make is that —

Mr D.C. Nalder: I don't know how you draw that conclusion from that question.

Mr M. McGOWAN: The member asked one last week and asked one this week. When it comes to the generation of electricity in Western Australia, we find that around half of it is privately provided. In Collie, we find that the Bluewaters Power Station was privately provided due to the changes made in the mid-2000s by the former Labor government. A range of energy and power providers across the state provide generation capacity into the grid. Some are owned by major corporations, some are owned by the state and some are owned by households. There are thousands of energy providers across Western Australia; in fact, hundreds of thousands.

Mr D.C. Nalder: Yes, we agree.

Mr M. McGOWAN: Why are you asking the question then?

The arrangement was published today and it will expand the renewable energy footprint. It will not have an impact on the debt situation confronting the state. It will expand the amount that is under Synergy's control. It will be under Synergy's control. It is a decent arrangement for the future of power provision in Western Australia and we are not selling Western Power, a natural monopoly.

SYNERGY

648. Mr D.C. NALDER to the Premier:

I have a supplementary question. I take it from the response that the Premier confirms both those questions. How can he justify privatising Synergy electricity assets when he told the people of Western Australia that he would not?

Mr M. McGOWAN replied:

We are not privatising Synergy electricity assets; we are expanding the provision of renewables under Synergy's control, in accordance with the renewable energy target set by Tony Abbott.

Mr D.C. Nalder interjected.

Mr M. McGOWAN: You are really catching me. The brains trust over here is really catching me. Now that I have answered the question I will go back to one little bit of history. Does anyone remember the $330 million poured down the drain by the last government on the Muja deal, which it said would cost nothing? We remember that—poured down the drain. Like questions with the Perth Children's Hospital, these are not things members opposite should go near. They should be like an electric fence—do not touch them because if they touch them, considering their record, they will get burnt because their record in these areas is appalling. My advice to them is: do not go near the children's hospital; do not go near the finances; do not go near energy provision; do not go near the education system; certainly do not talk about community safety; do not ask questions about methamphetamine; do not ask questions about economic management; do not ask questions about sport because he will kill them; and I would not go near regional development and Hon Alannah MacTiernan, and when it comes to Local Government—maybe local government! Do not go near transport and planning either.

INDIAN OCEAN DRIVE

649. Mr B. URBAN to the Minister for Road Safety:

I refer to the Indian Ocean Drive Safety Review Committee, which has examined the dangerous stretch of road and which has recommended a number of changes to improve safety.

Can the minister outline to this house what action this government has taken to reduce the risk of further fatalities along Indian Ocean Drive?

Mrs M.H. ROBERTS replied:

I thank the member for Darling Range for the question. I know that as a former police officer he has, unfortunately, witnessed the aftermath of too many road crashes and knows the impact of those crashes on not only the individuals and the family members, but also our first responders who attend these crashes.

Today, the Minister for Transport and I released the safe system review into that stretch of road on Indian Ocean Drive. This is the result of collaboration between Main Roads WA, Western Australia Police Force and the Road Safety Commission. It has come up with quite a number of recommendations, some short term, some more medium term and some long term. All the recommendations are aimed at saving lives on our roads and reducing the number of serious crashes on this stretch of road. I am disappointed, though, that even with our higher level of police enforcement, we are still getting drivers doing the wrong thing on that stretch of road. Over 400 people were caught on the most recent long weekend alone, and some 200 infringements are still being written up a week, with some at the very high end. In the last two months, I am told that some 23 people were doing more than 140 kilometres an hour on that stretch of road. People do not do 140 kays an hour by accident. People doing that are dicing with death and putting other people's lives at risk.

Some of the key recommendations are being implemented immediately. This week, we will lower the speed limit on Indian Ocean Drive from 110 kays an hour to 100 kays an hour. The evidence is that reducing the speed limit will save lives. That is something we have immediately moved to do. The Minister for Transport and her agency Main Roads WA brought forward federal government funding for those extra passing lanes that we previously announced. One set of passing lanes is being done immediately and another set will be done in the new year. One of the measures that has been recommended as having a big impact is audible lining on the edges and down the centre of roads. We are moving straight ahead with that. There is already considerable edge lining in place. Audible tactile edge and centre lines are installed. I am told that there is already 32.7 kilometres complete and 29 kilometres of centre line will be completed next month. The remaining 21 kays of centre and edge lines will be completed by February 2018. We are getting on with that job. There will also be the immediate replacement of some of those poorly reflective traffic signs. Visibility at intersections will be looked at by Main Roads and others. Some of that will be simple work, such as improving sightlines by eliminating some of the shrubbery that is blocking the view.

I thank the Road Safety Commissioner in particular and those from other agencies that participated in this review, Main Roads WA and the Western Australia Police Force, for working together and collaborating effectively towards the common good of saving lives and preventing crashes.

MINING COMPANIES LEVY — PILBARA SPORTING FUND

650. Ms M.J. DAVIES to the Minister for Sport and Recreation:

Given that the Premier has just dismissed the minister and the member for Pilbara's proposal to impose a 2c to 4c per tonne levy on mining companies in the Pilbara for a sporting fund, can the minister please advise —

(1) Has the Department of Local Government, Sport and Cultural Industries commenced work on this proposal?

(2) If yes, will the minister now instruct them to cease this work and admit that this was a waste of taxpayers' dollars?

Mr M.P. MURRAY replied:

Thanks very much for the question.

(1)–(2) It was great to go up to the Pilbara and look at the Taj Mahals that were built in the area. They were on about that when I was talking to people from the shire. They suggested that into the future they wanted more structure in how things were built and how they went forward. In response to the main part of the member's question about work being commenced on this matter, I have no knowledge of that and nothing has been done out of my office.

MINING COMPANIES LEVY — PILBARA SPORTING FUND

651. Ms M.J. DAVIES to the Minister for Sport and Recreation:

I have a supplementary question. If it has not started and the minister has no knowledge of that, why did he tell the *Pilbara News* and have a discussion with the journalist and say that the department is working on it? Is the minister or the journalist telling the truth?

Mr M.P. MURRAY replied:

All the times that the member for the Pilbara was in attendance, we were not talking about the department's area whatsoever.

Several members interjected.

Mr M.P. MURRAY: Hang on. There are 50 press releases here about the stadium. This is what is wrong with the opposition at the moment. They are just grabbing little bits and not doing their homework. They are lazy and not doing their homework. Find out what is going on properly, as the Premier has already said.

Several members interjected.

Mr M.P. MURRAY: Members opposite pick one-liners and come up with absolute rubbish, and that is what is wrong with the opposition. It goes right across here and right the way around the chamber. That is one thing. I will make a bit of a side comment about the naming rights because it is about sport —

Several members interjected.

Point of Order

Mr V.A. CATANIA: The minister is clearly not answering the question from the Leader of the National Party.

The SPEAKER: It is not a point of order.

Questions without Notice Resumed

Mr M.P. MURRAY: Does anyone remember any discussion before Elizabeth Quay was named? Does anyone ever remember that?

Several members interjected.

Mr M.P. MURRAY: I thought I would throw that one in because —

The SPEAKER: Minister for Local Government, I call you to order for the first time. You should not have gone to the casino.

Ms M.J. Davies interjected.

The SPEAKER: Leader of the National Party!

Mr M.P. MURRAY: I will finish on the Elizabeth Quay bit because members opposite need to hear this. Here was a Premier who walked down the street and the Queen was due to come and he went, "What can we do to impress the Queen?" and he put out the Elizabeth Quay sign. But going back to the original question about —

Several members interjected.

Mr M.P. MURRAY: I had to listen to it. Going back to the member's original question —

The SPEAKER: Minister for Local Government!

Several members interjected.

The SPEAKER: Minister! Minister! I put up with your deaf side for eight years in that room downstairs; I do not want to do it here as well. Members, let us get back to it. Do a quick answer, minister.

Mr M.P. MURRAY: Just quickly, I say again that no work is being done on that area, but while I was in the north west, I brought up that since 1949, the coal industry —

Several members interjected.

The SPEAKER: Members!

Mr M.P. MURRAY: If members opposite would listen, they would learn something. Unfortunately, they do not have the ability to do that. In 1949 the Coal Miners Welfare Board of Western Australia was established through a levy per tonne in the coal industry. That was discussed for the Pilbara area; we were looking at something to coordinate what is done in that area, not necessarily through a tax. We were talking about how we coordinate moneys into a community so that everyone gets a fair go.

EDUCATION CENTRAL — SECONDARY SCHOOL — KITCHENER PARK

652. Mr J.N. CAREY to the Minister for Planning:

I refer to the new inner-city college, which will not only relieve pressure on overcrowded inner-city high schools, but also form a key part of the redevelopment of Subiaco. Can the minister update the house on the progress of this vital project?

Ms R. SAFFIOTI replied:

I thank the member for the question, which is particularly relevant today as it is World Town Planning Day.

Mr D.A. Templeman: Is there a ribbon to be cut for that?

Ms R. SAFFIOTI: No, but next year we will bring a ribbon.

Of course, our government is committed to well-connected communities, and part of the vision for the new inner-city school is the redevelopment of that Subiaco area.

Several members interjected.

Dr M.D. Nahan: This was planned well—backflips.

The SPEAKER: I will backflip you out of the chamber in a minute.

Ms R. SAFFIOTI: The government recently released the draft "Subiaco Redevelopment Scheme 2", which looks at the planning framework for the area. A key component of that will be significant residential development and, of course, facilitating that new school —

Mr D.C. Nalder: Your inner-city school.

Ms R. SAFFIOTI: The inner-city school that will serve —

Several members interjected.

The SPEAKER: Members, please! Sometimes I wonder, I really do.

Ms R. SAFFIOTI: I know that members opposite do not support this new school. This is part of our vision for the area. Part of our vision for the school is to retain the playing surface at the current Subiaco Oval. It is part of our bigger vision for the area. Of course, we want significant residential development. We want the new school. I remember when we announced it, because opposition members did not support it. It is obvious that they do not support it today. Is that what we are hearing?

Several members interjected.

Ms R. SAFFIOTI: They do not support it today. I was amazed to read an article in the local paper in which the member for Nedlands described the school. I want to go to his comments from a few weeks ago.

Mr Z.R.F. Kirkup: Don't quote newspapers from a couple of weeks ago!

Ms R. SAFFIOTI: I have had too much other good material!

The SPEAKER: Members!

Ms R. SAFFIOTI: I think members opposite will like this.

Several members interjected.

The SPEAKER: Members! There seems to be competition over there to see who can be the funniest; no-one is winning.

Ms R. SAFFIOTI: Members opposite do not support the school, but this is what the member for Nedlands said in that article —

> "Some people were surprised when they announced Kitchener Park as the site for the new school, but I wasn't," Mr Marmion said.
>
> "I discussed it with the Subiaco mayor and CEO about three years ago and I had also raised it with Peter Collier, who was the minister for education.
>
> "I suggest Labor probably think Kitchener Park is their idea."

Members opposite do not like the school. They hated the school, but now it is their idea. What is the position of the member for Nedlands on the school? Does he support it?

Mr W.R. Marmion: It was the City of Subiaco's idea.

Ms R. SAFFIOTI: Does the member for Nedlands support it? Now he supports it. Members should remember when we announced it. He is saying that it was the City of Subiaco's idea; it was not his idea. When we announced the school in June, the member asked what consultation had taken place because no-one knew about it. Now it appears that it was his idea, funnelled through the City of Subiaco. We think it was Labor's idea, but it was his idea all along!

ELECTRONIC CONVEYANCING — PROPERTY EXCHANGE AUSTRALIA LIMITED

653. Mrs L.M. HARVEY to the Minister for Planning:

My question is to the Minister for Planning; Lands.

I first wish to acknowledge Mrs Kirsty Pratt in the gallery today on behalf of victims of child sexual abuse, who are waiting for the government to fulfil its commitment to them.

Several members interjected.

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

Mrs L.M. HARVEY: Thank you, Mr Speaker. I refer the minister to her government's decision to mandate the use of electronic conveyancing. Can the minister confirm that the state government has a 12 per cent share in Property Exchange Australia Limited, with majority ownership by the major banks; that it is intending to provide monopoly rights for electronic conveyancing to PEXA; and that the government has no ability to regulate the price that PEXA charges, at the expense of Western Australian homebuyers?

Ms R. SAFFIOTI replied:

I thank the member for that question. The previous government made the decision on electronic conveyancing. The previous government set up the PEXA deal. This is its deal. This was its decision. I do not know where members opposite were around that cabinet table, but obviously they had no awareness of any decision that they took. This is their process. PEXA is their creation; it is not our creation. I have sought advice on this. This is the creation of the previous government, and this is its decision.

ELECTRONIC CONVEYANCING — PROPERTY EXCHANGE AUSTRALIA LIMITED

654. Mrs L.M. HARVEY to the Minister for Planning:

I have a supplementary question.

Is the minister simply fattening up PEXA to make a windfall gain when the government sells its share in the business?

Ms R. SAFFIOTI replied:

No.

Several members interjected.

The SPEAKER: I call both the Minister for Mines and Petroleum and the Minister for Emergency Services to order for the first time.

Ms R. SAFFIOTI: No, but does she want me to refer this issue to another place? Does she think this is worth further investigation? Do you, member for Scarborough? It is your deal. Do you want me to refer it to another place?

The SPEAKER: Member, you will not call the member "she"; it is the member for Scarborough.

Ms R. SAFFIOTI: If the member for Scarborough thinks there is something improper about this, I will refer it to another place and we will investigate how it was set up under the previous government. Does the member for Scarborough want me to do that?

Several members interjected.

Ms R. SAFFIOTI: The member for Scarborough obviously does.

Mrs L.M. Harvey interjected.

The SPEAKER: Member for Scarborough, it is not a shouting match.

Mrs L.M. Harvey: I am under attack, Mr Speaker.

The SPEAKER: If I had tissues here, I would hand you one.

Withdrawal of Remark

Mr S.K. L'ESTRANGE: I ask that you withdraw that comment to the member.

Several members interjected.

Questions without Notice Resumed

Ms R. SAFFIOTI: The member for Scarborough is alleging that there was an improper process in the setting up of PEXA. That is what the member for Scarborough is alleging. I will follow that through.

Several members interjected.

The SPEAKER: Question time is finished.

BUSINESS OF THE HOUSE — ORDERS OF THE DAY

Motion

On motion by **Mr D.A. Templeman (Leader of the House)**, resolved —

That bills notice of motion 1 be now taken.

HERITAGE BILL 2017

Introduction and First Reading

Bill introduced, on motion by **Mr D.A. Templeman (Minister for Heritage)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR D.A. TEMPLEMAN (Mandurah — Minister for Heritage) [2.57 pm]: I move —

That the bill be now read a second time.

It is with great pleasure that I introduce the Heritage Bill 2017. This bill fulfills the McGowan Labor government's commitment to progressing modern heritage legislation in the Parliament. It repeals the Heritage of Western Australia Act 1990, which was passed at a time when Perth had seen the wholesale destruction of heritage places, and overhauls unnecessarily complex, inflexible and unclear assessment and consultation processes. This bill brings Western Australia into line with the rest of the country by addressing demolition by neglect—the lack of maintenance or protection of a place listed in the state Register of Heritage Places. There is currently no power under the act to force owners to maintain and protect their property, with compulsory acquisition by the state being the only option, and one which has, for various reasons, never been used. The bill enables the Minister for Heritage, under strict conditions, to now address genuine cases of demolition by neglect by requiring an owner to make their place safe and secure. These repair orders will, however, be subject to review by the State Administrative Tribunal to protect against undue hardship.

Greater protection for state registered places will also be achieved through a mix of incentives, such as grants and access to technical assistance, as well as meaningful disincentives for owners of registered places. Penalties for deliberate destruction will remain at $1 million. Regulations will be developed to enable the Heritage Council of Western Australia to prepare guidelines to help state agencies identify and manage the more than one-third of the 1 300 places entered on the state register that are under government custodianship, and ensure that heritage places earmarked for disposal are assessed and protected where necessary in the transition to new ownership.

The bill removes the current requirement for a two-step—interim and permanent—registration process, to significantly reduce the time and cost of entering a place onto the register. If this amendment had been in effect for the assessment and registration process of the West End in Fremantle—the largest single precinct to be state heritage listed to date—it would have removed the need for the Heritage Council to undertake a second round of stakeholder consultation and the requirement to place another memorial on the title. For this process alone, it would have saved the state approximately seven months and $120 000. Via regulations, owners will also be provided with greater certainty, with time limits set for certain aspects of the assessment process, including for the Heritage Council to decide whether a place warrants full assessment and for the minister to recommend a place for entry onto the register. The bill also increases transparency by requiring publication of the Heritage Council's advice to the minister and the minister's decision. Under the current act, pending or recently approved development applications are cancelled when a place is entered onto the state Register of Heritage Places, forcing owners and developers to reapply with little means of compensation. This bill enables the Heritage Council to suspend, rather than cancel, applications or recent approvals while they are reassessed in respect to the place that has become state registered. It also enables certain development proposals for registered places, such as minor works, to be exempt from referral to the Heritage Council.

In response to stakeholder feedback, greater consistency will be achieved in the adoption of nationally recognised criteria for the assessment of heritage places and the Burra Charter definition of cultural heritage to clarify, but not expand beyond, the scope of the act. The bill overcomes many of the common misconceptions and uncertainties with the current requirement for local governments to prepare and regularly review inventories of heritage buildings. Existing inventories will transition to local heritage surveys with increased flexibility for local governments to include "places" of cultural significance rather than "buildings", as prescribed under the current

act. The bill also clarifies the purpose of these surveys as repositories of information on places of local heritage interest, to better equip local governments to make informed decisions about heritage matters. Lastly, the bill reflects public sector governance best practice by adopting a skills-based membership for the Heritage Council and clarifying its role and functions, and providing for contemporary management practices for meetings, conflicts of interest and financial management.

Over the past 25 years, our attitude to cultural heritage has undergone a dramatic makeover. Heritage is now largely seen as an asset rather than a liability, as evidenced by the many homes, bars, restaurants and community spaces that have given heritage-listed places a new lease of life. This bill has been carefully developed through three phases of consultation undertaken since 2011 by the former State Heritage Office on behalf of the Heritage Council. It also contains some minor amendments, mostly administrative, that were identified since the 2016 bill was introduced by the former state government. Passage of the Heritage Bill 2017 will result in legislation that is open, transparent, simple to operate and understand, and reflects best practice in the recognition and protection of heritage places. Stakeholders have been calling for modern heritage legislation for many years and I am privileged to be delivering this on behalf of the McGowan state government. We committed to continuing to work with the community and stakeholders to further recognise the value of our heritage buildings, to reactivate and conserve them for future generations, and to enhance the Western Australian story and our sense of place. I commend the bill to the house.

Debate adjourned, on motion by **Mr A. Krsticevic**.

OCCUPATIONAL SAFETY AND HEALTH AMENDMENT BILL 2017

Consideration in Detail

Clauses 1 to 4 put and passed.

Title put and passed.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Mr W.J. Johnston (Minister for Commerce and Industrial Relations)**, and transmitted to the Council.

MINES SAFETY AND INSPECTION AMENDMENT BILL 2017

Second Reading

Resumed from 11 October.

MR S.K. L'ESTRANGE (Churchlands) [3.07 pm]: I will speak now on the Mines Safety and Inspection Amendment Bill 2017. This bill is very similar to the Occupational Safety and Health Amendment Bill 2017 that we just moved through the Parliament, which essentially will change penalties. I would like to step the chamber through the process and through some of my views on the bill as the shadow Minister for Mines and Petroleum. First of all, the bill amends the Mines Safety and Inspection Act 1994 to increase penalties listed under various provisions so that they are in line with other Australian jurisdictions and to ensure that the penalties better reflect the importance of a safe workplace. No-one in this chamber opposes the better conduct of safe work practice, particularly in the mining area, because we understand how important it is. Later during my speech today I will present some examples of tragedies that have occurred in mines to give members some context to the type of environment the mining workforce operates in.

The amendments will increase penalties for offences under the MSI act to better align them. We know that the Model Work Health and Safety Act was developed by Safe Work Australia in 2011 under the Inter-Governmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety. In 2014, the former Liberal–National government developed the draft Work Health and Safety (Resources and Major Hazards) Bill. That was a WA version of the Model Work Health and Safety Act, developed by Safe Work Australia and implemented by Australian states and territories. The government of the day released the WHS bill as a green bill for public consultation, which closed on 30 January 2015. The WHS bill contained the core provisions of the model WHS bill with some modifications to suit the Western Australian working environment, and the government of the day undertook consultation with stakeholders on the model WHS bill through its ministerial advisory panel.

Having looked at the different jurisdictions and the relevant penalty levels that apply, what I found interesting is that the penalties prescribed—this information was supplied by the office of the Minister for Mines and Petroleum in November this year—in the model work health and safety bill applied to the jurisdictions of Queensland, New South Wales, Tasmania, South Australia, the Northern Territory and the Australian Capital Territory. It was slightly different in each; in Queensland they applied to only general industry, whereas in New South Wales they applied to general industry and included the mining industry. Therefore, there are some subtle differences between some of those places. Queensland had a maximum penalty of three years' imprisonment or a maximum fine of

$252 300. On the other hand, Victoria had a maximum penalty of $3 171 400. There have been differences in the penalties applied by the states. The government is attempting to align the Western Australian penalties with the WHS bill and with the penalties in the other states and we as the opposition support what is being attempted.

The description of "penalties" in the bill is an interesting area. We know that penalties are enforceable undertakings. The Department of Mines, Industry Regulation and Safety's information sheet explains the penalties and enforceable undertakings included in the Mines Safety and Inspection Act 1994. That information is available on its website. I have a copy of it here. The bill is written in a certain way and the people who put these legal documents together sometimes do not make it easy for the layperson on the street to pick them up and understand what the different levels mean. I will make the levels a bit clearer. As I said, on the department's website there is a section on the Mines Safety and Inspection Act, which states —

> Penalties are divided into four levels of severity based on the type and extent of the breach:
>
> - Level 1 — a breach of the Act, excluding General Duty provisions …
> - Level 2 — a breach of the General Duty provisions of the Act that does not result in serious harm or death
> - Level 3 — a breach of the General Duty provisions of the Act resulting in serious harm or death
> - Level 4 — a breach of the General Duty provisions of the Act in circumstances of gross negligence resulting in serious harm or death.

An understanding of the four levels is important because it gives context to the fines that are attributed to each level. I am glad I was able to find that on the website. The department's website also refers to an enforceable policy. I will explain what enforceable undertakings are and again I will read from the website —

> An enforceable undertaking provides an alternative to paying a fine for breaching the Act, with the aim of improving occupational safety and health.

It is an alternative and it is worth remembering that that also exists. It continues —

> Undertakings can only be entered into for minor offences and where no-one has been harmed.
>
> The enforceable undertaking may require the offender to take specific actions, such as remedying the breach, or carrying out a specific project designed to improve occupational health and safety.
>
> The undertaking is an alternative to paying a fine so its cost should correspond to the fine nominated for the severity of the offence.

That becomes interesting because these fines will increase substantially. If, for example, a breach attracts an enforceable undertaking as opposed to a fine, no doubt enforceable undertakings will have significantly increased budgets to try to improve the occupational health and safety of the workers at a particular site. That is worth understanding. The information sheet on the website asks the question: who can ask for an enforceable undertaking? It states —

> The option of an enforceable undertaking is available only if offered by the court.

It is not simply a case of a proponent asking for an enforceable undertaking. The courts decide that. Either the defendant or the prosecutor can bring up what the penalty should be, but it is still the court's decision and the court can order the offender to either pay a monetary penalty or enter into enforceable undertaking. It is worth noting that when we look at how an enforceable undertaking works, the website states —

> The commitment to an enforceable undertaking must be lodged no later than 28 days from when the order was made …
>
> …
>
> An undertaking cannot include actions the offender would have had to take anyway to comply with the Act.

That is an important aspect. An enforceable undertaking cannot be used to correct a breach. The enforceable undertaking is in addition to correcting issues around the breach. Does that make sense? It is like a fine that is applied to make the workplace even safer again. It is an interesting aspect of how the mines department manages enforceable undertakings and how it relates to the penalty provisions included in the Mines Safety and Inspection Amendment Bill 2017.

The penalties that are proposed to be amended can be broadly divided into two types; penalties attached to different levels, which I have explained, and penalties applicable to provisions other than those specified in the levels. That is outlined in the bill. The thing to focus on with the penalties attached to the different levels is the four levels in the Mines Safety and Inspection Act, which I outlined earlier. The new penalties for these levels have been approximated to the closest penalty in the model work health and safety bill, inflated by 14 per cent and rounded off to arrive at the amended proposed penalties. We know that that is the approach the government has taken with these penalties.

I have explained the breaches, which cover duty of care by employers, principal employers and other persons. The provisions are applicable to certain residential premises and plant designers, manufacturers, importers and suppliers. The penalty for a first offence at each level is different. There is a first offence for each level and, obviously, subsequent offences with an increased penalty for each level. It is worth making sure that we understand that. The current penalties for the four levels are stated in section 4A of the Mines Safety and Inspection Act. It is worth highlighting that under the current penalties, the fine for a level 1 offence committed by a person as an employee is $5 000 for a first offence. I will deal with first offences for the sake of this speech. If the offence is committed by an individual who is not an employee, that person is liable to a fine of $25 000 for a first offence. The fine for a level 2 offence for an individual's first offence is $100 000 and for a corporation's first offence it is $200 000. The fine for a level 3 individual first offence is $200 000 and for a corporation's first offence it is $400 000. The fine for a level 4 individual first offence is $250 000 or imprisonment for two years and for a corporation's first offence it is half a million dollars. That gives us an understanding of where the fines currently sit. If an employer or self-employed person contravenes in circumstances of gross negligence, the employer or self-employed person commits a level 4 offence and level 4 fines apply.

Once the bill passes through Parliament, significant changes will be made to align our legislation with that of other jurisdictions and new penalties will apply. For example, the penalty for an individual first offence will increase to a $550 000 fine and five years' imprisonment, which is a significant change. The fine for a corporate body will increase to $2.7 million for a first offence, which is another significant increase. If an employer or self-employed person contravenes section 12(1) or (2) and causes the death of or serious harm to a person but it is not gross negligence, a level 3 penalty will apply. I suppose if it does not cause death and serious harm and it is not gross negligence, a level 2 penalty will apply. All of that is outlined pretty clearly in the bill and we now understand changes to the fines.

One thing that is interesting for me as the shadow minister is to look at how the wider community views these changes. I did a search for some examples and found that Ashurst, a law firm, in its safety matters alert dated 17 October 2017, outlined on its website what we need to know. It states —

> For corporations, penalties would increase by a factor of five or more.
>
> The legislation would bring penalties under both Acts into line with harmonised Work Health and Safety laws across Australia, and adds 14% for inflation.
>
> The test for penalties under each Act would remain unchanged.

It goes on to state —

> The Bills also propose increases by a factor of four in penalties for breaches of provisions where the penalty levels are not specified …

Ashurst clearly outlines what the government is communicating. It is good to see that industry is picking up on this and communicating it to its members; that is a positive step. From what I read, there does not seem to be too much cause for concern. Ashurst seems to be quite supportive and is just highlighting the changes.

I found another article on the Workplace OHS website dated 29 August 2017. It is written by Hannah Dixon and titled "Massive hike in fines for WA safety offences". Under the subtitle "Penalties unchanged", the article states —

> Premier Mark McGowan said penalties for workplace safety offences hadn't changed for 13 years.

The article then went on to state —

> Phil Gleeson, principal solicitor at Maurice Blackburn Western Australia, welcomed increases in penalties and said a change was "well overdue".
>
> However, he cautioned that "strong penalties are worthless unless they are also supported by a well-resourced prosecution organisation".
>
> Alan Girle, director of Australian Business Lawyers & Advisors, said it was "helpful for industry if sentencing practices across Australia are consistent" but added that changes to the maximum penalties might not necessarily lead to changes in sentencing practices.
>
> "It is interesting to see that WA is increasing their maximum penalties but it be more interesting to see if the sentence practices in the Western Australian courts were brought into line with New South Wales and the other states," Girle said.

Those were some good points to highlight. The real issue in that particular article is this notion of how maximum penalties might not necessarily lead to changes in sentencing practices. Although we are supportive of aligning these with the rest of the country, Workplace OHS has highlighted to us that the sentencing practices will need to be monitored to see how the changes are actually applied.

I found another piece of information on the ABC News website. Laura Beavis wrote an article titled "Tasmania's mine safety laws 'don't match best practice', Beaconsfield investigator says" that was posted on 25 April 2016. Fortunately, for us as a state, that article states —

> Robert Flanagan from the AWU points to West Australian safety legislation as the best standard.

Although the standard for the safety legislation was seen by Robert Flanagan from the Australian Workers' Union as the best in Australia, which is a great credit to Western Australia, we are only changing the fines in the legislation. The legislation itself is unchanged, which is good, and the fines are increasing. It is good to read some of the feedback that exists because it helps us to understand where and how improvements can be made. There is no better example of why we need to keep a close watch on this very important area of safety in the mining area than the cases of prosecution undertaken by the Department of Mines, Industry Regulation and Safety. I have printed off the summary of prosecutions from its website and, I have to say to members, it made for sobering reading. Some of the incidents that have caused people to be killed on mine sites are quite tragic. I will share some, not all, of them with members to give a sense of the types of accidents that happen on mine sites. One accident happened at Paulsens goldmine. An underground jumbo offsider collapsed and died of heatstroke and exhaustion. The company admitted that it failed to maintain its ventilation system, which was a key cause of the man's death. The company pleaded guilty and was fined $90 000. Of course, some would say that $90 000 for a life does not sound like a lot, and it would have been extremely difficult for the family to deal with that. However, I just wanted to share that example with members.

In another example, an incident happened at the Boddington goldmine involving a crew conducting the reline of a ball mill. Work was being done to remove liners that were stuck. The gentleman who died was working under and next to the unsecured liners when the top unsecured liner fell and crushed him. That was a very tragic incident. A guilty plea was made and the penalty applied in that case was $65 000.

An incident at the Woodie Woodie mine resulted in a fitter being killed while attempting to remove a belly plate from a Komatsu 275 dozer. He was attempting to clean out the mud that had accumulated. When he was under it, the plate fell on him and crushed him—again, a tragic accident. After the company pleaded guilty, its penalty was $110 000.

At the Cloudbreak mine site, a gentleman was killed while working to service a strut and spindle component of a dump truck. He was struck by a round metal end piece that was ejected from the component under high pressure and at high velocity from stored energy. Again, someone was going about their normal work. Perhaps he did not understand or he was not supervised effectively enough to know where to stand when doing this work, so that when that piece of machinery failed and the piece of metal ejected like a bullet, it killed him. Who knows what would have happened if he had been standing in the right spot or what else could have been done to mitigate or change the situation. In any case, the company pleaded guilty and the penalty was $195 000.

At the Brockman 2 mine site, a gentleman died while replacing a tilt cylinder on a Caterpillar wheel loader. The cylinder was being suspended by a chain and sling when it fell on him. He was killed because he was standing under the suspended load. The company pleaded guilty and received a fine of $70 000.

At Alcoa's Wagerup alumina refinery, there was a tragedy involving a gentleman who was using high-pressure cleaning equipment. He accessed an open manhole and accidentally fell to his death. I remember visiting that site and I was shown the hole that the gentleman fell into. I was told at the site that apparently he went in feet first. He thought there was scaffolding on the inside, but he could not feel it with his feet. I was told that he thought that it was a drop of about a foot to the scaffolding; he took the step but it was not there. It was a very tragic incident indeed. In that case there was a guilty plea and a penalty of $68 000 was applied.

Nothing as tragic as that has happened to me on a personal level, but all of us can reflect on occasions when we might conduct work around the house or at camping grounds or wherever. Unpacking a tent, for example, we might pull a pole a certain way, not realising it was suspended by only a bit of canvas further back. It then swings down under gravity and crushes a finger We might think, "How annoying; how did that happen; how did I not see that?" If we look at those simple examples of safety that we face in and around our own households with our kids or whatever, or on camping trips, essentially it comes down to physics. Instead of dealing with tent poles crushing our fingers when we fail to see what might happen when the wind changes or if we push a pole a certain way, magnify that in dealing with mining equipment. When a person's mindset is that everything is simple and under control, they may not see the consequences of what they are doing straightaway, and then a tragedy occurs and there is a death on a mine site. In reading through the examples, I found myself asking, for example, why a worker would trust so much that the suspension of a piece of machinery would stay there. I asked myself why a safety supervisor was not there to say, "Don't stand there, because if that gives way, it's going to fall on you, and you'll be dead." Sometimes it sounds simple, but sometimes on worksites the simple can be overlooked, be it a momentary lapse of checking surroundings, or having no idea and simply not understanding the danger in the first place, and there is no supervisor who could have understood to be able to look after them. In all events, they are tragic outcomes on sites where the consequences of a mistake can be fatal, because of the types of equipment that is being used.

I also looked for some data on injury fatality incidents on mine sites. I found the Department of Mines, Industry Regulation and Safety WorkSafe division report, "State of the Work Environment: Work-related traumatic injury fatalities, Western Australia 2006–2007 to 2015–2016". Issued in 2016, this report has a number of interesting pieces of information. Although not listed as one of WorkSafe's priority industries at the time of the report, due to the industry being regulated by the then Department of Mines and Petroleum, the mining industry was included in the report because it is a high-risk industry. I found that the mining industry reported 29 work-related traumatic injury fatalities between 2006–07 and 2015–16, which equates to 14.6 per cent of all work-related fatalities recorded in WA for that 10-year period. There was one female death, in 2008–09, and all the rest were male. No fatalities were recorded in 2012–13, which is a rare event indeed. In fact, I think it is the only year in Western Australia's mining history to be fatality free. Three work-related fatalities were recorded in 2015–16. Two were in goldmining and one was in iron ore mining. During the 10-year reporting period, the prevalent month for work-related traumatic injury fatalities is August, then May. The most common mechanisms of incidents causing fatalities in the metal or mining subdivision were being hit by falling objects, which caused five fatalities; falling from heights, which caused four fatalities; and being trapped by moving machinery or equipment, also four fatalities. Of the 24 work-related fatalities recorded in the metal or mining subdivision, the most common miner occupation groups were stationary plant operators, who had nine incidents, and second were truck drivers and mobile plant operators, with four fatalities each. During the 10-year reporting period, 31 per cent of work-related fatalities were the result of workers being hit by falling objects. During the 10-year period of the report, the 25–34 years age group sustained the most work-related deaths in the mining industry division, with a total of 10 deaths. I thought that was interesting. Of those 10 deaths, two were in 2008–09, one was in 2009–10, two were in 2011–12, two were in 2013–14, one was in 2014–15, and two were in 2015–16. No work-related fatalities have been recorded in the last seven years amongst workers 24 years of age and younger in the mining industry. More than one-third—37.9 per cent—of all mining fatalities during the 10-year reporting period were aged 45 years and over. The majority of the deaths are happening to older people, who we would think might actually be wiser to some of the dangers. Who knows—there could be many factors influencing that outcome.

We recognise that bringing these fines in line with those of other jurisdictions was an objective of the former government. It did not get to achieve that objective, so we support the government in doing this as a new government. It is clearly a policy priority for the new Minister for Mines and Petroleum, and we are happy to support the intent. When I came in as Minister for Mines and Petroleum late in the term of the Barnett government, last year, I was very interested in ongoing work to better understand the risks, the underlying causes of those risks, and the tactics, training and procedures to prevent those risks from causing near misses, injuries and fatalities. I asked the department to start looking into this in some detail. I know that, in parallel with that, the department was doing some work with Curtin University to better understand the safety environment. For me, near misses are just as significant as deaths, because if we do not focus on the near misses and focus only on the deaths, we may be seeing only the tip of the iceberg, as near misses could quite easily have turned into fatalities. I was very interested in researching the patterns of near misses and safety events, and looking at them not only by mine sector but right down to the ore body itself, and the type of mine. For example, an underground goldmine is very different from an open pit iron ore mine.

We need to look at a longitudinal study focusing on, say, underground goldmining, studying those near misses and safety events over time and particularly through different phases of a commodity price cycle. One of the things that we recognised before the global financial crisis, when the economy was booming and there was a huge amount of investment and growth in the mining and construction sector, was that mines were employing whomever they could get, because there were shortages of labour. We found that supervisors on sites, and underground sites, were getting promoted very rapidly, and many were lacking the experience and wisdom that attached to running their teams in these dangerous environments. Where an experienced supervisor of an underground team could have a sixth sense of what was about to occur in that workplace, and could get everybody out because they sensed that something was about to go wrong, less experienced operators did not have that sixth sense, and problems could occur. It comes down to experience. Understanding how risk occurred during a commodity price boom time might be very different from understanding the types of risks that apply during a downturn. During a downturn, the company does not have as much money and therefore—I am not saying that they do—there could be an incentive to cut corners, for example. It is a different type of risk, so understanding the commodity price cycle, and how these near misses and safety events occur in different phases of that cycle is just as important, because we can mitigate the risk differently. During a boom the mitigation needs to be against less experienced supervisors on mine sites. That may remove some risks and concerns there. In a down phase, how do we mitigate against supervisors or employees cutting corners, because of the company not being as flush as during the boom time? I am interested in partnering with universities to look at these longitudinal studies and research to try to understand risk better, based on commodity prices. I encourage the government to continue to look for ways to partner with universities to conduct that type of research. I think it is very important to not only partner for research but also communicate with industry to see how dangerous workplaces can be made safer.

Linked to all that, particularly in relation to the Mines Safety and Inspection Amendment Bill 2017, is understanding the success or otherwise of higher fines making workplaces safer. I think that is important. I appreciate and understand that if the fines are not very high, it sends a message to the family of somebody who has tragically been killed or injured on a mine site that, "The fine is not that high, so the government is letting the company off the hook in regard to its responsibilities." That is an emotional view, and for those families it is very real. But we need to make sure we understand whether there is actually an effect on changing the cultural behaviour of safety on a mine site by changing the fines system. That is also worth looking at. I said earlier that some commentary exists to say that it is all well and good having five times the fine, but if the courts do not actually apply those high fines it could not achieve the outcome of fines being attributed to reducing risk on mine sites. These are very important studies that I think should continue to be looked into and researched by the government, partnering with various research organisations to help in that endeavour.

To conclude, the opposition supports and understands the intent of the government's bill. The increase in penalties for offences under the Mines Safety and Inspection Act to align with the Model Work Health and Safety Act is an important goal, and we understand why the government has chosen to account for inflation. We also know that with the exception of WA, Queensland and Victoria, all other Australian jurisdictions have implemented their versions of the model WHS act for their mining industries. I earlier said that the former government developed a work health and safety resources major hazards bill and the proposal included penalties consistent with the model WHS act, but that bill was not progressed. We are pleased to see this bill being progressed by the new government. Although Labor is progressing the development of the WHS bill for WA, I understand this bill will later amalgamate with the general industries and resources sector. In the meantime, this bill will increase and align the mines safety act penalties.

We understand the intent. I encourage the government to continue to research all aspects of mines safety, with a particular focus on understanding commodity price cycles linked to particular types of mine sites to better understand risk so that they can support industry to develop tactics, training and procedures to mitigate those risks. I support and commend the bill to the house.

DR A.D. BUTI (Armadale) [3.43 pm]: I also rise to contribute to the debate on the Mines Safety and Inspection Amendment Bill 2017. In many respects this bill mirrors the Occupational Safety and Health Amendment Bill 2017 we debated last night. The intention of this bill is to bring in the increased penalties listed under the various provisions in Western Australia in line with other jurisdictions in Australia, and to ensure the penalties better reflect the importance of a safe working environment. The member for Churchlands went through different aspects in his contribution and mentioned the issue of penalties. Obviously, on their own, penalties are not necessarily the panacea to improve work culture, but they are very important. A PhD thesis was written by Garry Claxton of Curtin University titled "Occupational Health and Safety: Generating regulatory perceptions to encourage compliance". For that thesis, he interviewed 60 participants—business owners, senior managers, managers, supervisors, occupational health and safety educators, and rank and file employees. A major finding was that several participants, apart from business owners, suggested that the current penalty regime was not working and believed that penalties needed to be higher.

Interestingly, it is often thought that employers really do not want to be that zealous in improving workplace safety, but in 1987 there was a new chief executive officer of Alcoa in the USA—it was a period of time when Alcoa was basically on its knees—and traditionally the incoming CEO invited shareholders to his inaugural speech. He started off the conversation talking about safety in the workplace, and said how important it was. After that meeting, many shareholders sold their stocks, but the profit performance of Alcoa improved over the next four or five years as a result of an emphasis on safety. Safety is very important from not only the human perspective but also the economic perspective.

On the issue of increased penalties, many of the writers in the area write about increased penalties for noncompliance with obligations under various occupational health and safety provisions. It is said they are used as a deterrent—the natural deterrent theory—and companies are generally rational actors, so if they do a cost–benefit analysis and find that the penalties are severe, they will hopefully improve their work safety practices. But it is also a signal. The government, through the minister, is signalling to the industry through the bill before us related to the mining industry, and last night in regard to industry generally, that we want to create a culture in which employers and employees have to put safety in the workplace at the forefront.

During the contribution of the lead speaker for the opposition, he went through the various parts of the bill. We may not agree with some of his comments, but he took a serious approach to the issue. That was in contrast to the performance last night of the member for Dawesville. I was absolutely appalled by the contribution of the member for Dawesville last night. We were talking about an incredibly important issue of people's lives being at stake—people die—and he wanted to make a political point about a senior public servant. During his inaugural speech, he talked about his experience on a construction site. I am not so sure how much he experienced at the coalface of

a construction site—I wonder. He has also made contributions about unions. I will tell members a couple of the reasons I was appalled by his speech last night. Professionally, I used to be a lawyer and worked in the area of personal injuries. I saw some of the devastating effects of workplace injuries. But I will talk from a personal perspective because the member for Dawesville often brings his personal life into his contributions.

It was August and about a week before my sixteenth birthday. I was on school holidays—it was in years when we used to have three terms. I remember the supervisor of Armadale hospital bringing my mum home. She was bent over because she had a slipped disc. She was asked to lift up on her own a patient who was quite heavy, and she slipped a disc. Her back never recovered from that. A year later, there was water and oil on the floor of the hospital and she slipped. She injured a cervical vertebrae in her neck. Since then she has had to have major operations and has constantly been in pain.

My father worked in construction all his life. I would like to compare my father's construction history with the member for Dawesville's construction history. My father lost a finger while working on a construction site. He told us how the Builders Labourers Federation and the Construction, Forestry, Mining and Energy Union helped to improve the culture on construction sites. When he started, they basically had no safety provisions. He arrived in Australia in about 1951. He used to work up north in the 1960s, way before we had fly in, fly out workers. He used to go up there for a year at a time. He lost a finger. He had other near misses.

I watched my father pass away. It was a very painful death. He died at the age of 76. He had scarring on his lungs due to the dust that he consumed while working on building sites. Last night the member for Dawesville treated the whole issue of occupational health and safety as a purely political pointscoring mechanism. Shame on the member for Dawesville! He can laugh. Does he think it is funny to see a father die as a result of dust he consumed on a worksite? He has no idea. His problem is that he worked in a political office and he sees everything from a political perspective. He has no sympathy or empathy for the real world. He should not tell us about construction sites.

Point of Order

Mr D.C. NALDER: I draw the member's attention back to the issue at hand.

The ACTING SPEAKER (Mr T.J. Healy): I will draw the member back to the bill. He is speaking broadly and referring to another member's speech.

Debate Resumed

Dr A.D. BUTI: I have respect for the member for Bateman. I am not sure whether he was here last night, but the contribution from the member for Dawesville had no relevance to the bill that we were discussing, which was incredibly important. It was introduced into this house by the minister. All he did was engage in a political pointscoring exercise when he spoke about a director general of a department. It had nothing to do with occupational health and safety. It was absolutely disgraceful. It is about time the member for Dawesville treats this place seriously and realises that there are real people out there, and they are not political pawns for the member.

Point of Order

Mr D.C. NALDER: I draw the esteemed member back to his own speech. He is claiming that the member for Dawesville was not referring to the bill. I ask that he refer to the bill.

The ACTING SPEAKER (Mr T.J. Healy): There is no point of order but I will ask the member for Armadale to please speak through the Chair.

Debate Resumed

Dr A.D. BUTI: I understand what the member for Bateman is saying. I have been given a lot of latitude in what I am saying, but a ruling was given last night as there was a lot of latitude given to the member for Dawesville when he made his speech. He could have made a serious contribution to the bill before the house last night and he did not. He even has the temerity to smile and grin when I talk about some personal issues. He is a disgrace. His speech last night was one of the worst I have experienced in seven and a half years in this place. I do not even think the former Premier, the member for Cottesloe, would have been proud of what his speech entailed last night. The member can grin but it will not remove the terrible contribution he made last night. People out there are dying on worksites—in mines and construction sites. All the member did last night was talk about something that occurred in the public service. That might be an important issue and he should raise that, but last night was not the time to raise it during debate on an important piece of legislation. Shame on the member. Congratulations to the minister for bringing this bill before the house.

MR W.J. JOHNSTON (Cannington — Minister for Mines and Petroleum) [3.53 pm] — in reply: I am very pleased to have brought this legislation to the house. I am pleased that the opposition is supporting action. The member for Churchlands outlined the opposition's support for the Mines Safety and Inspection Amendment Bill 2017, and referred to the 2014–15 green bill, which related to general health and safety. A process was set up by the former

government to deal with the work health and safety legislation. That was still incomplete at the change of government. It did not result in the green bill; the green bill came from WorkSafe rather than the Resources Safety Division. Otherwise, it was a pretty accurate position. That is one of the reasons we are able to proceed so quickly. We were able to pick up the fact that the former government had done work on this matter. The difference is that we are interested in introducing legislation to protect workers, and we are getting on with it.

The member for Churchlands also referred to the question of sentencing practices. That is obviously a very important issue. The government is aware of the questions that arise around sentencing practices. That is one of the reasons we are increasing the maximum penalties because the courts tend not to award the maximum penalty. The process of increasing the maximum penalty would generally push up the results of the findings.

I do not want to delay the house for long. I want this bill to be passed before private member's business.

The member for Churchlands spoke about people having a sixth sense of problems that are going to happen in the mining industry. That is one of the most terrible things to suggest. The idea that somehow or another it is the worker's fault when they get killed at work is something that we should all reject. The simple facts are that the responsibility for health and safety always falls on the employer. This is about safe systems of work and identifying why workplaces are dangerous and eliminating those dangers. That is what happens in occupational health and safety and that is what we are trying to get. I agree with the member's comment that there is a difference between underground gold operations and open pit iron ore operations. That is a correct assessment and that is why the government is determined to create a single professional organisation to deal with health and safety, because every industry is different. In the same way as the gold industry is different from the iron ore industry, so is the construction industry different from the retail industry. That is why a single professional regulator is preferred to the previous government's arrangement of two separate regulators in the health and safety sector. I do not agree with the member on one point but I do on the other.

I congratulate the member for Armadale for his contribution because, as always, he makes sensible remarks in this chamber. He is a person to be respected and acknowledged for his great work and his great capacities. Dr Tony Buti is a fine Western Australian and has a strong background in the law.

Mr W.R. Marmion: He should be a minister.

Mr W.J. JOHNSTON: He probably should be. If he was a Liberal, he would have been a minister because he stands head and shoulders above all the others on that side of the chamber.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

MR W.J. JOHNSTON (Cannington — Minister for Mines and Petroleum) [3.57 pm]: I move —

That the bill be now read a third time.

I see that I have 30 minutes on the clock. I understand that normally a minister would simply move that the bill be read a third time and sit down and allow other members to speak, but I understand that nobody else wants to speak on the Mines Safety and Inspection Amendment Bill 2017. We are so close to private members' business time that I am sure the Liberal Party would be very keen for me not to sit down before four o'clock, so I will keep talking on this important legislation.

Mr S.K. L'Estrange: I think the Leader of the House might like you to keep talking.

Mr W.J. JOHNSTON: Yes, he might too. I think both sides of the chamber are very keen for us to move directly from this legislation to private member's business because I am sure the Liberal opposition has many exciting things to share with us in this chamber during private member's time.

Mr S.K. L'Estrange: We used to enjoy your private member's time, member.

Mr W.J. JOHNSTON: I rarely got permission to speak during private member's business time when I was in opposition. I was scheduled to sit here from 4.00 pm to 6.00 pm every Wednesday. I do not have a choice; I have to be here between 4.00 pm and 6.00 pm on a Wednesday. I get the joy of listening to private member's business.

I think we have now consumed exactly the amount of time that we needed to consume. I look forward to the house supporting the third reading of the bill.

Question put and passed.

Bill read a third time and transmitted to the Council.

BUSINESS OF THE HOUSE

Motion

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [4.00 pm]— without notice: I move —

That private members' business notices of motion 2, 16 and 9 be taken next.

MRS L.M. HARVEY (Scarborough — Deputy Leader of the Opposition) [4.00 pm]: Mr Acting Speaker —

The ACTING SPEAKER (Mr T.J. Healy): The motion is not in your name.

Mrs L.M. HARVEY: Mr Acting Speaker, I wish to speak against this motion.

Once again, we are today witnessing the government of Western Australia using its powers in this chamber to try to block the opposition from talking to the issues that we seek to raise in this Parliament that are of importance to the community of Western Australia. We have been negotiating in good faith with the Leader of the House about the order of private members' business to be debated this afternoon—in our time, private members' time—in the three hours the opposition gets to raise matters in this place and to scrutinise the government. We have been in this process for pretty much the whole day with the Leader of the House.

Mr D.A. Templeman: I wasn't here until half past one.

Mrs L.M. HARVEY: We wanted to move private members' business notice of motion 9, the victims of child sexual abuse motion. We wanted to debate this issue because it is of importance to a large number of victims of child sexual abuse, who were made a promise by this government during the election campaign. That promise was that legislation would be brought to this Parliament forthwith to ensure that in Western Australia the statute of limitations prohibiting civil litigation for victims of child sex abuse would be lifted. The motion we wanted to debate first in this chamber today, was given notice of by the Leader of the Opposition and states —

> That this house notes the failure of the McGowan government to introduce legislation to remove the statute of limitations for victims of child sex abuse, which it said was a priority; and calls on the Attorney General to apologise for raising the expectations of victims of child sex abuse when he was in opposition, and failing to deliver now that he is in government.

We are not acting recklessly in seeking to debate private members' business in the order we wish to debate it. We made inquiries of the government Whip about whether there is a problem with the Attorney General being in this chamber or present in the Parliament. We know from being ministers that ministers often need to attend functions and events. They are required to obtain a pair from the opposition so that they can go to an event or function and fulfil their duties as ministers. As we have seen in this chamber from time to time, members need to be absent. They might need to be out of the chamber because they have a medical appointment, they are unwell, there is a family emergency or they might be attending a funeral. In those circumstances, there is always agreement from both sides of the house that a pair be arranged. Generally, there is consensus to support people when their families are going through crisis or those sorts of matters. The government Whip advised us that the Attorney General needed to be away on other business from 5.30 pm today, so there is no reason whatsoever that this motion concerning the Attorney General's portfolio could not be debated between 4.00 and 5.30 pm because the minister is clearly here in the chamber. There should not have been a problem agreeing to varying the order of business as the opposition asked.

Mr D.A. Templeman: Tell the truth about when I was notified. I was not here until after 1.30. So when you say we have been talking about it all day, it's not true.

Mrs L.M. HARVEY: I stand corrected.

Mr D.A. Templeman: Tell the truth because that reflects on me.

Mrs L.M. HARVEY: I apologise, Leader of the House; I did not mean to misrepresent the time we have been negotiating this. I will say that I remember what it was like to be a minister in government during private members' time. Often, as ministers would be aware, there would be an order of business in private members' time and sometimes the opposition then, in a bit of a stunt, would find out that ministers needed to be in other places to fulfil other duties, attend functions or whatever, and the opposition would request a variation to the order of business. The Leader of the House at the time, Hon John Day, always accommodated the opposition's request because his view and that of the Barnett Liberal government was that opposition time was opposition time. That is the time when the opposition gets to debate their motions; they own that time. They should have the ability to vary the order of business and debate motions as they see fit. That is what we asked for today.

We have seen very poor form by this government due to the contempt with which they treat parliamentary convention. We saw it with the allocation of members to the Joint Standing Committee on the Corruption and Crime Commission. We have laboured that point ad nauseam and will labour that point again because having no member of the Liberal Party from this chamber on the committee, every time the CCC hands down a report in this place, the opposition will not know the content of the report. We saw that contempt with the appalling stunt by the Minister for

Health today trying to threaten the opposition by interfering in some kind of legal process of trying to hold the Minister for Health to account over his decision to take practical completion of the Perth Children's Hospital. Those decisions need to be scrutinised by the opposition in this Parliament. Parliamentary privilege is designed to protect members of Parliament when they are scrutinising a range of matters without fear or favour, and certainly without fear of being threatened in an amateur and naive way by the Minister for Health, for example, with ramifications as a result of our going about performing our duties, as we are supposed to do, as a democratically elected opposition in this state of Western Australia.

On the substantive issue—I really feel for victims of child sex abuse—I understand that there has been extensive debate on this matter. Yes, as a government, we were found wanting in this respect. Legislation was introduced in the Parliament by former member for Eyre Dr Graham Jacobs that sought to lift the statute of limitations to allow victims of child sexual abuse to sue perpetrators of sexual abuse for damages or, indeed, the institutions responsible for their care at the time the abuse occurred. I think it is fair to say that at the time, the legislation was examined by the government. However, we found the legislation wanting. Instead of trying to improve that legislation, we decided not to support it. Indeed, the legislation introduced by the former member for Eyre and, indeed, supported very vocally by the now Attorney General, would not have achieved what the opposition at the time was hoping it would achieve. In 2016, *The West* online ran an article that states —

> Mr Quigley said —

He is now the Attorney General.

> the statute of limitations was shutting victims out of the legal system.
>
> "There is an old legal maxim—justice delayed is justice denied," he said.
>
> "To delay this any longer exposes these people to further injustices."
>
> Mr Quigley said the motion was a "seminal moment" for Parliament because it would separate MPs into "protectors of paedophiles" or "champions of the victims".

The West online of 21 October states —

> Shadow attorney-general John Quigley drew gasps of incredulity from Government benches when he told Deputy Premier Liza Harvey a no vote would prompt her daughters to ask,
>
> "Mummy, why did you vote to protect paedophiles today?"

The now Attorney General said that when he was in opposition. Then, when he gets into government and he has the power to bring forward this legislation, what does he do?

Mr S.K. L'Estrange: He said that it was a number one priority going to the election.

Mrs L.M. HARVEY: He said that it was a number one priority, along with a range of other initiatives. What have we seen brought to this chamber in the seven or so months since the government came to power in March this year? We have had 41 bills read into the houses of Parliament. Eight of those are from the thirty-ninth Parliament, are somewhat administrative in nature and have already been constructed. The legislation that is required to be passed includes bills such as the Health Practitioner Regulation National Law (WA) Amendment Bill 2017, the Statutes (Minor Amendments) Bill 2017 and the Appropriation (Recurrent 2010–11 to 2015–16) Supplementary Bill 2017. They do not need drafting priority. It is simply a matter of taking the legislation that was introduced in the thirty-ninth Parliament and reintroducing it in the fortieth Parliament. I take no issue with those eight bills. However, let us look at the remaining bills that have been read in ahead of a bill to lift the statute of limitations to allow victims of child sex abuse to sue perpetrators.

The bills that have been given priority over lifting the statute of limitations for victims of child sex abuse include the Animal Welfare Amendment Bill 2017; the Corruption, Crime and Misconduct Amendment Bill 2017; and the Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017. The latter two are election commitments and are very complex legislation. I put it to the Attorney General that if he put the drafters of those two pieces of legislation to work on lifting the statute of limitations to allow civil litigation for victims of child sex abuse, we would have that legislation before us and it would have been passed by the end of 2017, as was promised to these victims of child sex abuse in the lead-up to the election. We also have the Court Jurisdiction Legislation Amendment Bill 2017 and the Courts Legislation Amendment Bill 2017. The government agreed to the Criminal Code Amendment (Industrial Manslaughter) Bill 2017. I take no issue with any of this legislation, but I do not believe that it should have been prioritised ahead of victims of child sex abuse. The Historical Homosexual Convictions Expungement Bill 2017—once again, I take no issue with the bill but victims of child sex abuse needed to be prioritised commensurate with the commitment made.

I am nearly finished; I know that the government has agreed to allow us to change the order of business as we requested, but I want to read in this other legislation. The Local Government Amendment (Auditing) Bill 2017 was put ahead of victims of child sex abuse, as was the Mines Safety and Inspection Amendment Bill 2017; the

Occupational Safety and Health Amendment Bill 2017; the Pay-roll Tax Amendment (Debt and Deficit Remediation) Bill 2017; the Pay-Roll Tax Assessment Amendment (Debt and Deficit Remediation) Bill 2017; the appallingly drafted Salaries and Allowances Amendment (Debt and Deficit Remediation) Bill 2017, which will no doubt be banging around in the Legislative Council for quite some time given that it was such a poor piece of legislation; and the Statutes (Minor Amendments) Bill 2017. This is the one that really sticks in my craw: the Tobacco Products Control Amendment Bill 2017 was drafted ahead of victims of child sex abuse being able to achieve justice in Western Australia. The other appalling piece of legislation, the Western Australian and every other state and New Zealand jobs bill —

Several members interjected.

Mrs L.M. HARVEY: On behalf of the opposition, I thank the government for acquiescing to our request to have the order of private members' business in private members' time be in the order in which the opposition would like to debate the motions. I appreciate that, Leader of the House. I accept that the Leader of the House was not back here until 1.30 pm today, but between 1.30 pm and four o'clock, there have been several demands and lots of negotiation across the chamber. That should not be the way that a government elected with such a substantial majority operates in this state. It needs to give the opposition the opportunity to scrutinise the decisions and priorities of government, and we will use today's private members' time to do that.

Amendment to Motion

MR B.S. WYATT (Victoria Park — Treasurer) [4.15 pm]: I move —

To delete "2, 16 and 9" and substitute —

9, 2 and 16

As the Leader of the House has indicated, the government will support this request, but I am kind of curious. There are a couple of points I want to ask about. Presumably, last night when the opposition gave notice of its private members' business motions, its first priority was major infrastructure projects. I am looking at the email. I want to clarify that last night when the opposition gave the government notice of its priorities for private members' business today, the priorities were these three motions: firstly, major infrastructure projects; secondly, Western Australia's GST share; thirdly, and finally, victims of child sex abuse. I have been here a little while and we very rarely get to debating a third private members' business motion. We have not seen that for a long time. The issue that the opposition wants to debate now is a priority and we are happy to do that, but last night it was their third and final priority.

Mrs L.M. Harvey: There was an administrative error in the office.

Mr B.S. WYATT: I did not interject on the Deputy Leader of the Opposition. It would seem that things have changed over the last day, but I am not going to sit here for a minute and listen to a person who sat in government for eight and a half years and did not seek to correct this issue at all. Indeed, when the member was a minister in the cabinet, she said that we should oppose the then member for Eyre's private member's bill that sought to do the exact same thing. Let us reflect for a minute upon the record of the member for Scarborough on this issue. Last night it was not a priority. Today it is a priority. The Liberal Party was in government for eight and a half years and it was not a priority at all. In fact, it was such a non-priority that it voted against lifting the statute of limitations. Let us put that on the record. The Leader of the Opposition will stand and put the case and I dare say the Attorney General will respond, but I want to be clear that the government has not sought to do anything other than debate the priorities of the opposition as given to the government. However, we will allow the priorities of the opposition to change from what they were just last night to allow this issue to be debated. Indeed, I look forward to the Attorney General's contributions.

Amendment put and passed.

Question (motion, as amended) put and passed.

CHILD SEXUAL ABUSE — CIVIL LITIGATION — STATUTE OF LIMITATIONS LEGISLATION

Motion

DR M.D. NAHAN (Riverton — Leader of the Opposition) [4.20 pm]: I move —

> That this house notes the failure of the McGowan government to introduce legislation to remove the statute of limitations for victims of child sex abuse, which it said was a priority; and calls on the Attorney General to apologise for raising the expectations of victims of child sex abuse when he was in opposition, and failing to deliver now that he is in government.

I have a couple of preambles to make. First, I thank the Leader of the House. It is correct that he was at a function earlier; I believe he came back at 1.30 pm. We had discussions with him, but in the end his wise head prevailed and we were able to pursue our preferred order of private members' business. There was an administrative error.

We discussed among our team the order we wanted to go in, and that we now have. It is, as the Treasurer indicated, highly unlikely that we will get to debate three private business motions today; we will probably get through perhaps only one, and maybe two. That is the way it usually is.

This is an absolutely vital issue for the opposition. For the period I have been in Parliament, we as a society have been coming to terms with and trying to address the abuse of, largely, children, by state and religious institutions.

When we first came to office there was a redress scheme for child migrants, if my memory is correct. Young children were brought to Australia, largely from Britain, by the commonwealth and put into state care and private and religious institutions. They were abused. I am no psychologist, but the sexual and aggressive abuse those children received often leaves indelible marks on the lives and minds of those people as they progress through their lives. It is a tragedy.

At a commonwealth level, the Royal Commission into Institutional Responses to Child Sexual Abuse has been underway for a number of years. I have met with Elizabeth Proust, who I think is deputy head of a long-running inquiry—and it is. She said that being on a committee and finding out what happened to those little kids has been one of the most traumatic experiences of her life. It is a tragedy. This is an issue that we and the Parliament need to deal with constructively.

During private members' business in the last Parliament, the former member for Eyre tried to address the specific issues that arose at a Katanning public hostel—I believe the name was St Andrew's—over a number of years that resulted in the systemic abuse of children in state care. Being both a doctor and a local member, he put together a private member's bill to address that matter. He tried his best. The bill was brought to the Parliament and members opposite, and the government at the time, played politics with it. I will read some of the outrageous comments made by the then shadow Attorney General; nonetheless, we will get through them. Running up to the election, while in opposition, the Labor Party promised to bring forward legislation to address this issue as a number one priority. As the member for Scarborough has pointed out in detail, this has not been a priority of the government at all. We have seen no sign of the legislation. There has been no priority. Yes, it is true that he has said in answers to questions that this is a complicated issue—no kidding! That is what we discussed last time. It is a complicated and difficult issue. It really requires that we peer through the legal institutions that shelter large institutions from the scrutiny and retribution of the law—churches and other institutions. It absolutely has to be done. What has the Attorney General done? He said it was his highest priority. He made all sorts of disparaging remarks. The member for Scarborough pointed out some of them, but I would like to go through some of the others to show how vigorously he pursued us. On ABC online on 14 October 2016, a little over a year ago, this is what was reported —

> Mr Quigley criticised Attorney-General Michael Mischin's unwillingness to waive the six year statute of limitations for victims abused in the state-run St Andrew's school hostel in Katanning in the 1980s and 1990s.
>
> "The Attorney-General's position locks these victims out of the legal system because they did not commence their action within six years," …

This applies to him. These are his words. This is what he said a little over a year ago. Does it not apply to him now?

The Esperance Express of 20 October 2016 states —

> Opposition leader Mark McGowan said Labor supported the bill —

That is the then member for Eyre's bill —

> and shadow attorney general John Quigley was scathing of the government for delaying it.
>
> "Those who vote against this motion and allow this to happen, they by their actions will cast themselves as the protectors of paedophiles," he said.

Does this not apply to the Attorney General now? It continues —

> Mr Quigley slammed police minister Liza Harvey for voting against the bill.

Then he made one of the most despicable comments I have ever heard —

> "When she goes home and this is on the news tonight, her own children will ask, 'Mummy, why did you vote to protect paedophiles?'"

The Attorney General has daughters. Does this not apply to his daughters? I would never say that—never accuse him of that. I do not believe in that; that is not true. But what he said was despicable. He is despicable.

In *The West* online on 19 October, it states —

> Shadow attorney-general John Quigley said the government's actions were "deplorable" and it had put WA victims in the worst position in Australia.

They remain at his beck and call—on his failure to act. If he said that a year ago, it remains the case today, and it is happening on his watch.

The West Australian on 20 October 2016 states —

> Mr Quigley said the statute of limitations was shutting victims out of the legal system.
>
> "There is an old legal maxim—justice delayed is justice denied," he said.

Justice delayed by the Attorney General is justice denied, by his own words. His actions are condemned by his own words. It continues —

> "To delay this any longer exposes these people to further injustices."

His words are the expression of his actions. His words are describing his actions here. The article continues —

> Mr Quigley said the motion was a "seminal moment" for Parliament, because it would separate MPs into "protectors of paedophiles" or "champions of the victims".

He claims to be a champion of victims, but is he a protector of paedophiles now. He claimed a year ago that he was a champion of victims. He used that to help him get into his current position, and for seven months now he has done nothing. Does that not make him a protector of paedophiles, using his own abusive words? I think it does.

Mr J.R. Quigley: No.

Dr M.D. NAHAN: It does. *The West* online, on 21 October, states —

> Shadow attorney-general drew gasps of incredulity when he told … Liza Harvey —

I am not going to mention those words again. They are despicable.

What happened? The former member for Eyre put forward a bill. He brought it to our party room. It was not a government bill. It had some weaknesses in it. The now Attorney General has had seven or eight months to address those weaknesses. We discussed those weaknesses of the bill in the debate. He ignored that and argued that we should immediately support the private member's bill. If his words were right—if he were not misleading Parliament, the public and the victims—he would have brought that legislation forward again.

Mr S.K. L'Estrange: In the first week of Parliament.

Dr M.D. NAHAN: In the first week of Parliament he would have put it on the table and said, "Let's go with it. We can address it with amendments later on." He did not do that. A year or so ago he chastised our side for not supporting Dr Jacobs' private member's bill. They had the legislation ready to go. We all remember when the private member's bill was debated last year, when shadow Attorney General Quigley used those despicable words against the member for Scarborough. Most of us do not have young children anymore, but we have all had children. If he said that about me, I would not be able to stay on this side of the chamber. That is one of the worst statements I have ever heard, but it is emblematic of our Attorney General.

What has he done since the election? Nothing. He has answered a lot of questions, rushed a lot of bills through that get stuck in the other house and he does not progress them, and he has done one stunt after another. But on this most important bill, the government's number one priority, about which he said, "If you don't act people are going to lose their legal rights", he has done nothing. He has raised expectations, but failed to deliver. I think Kirsty Pratt is in the public gallery today. She is here on a regular basis, which is one of the reasons we wanted to bring this motion forward today. She needs and wants redress. She was promised redress by the Attorney General. She was encouraged and she believed the government of the day would come forth and say what it was going to do. The government said its number one priority was to bring a bill, which it had ready to go, to this Parliament to help redress probably the most destructive thing in her life—her experience in the past. But the Attorney General has not done anything; he has waffled. He did not even want to debate this issue today; we had to force it on him.

This issue will not go away. Unfortunately, the royal commission, which will probably report soon, will highlight that the issues in Katanning and the orphans' issues are just the tip of the iceberg and that it is systematic across institutions—schools, orphanages, hostels—around Australia, and, indeed, around the world, and that there needs to be systematic redress. The period over which this is explored needs to be extended for good reasons: when children are abused by adults, they are reluctant to come forward because they are ashamed and they do not understand; they try to hide it. The evidence is that people only have the ability or willingness to express it some decades later. That is why we had to move the statute of limitations. It is simple. I cannot utter any more clearly than to reiterate what the now shadow Attorney General said some time ago—the Attorney has failed to do it and it is a clear failure of his leadership. As the member for Scarborough said, he has brought forward a whole range of other priorities, and some are more complex. We are not arguing that the Attorney General should not have done that, but this was a promise to some of the most desperate people in our community. The Attorney General stands condemned by not only what he has not done, but also what he said he was going to do and the manner in which he said it needed to be done. I have quoted those.

The motion calls for the Attorney General to apologise for raising expectations and not delivering on them. He has had the opportunity to do that. It also condemns him for his failure to act. The legislation is complex; we have raised all those issues before, which the Attorney General fluffed off as not relevant. Something has to be done so we can peer through the institutional protection around churches and other institutions. The government has to do that. It is clear that more is required than just extending the statute of limitations. Other states and the commonwealth through the royal commission are working on this. We have to have some sort of redress scheme; we have to do it. Yes, it will cost money, but that is government; sometimes it has to address these issues.

It is time for the Attorney General to apologise for saying one thing and doing another. We would all rather not to have to talk about or address these types of issues. Life is not always rosy for everybody, and sometimes there are people of perversity who prey on children. People are put in authority, whether that is in a church or a hostel, because of their moral, ethical or religious standing, and they then do something despicable to our children. We give them responsibility for our children, and they not only do not carry out that responsibility, but also abuse our children. This, quite clearly, impacts these people for life. Money will not replace the damage that abuse of this nature does to a child, particularly orphans and children abused by someone they held in high regard. This is a really crucial issue that we have to address. Yes, the legislation is complex, but the government can do it in stages. Graham Jacobs did a lot of the work a year or so ago. The government could have built on and implemented that. The Labor Party won government on this basis. The Labor Party went out and campaigned and won in a landslide on many issues, including this issue. This was a priority, and the government has done nothing. The government has not even explained why it has not done anything.

Does the government respect the people whose harm it is trying to redress to improve their lives? Maybe not. The government is playing politics. It is willing to have the Attorney General stand in this place and say some of the most despicable things to opposition members to make cheap political points. I am not going to say that I think everyone in this chamber supports addressing this issue, but I cannot believe that any local member of Parliament would not support this and not know the importance of this issue. I am not going to slang off the Attorney General, even though I would kind of like to—give him it back. But what he said shows that he is not interested in the victims; he was trying to create a new victim. If it was not the member for Scarborough, it would be somebody else. It says a lot about him that he would say that and then do nothing. He likes to grandstand that he is a champion of victims. In this case, I am not going to say that he is a champion of paedophiles, but he surely ain't the champion of victims in this case. He is not the champion of victims. The champion of victims would have got off their bum and set this up, as they said they would, as a priority, and we would have legislation pass expeditiously through this Parliament to address the needs of victims. But the Attorney General has chosen not to do that.

Today, even though we were first told that he would be, the Attorney General tried to not to be in the chamber—he would be gone. Luckily, the government Whip told us he would be here until 5.30 pm. He was trying to avoid debate on this issue.

Ms A. Sanderson: No, he wasn't.

Dr M.D. NAHAN: Yes, he was. He was trying to avoid debate on this issue—and for good reason. Anyone who has a track record such as the Attorney General's on this issue would not want to confront the issue in front of one of the victims that he led up the garden path and then abandoned. That is what he has done. He has a track record on this. From this side of the chamber, I think the Attorney General needs to stand up and tell us when the legislation will come through, not the problems with it. We will scrutinise it to see whether it does what it should. The Attorney General should set a priority to get the legislation done in sittings before Christmas. That is what he should do.

Mr J.R. Quigley: Can I ask a question?

Dr M.D. NAHAN: You can speak for yourself when you get up.

Mr J.R. Quigley: I don't want to speak for you; I just want to ask you a question.

Dr M.D. NAHAN: No, I am not going to take any interventions from a person like you. You have time to stand up and utter your bile at me and everybody else!

Several members interjected.

Ms A. Sanderson: If anyone needs an intervention, it's you.

Dr M.D. NAHAN: I need an intervention! I have never let the victims down, but the government has.

If the bill is suitable, bring it in here tomorrow! If the bill that Jacobs brought forward is suitable, bring it here. Come on! Bring it forward. If the bill that we debated last time is adequate, bring it forward—come on. But do members know what? It has some faults, and this government has had seven or eight months to fix it. The Attorney General's office would have been looking at that bill for some time. There has been progress elsewhere through the royal commission and other movements in this state. A lot of other issues have been addressed elsewhere. This government could have learned from those gleanings, improved the Jacobs bill and brought it

forward, but it chose not to. The government stands condemned on this. I have no doubt, going by the actions of the Attorney General, that we will be here in the new year, undoubtedly, debating this issue again, and the victims will be waiting for more. As the Attorney General said, there is a legal maxim: justice delayed is justice denied, and he is denying the victims justice.

MRS L.M. HARVEY (Scarborough — Deputy Leader of the Opposition) [4.41 pm]: I, too, rise to support this motion. This legislation goes back a long way. When it was being debated in this house last year in 2016, that debate was one of the most appalling experiences that I have had as a member of Parliament in this place. I felt sorriest for the victims of child sexual abuse who had come into Parliament. They expected to hear a serious debate on this matter and about lifting the statute of limitations so that they could sue the perpetrators of the abuse that they had endured. What they saw in this chamber was an absolute debacle. They heard the worst kind of language being used in this place to describe the actions of members. They did not see a coherent debate about the problem that they were confronting. These people have been through the most horrendous experience. We have all met many of these victims and we all understand the trauma that they go through. We understand the trauma that can then be passed on to their children. We understand the difficulties that victims of child sex abuse have if they do not seek and receive the appropriate treatment in trying to parent their own children. We know that it damages their relationships, their ability to find employment and their ability to have a good life. We know that it changes them and their family members forever. What they seek is redress. One of my regrets is that when the royal commission made recommendations, we as a government did not step up and immediately get to work on implementing those recommendations. It is a regret that I will carry with me for a long time.

The Royal Commission into Institutional Responses to Child Sexual Abuse made the following recommendations. It states —

> 85. State and territory governments should introduce legislation to remove any limitation period that applies to a claim for damages brought by a person where that claim is founded on the personal injury of the person resulting from sexual abuse of the person in an institutional context when the person is or was a child.
>
> 86. State and territory governments should ensure that the limitation period is removed with retrospective effect and regardless of whether or not a claim was subject to a limitation period in the past.
>
> 87. State and territory governments should expressly preserve the relevant courts' existing jurisdictions and powers so that any jurisdiction or power to stay proceedings is not affected by the removal of the limitation period.
>
> 88. State and territory governments should implement these recommendations to remove limitation periods …

Hon Graham Jacobs brought legislation to this place. Unfortunately, that legislation would not have covered off or met the expectations of the victims of child sex abuse or the intention of the recommendations of the royal commission, and those were the facts. I was appointed to chair a subcommittee of cabinet to look into this issue, and it is a very complex area. I understand that the complexities in drafting this legislation means that it is not a simple thing to achieve. However, I believe that it could have been achieved within the seven months that the government has been in power had it been given the appropriate priority. The subcommittee of cabinet made some recommendations to the government, and we made an election commitment, albeit too late for many of those victims to give us the time of day, and I accept that. However, those recommendations were made to ensure that the limitation period is removed with retrospective and prospective effect for all civil actions based on sexual abuse, serious physical abuse and other abuse. We made a recommendation that serious physical abuse and sexual abuse would be covered by that legislation, and that we would define child abuse in the legislation. We agreed that the legislation should allow for courts to set aside previous judgements and actions, and be able to take into consideration previous redress payments et cetera that have been made by an individual. That is a very important part of the legislation and I hope that the legislation the Attorney General brings into this place will cover off on that.

What I found to my horror in dealing with these victims of child sex abuse was that when many of the institutions and organisations that had employed people or had volunteers who had been perpetrators of the abuse found out that this civil litigation process was going to run them down, they set up committees and groups of people to find these victims of child sex abuse. I heard some horrific stories about victims who had never been able to get their life together, had never held down a job, were living in caravans in trailer parks, had mental health issues and serious alcohol abuse issues and had never been able to sustain a relationship. These victims were visited by representatives from these various institutions, and their stories are similar. They were asked, "What do we need to do to make you feel better and to make your life better?" We should bear in mind that many of these individuals had not completed school and they did not understand legal language. One individual said to these people, "I've never been to Bali." So the institution paid for him to go to Bali and he signed a confidentiality agreement to say that he would not go after that institution for damages because he had been given this trip to Bali and that

that was somehow going to make amends for a lifetime of suffering. Another individual was bought off for far less. He said that he had always wanted a laptop computer, so the institution bought him a laptop computer. He then signed a confidentiality agreement to say that despite the fact that his life was in ruins, he would not go after that institution for further damages. It is really important that the court can set aside those horrible contracts, which were basically another form of abuse of the victim, in considering a claim for damages.

The other important subcommittee recommendation to government was the need for a way to identify a defendant. We have seen it happen in class-action cases in which a company or an institution thinks that it is going to have a damages claim and, all of a sudden, it shifts all of its assets around and there is effectively no-one to sue and no assets to access to pay the damages claims. The legislation needs to identify and allow for a trust to be sued or for a trust to nominate an individual or part of a fund that can be accessed to allow for a damages claim to be made to a victim, who has to have an individual or an entity that they can sue. The royal commission made some recommendations about reversing the onus of proof to require institutions to prove that they took reasonable steps to prevent child sex abuse. That is a bit more of a difficult one.

Some victims, with the benefit of counselling, have come to understand that their children have suffered immeasurably as a result of their own abuse. Indeed, some of the victims may have died, but their children are still suffering because of the abuse to the parent. There was a proposal to allow a deceased estate to sue on behalf of a deceased person. That is a really vexed issue of law. We made a recommendation that perhaps the Law Reform Commission should look at that issue, which is a very complex matter. Notwithstanding that, the evidence is very clear that there is often an inability for victims who have suffered to see when their children are suffering. If the trauma that they have experienced has not been dealt with, they are blind to the effects of that trauma, because their brain, to protect them, does not allow them to experience it again, so when their children are being made victims of abuse, the parents, if they are victims themselves, have an inability to see it, because the trauma they have suffered blinds them to those kinds of signals from others. Indeed, it also makes them blind to becoming victims themselves again. That is the way trauma works with these individuals. Children of victims are often re-victimised. I know of many individuals who, to their horror, have discovered, when their children become adults, that they have been victims of child sex abuse as well.

Another really important part of the legislation that I am sure the Attorney General will bring forward is the intersection of this legislation with the Criminal Injuries Compensation Act 2003. Victims of crime and victims of child sex abuse may have made claims under that act of anywhere between $2 000 and $75 000, depending on when the claim was made. Part 6 of that act, though, requires the criminal injuries compensation assessor to attempt to recover compensation paid from the perpetrator. In the legislation that the Attorney General brings forward, there needs to be something that allows victims who have made a claim through the Criminal Injuries Compensation Act to still be able to make a claim and sue for damages against the perpetrator. Probably rightfully, the court, when it assesses a damages claim such as that, should take into consideration the Criminal Injuries Compensation Act and the payout made through that scheme, but I would not like to see, for example, a victim of child sex abuse who goes to court and gets a damages judgement having to make a repayment through the Criminal Injuries Compensation Act. Essentially, it is money going around in a circle, and the victim does not then get the compensation that the court awards. I understand and absolutely accept that it is a difficult area. I understand and accept that although a lot of these victims have received redress payments, those payments often carry a clause that the redress payment precludes the victim from seeking further damages. Redress payments that have previously been made should be taken into consideration, but the fact that victims have been part of a redress scheme should not preclude them from seeking appropriate damages.

Victims of child sex abuse have to deal with these issues every day of their lives. They do not just go and get compensation, and then wake up one day and decide that it is a beautiful day and they will forget about the horrible life they have had. They carry the trauma with them forever, through every relationship and transaction. They carry it with them when they walk down the street and see someone who resembles their attacker or the perpetrator of the abuse. The former Attorney General said at one time, and I think his comments were misconstrued, that no amount of monetary compensation could ever make up for the experiences that these individuals have had and the suffering that they have endured. I agree with the former Attorney General on that. A compensation payout does not take away the pain or the hurt. It might provide the victim with funds so that they can access more appropriate care, have a bit of an easier life, and at least feel like they have managed to get something out of the perpetrator, especially if the justice system has let them down horrendously, which is often the case. However, it cannot really heal a hurt. That is not the vision of this legislation and it is not the expectation of the victims. Victims just want some form of justice and, in the absence of criminal justice and a result through the court of a term of imprisonment for the perpetrator, they want some monetary compensation to compensate them for the fact that they cannot hold down a job and do the sorts of things that other people take for granted.

I implore the Attorney General to bring this legislation forward. I can absolutely assure him of my support for legislation that would help these victims seek the civil remedy that they are asking for. In speaking to many of these victims, I found that many of them acknowledge that they will not have the emotional stamina or resilience

to even bring forward an action or a damages claim. They just want to have the right to do that, should they get to a point when they can. That is what this legislation is about. I have said previously that one of my big regrets is that we did not do this as a government. I held high hopes for the Attorney General when he made that promise and said that it would be his first priority, and I have been waiting. I have been contacted by the victims. I have become upset, and I will continue to be upset, when I hear of the effect this is having on the mental health of those victims who were promised this legislation and have been waiting a long time. They came to this chamber and listened to the debacle of that horrible debate, which was just political, disgraceful and nasty, but they thought, out of the heat of that debate, that there would be some passion in this government to get the legislation into this place as a first priority, and we are waiting for that day.

I am waiting for that day with a level of dread, because I know that I will be criticised. As the representative in this house of the former Attorney General, I knew that I would cop personal criticism for not doing this earlier, and I fully expect that that will occur, as it has today, when the legislation is brought forward. I say mea culpa to that. I accept that. That is why we are sitting here on the opposition benches as the smallest opposition Liberal Party the state has ever seen. However, we will use our time in opposition to hold the government to account for its election commitments. Commitments to victims of child sex abuse need to be prioritised above every other commitment, because that is what the government said it would do. That is what the Attorney General said he would do. Attorney General, please bring the legislation forward.

Before I sit, I would like to commend Kirsty Pratt for her endurance, perseverance and commitment to the victims she shares such a horrible experience with. It was indeed my honour and privilege to meet so many of these women, and I personally know people who struggle on a daily basis as a result of acts perpetrated upon them as children by people in a position of trust. It is heartbreaking. I would like to see some of the individuals I went to primary school with and individuals within my extended family be able to get some redress under a scheme like this. I would like to see this legislation brought forward, and I would like to see my vote supporting it on the floor of this chamber so that we can see some justice in Western Australia for those victims.

Attorney General, please hurry those individuals in Parliamentary Counsel's Office on. Get in whoever it is you need to get this job done and prioritise this legislation. I know it will cost government, but my view is if organisations have not been responsible in looking after and caring for children, they just have to pay when they have failed in such a dismal way. That includes churches and all those organisations that were involved in these awful activities in the past. They failed in their duty of care and they just need to pay.

MR J.E. McGRATH (South Perth) [5.01 pm]: I rise to make a contribution on this motion. Two wrongs do not make a right. I was in the chamber last year when the private member's bill was debated. Personally and as a member of government, I was extremely disappointed that we did not act with more haste on the private member's bill introduced by the former member for Eyre. My interest in it was raised when a constituent of mine—a man from Waterford—contacted me and wanted to know what we were doing about the private member's bill that had been sitting on the notice paper for some time; the private member's bill tabled by the former member for Eyre. I gathered that this constituent was a Liberal supporter and a supporter of mine, but he was extremely disappointed. I asked him why. It turned that he was a child migrant, like many others who came to our state as young boys, and he went to a Christian Brothers institution. We discussed his time there, and he said, "John, I don't want to tell you what actually happened—I do not like to talk about it. If you want to, you can go to the royal commission", where he gave evidence, "and you can see my evidence." I asked one of my staff to find the documentation and do a search on this gentleman. I will not name him because I do not think I need to.

After my staffer did a search on it I asked him what he found. He said probably the most horrific stuff he had ever read was inflicted on this young boy by the Christian Brothers. When I spoke again with the constituent I said I would be supporting the private member's bill of the former member for Eyre, but for some reason it was not moving. It had been discussed a lot in the party room, but this happens sometimes because governments do not really like putting through private members' bills, even if they are their own members. The government wants to put their own bills through. It is a fact of political life, and it will probably happen in this term of the McGowan government.

That was on 14 October 2016. I wrote to the gentleman. I quote —

> I refer to your enquiry to my office regarding the status of the Limitation Amendment (Child Sexual Abuse Actions) Bill 2015 which was introduced by Dr Graham Jacobs MLA on 12 November 2015.

It had been introduced 12 months earlier. The letter continues —

> As you would now be aware, the Bill was further debated in the Legislative Assembly yesterday and was adjourned.
>
> The state government supports the intent of the Bill which is that survivors of child sexual abuse should not be prevented from seeking compensation from those who caused them harm or from those who failed in their duties to keep them safe.

> The government has demonstrated that it is committed to a fair and reasonable outcome for survivors of childhood sexual abuse. Under Redress WA and the Country High School Hostels Ex-Gratia Scheme, the Government has provided a total of 5,302 ex gratia payments to people abused in State care or a country high school hostel, at a total cost of $150 million.
>
> There is a need to fully understand the potential for unintended consequences, particularly what impact, if any, this proposed reform may have on the ability of benevolent organisations associated with the churches to continue to deliver services to the most vulnerable in our society.
>
> Dr Jacobs' Bill raises a very import issue, but equally presents a series of challenging balances for the government to reach, and legislative change in this area requires further careful consideration.

As the Deputy Leader of the Opposition said, the government formed a cabinet subcommittee that she chaired, and it came up with a finding and recommendation.

By this time it was 28 February 2017—two weeks before we went to the polls. I again wrote to my constituent. I wrote —

> I refer to my letter of 10 October 2016 and our telephone discussion regarding the issue of limitation periods for civil actions for child sexual abuse.
>
> Since that time our state government has given further consideration to this matter through a Cabinet Sub-Committee and I am pleased to say that the government has adopted recommendations which have been put to it by that committee.
>
> The Liberal National Government has committed to completely removing limitation periods for civil actions based on child sexual abuse, as well as serious physical abuse of a child and any abuse that is connected to the sexual or serious physical abuse.

The problem was that it was two weeks before the election, and we did not win. I have no doubt that we would have progressed this, but that is a "would if you could" situation sort of thing.

The wording of the Leader of the Opposition's motion is absolutely correct. It calls on the Attorney General to apologise for raising the expectations of victims of child sexual abuse when in opposition, and failing to deliver now that he is in government. I have no doubt that my constituent would have heard the words of the former shadow Attorney General in this place. I was here for the debate, and I heard all the then shadow Attorney General said. I doubt that this constituent voted for me at the last election because we had let him down. He probably voted for the Labor Party because it went to the election with the same promise we did, but we were tardy in our action.

When the former shadow Attorney General spoke about this matter in this chamber, he talked about the limitation period. He said that it was —

> … to do away with the limitation period for actions brought by victims of child sexual abuse. As we know, under the Limitation Act, there is a six-year limitation period within which to bring an action or, after attaining the age of majority, a further six years from that date, which, for a child, would make the last cut-off date attaining the age of 24.

The former shadow Attorney General said that this is not good enough. He also pointed out that one of the royal commission's recommendations was that the eradication of the limitation period in child sexual abuse cases should occur. The former shadow Attorney General said —

> Let me make it clear that this bill could pass this afternoon.
>
> ...
>
> This should be a government bill. If this bill does not pass in this term of Parliament and Labor is elected at the next election, this will be one of the first bills presented to Parliament under an incoming Labor government, and it would pass the Parliament within the first month of Parliament resuming; it is such a simple bill. There is nothing to be said against this bill, although I understand that people within the government's ranks are diametrically opposed to this notion.

Earlier today in question time, the Premier said that the Liberal opposition wanted to sell all the state's assets. He challenged us by saying, "Go to the election and make it an election commitment that you are going to sell half of Western Power, you are going to sell Fremantle port and you are going to sell the Water Corporation. Take it to the people." This is an example of what happened when the former Labor opposition took it to the people and to the victims of sexual abuse, saying it was on their side. It was one of its election commitments. Eight months later, and nothing has happened. That is why we are raising this matter now. All we are saying is that it is all right when members sit on the government benches and throw the abuse and blame the former government for inactivity —

Mr J.R. Quigley: Eight years of it.

Mr J.E. McGRATH: That is all right. Now the government has an opportunity to do something about this. It went to the election saying that it could do it straightaway and the legislation would be its first commitment.

Mr J.R. Quigley: Read it again. It was to be one of our first bills. You read it right the first time.

Mr J.E. McGRATH: Yes. All I am saying is that it has taken eight months and a lot of work had already been done on it. The Attorney General would have done work on it when we were debating the member for Eyre's private member's bill.

I want to mention the current Speaker. He also spoke about this matter when he raised the issue of the people who were abused in Katanning. The member for Albany did a lot of work on their behalf. He was a champion for their cause. We heard him speak very passionately about the effects that that abuse had on those young people who were still suffering later in adult life. We all understand that. Money does not come into it but those things will live with those people forever. The member for Albany said —

> To all members on the other side of the house, please think of the victims. There might be a bit of money involved. What bugs me is that when we were looking into this, people were saying, "You're only doing it for the money." That is rubbish. It is closure. These people have suffered all these years, and all they want is closure. They want to get on with their lives. Some of them have been carrying this guilt and these horrible things that happened to them for over 20 years. To members on the other side, I know that members on this side will vote for this bill. It is a very simple bill. For anyone who thinks it is a bad bill, that is their problem.

I was sitting on the other side of the chamber and siding with the member for Albany. We all sort of agree with him.

Then the member for Midland, now the Minister for Police, spoke on the Limitation Amendment (Child Sexual Abuse Actions) Bill 2015. She said —

> The opposition considers the Limitation Amendment (Child Sexual Abuse Actions) Bill 2015 to be the most important bill before the house and one that needs to be dealt with as a matter of priority and in a timely fashion. This morning we saw an attempt by the opposition to offer to bring that bill on and deal with it in an hour. The government, in its intransigence, decided to waste over an hour and a half on discussion about whether to bring the bill on and deal with it promptly in the course of an hour. The government should show the courage of its convictions and vote on this bill. We should have the debate once and for all.

The Labor Party says one thing in opposition and when it gets into government, it puts it on the backburner. Does it really care about the legislation?

Mr J.R. Quigley: You'll vote for it.

Mr J.E. McGRATH: We will vote for it.

Mr J.R. Quigley: You voted against it last time but you'll vote for it this time.

Mr J.E. McGRATH: No, we did not vote against it.

Mr J.R. Quigley: I'll read out the division list when I get my chance.

Mr J.E. McGRATH: That is okay. The member is good at that; he is good at reading out lists. I have been on a few of them.

The member for Midland also stated —

> I am not going to turn to the substance of the issue here, because a number of people have spoken on that last week and again today—the plight of victims, the urgency and the need for this to be put in place at the earliest opportunity. In the meantime, there may well be deaths from a range of causes. As we know, many victims of sexual assault commit suicide, as the member for Albany said last week. Indeed some of the victims met at funerals and got together. This is a most serious matter, and the opposition will not let go of it.

While in opposition, the Labor Party did not let go of it but it seems in government, it has let go of it for eight months. She continued —

> We want to see this bill passed this year.

This was on 20 October 2016, my wife's birthday.

> We do not think that it is acceptable that it wait another year.

It is already November, so the government has waited 13 months.

> The government should step forward and, in my view, support the bill. If the government does not think it can support the bill because it is somehow flawed, it should explain what those flaws are, …

We were criticised by the then opposition, the now government, because we were seen to have dillydallied on what it considered was very important legislation brought forward by the then member for Eyre. All we are saying today

to the Attorney General is get on and do it. The public wants it. I would like my constituent in Waterford to have some closure at a late stage in his life. The ball is now in the government's court. We cannot do it as an opposition. The government can bring in this legislation. We will obviously support it. All we are saying is that the Labor Party cannot say one thing in opposition and then another thing in government. We copped the abuse and the criticism. When in government, you have to do that. But we wore it, and we obviously would have lost a lot of votes at the last election because of it. Now the Labor Party is in government. People out there are crying out for help and closure and we are asking the government to treat this as a matter of urgency.

MR P.J. RUNDLE (Roe) [5.18 pm]: I firstly acknowledge Kirsty Pratt and her husband in the gallery. I compliment Kirsty for her perseverance and the way she turns up to the public gallery every day. I am sure that the government is well aware of that. She is a fantastic advocate for the victims of sexual abuse. I am certainly proud of her effort in turning up here each day to represent all those people. It was also a pleasure to meet her husband this morning.

As the member for Roe, this is a very important issue, mainly for two reasons. The first is that I am a community member of Katanning. I was at Katanning Senior High School from 1975 to 1977. As it turned out, that was probably the worst period during which Dennis McKenna and the activities at St Andrew's Hostel were happening. Obviously at the age of 14 or 15, I was oblivious of it. Many of my friends attended the hostel and as time has gone on, I have seen the damage the abuse has done to many of those victims and the effect it has had on their lives and their families in the form of suicide, family and marital breakdown and so forth. This subject is very close to my heart. It is also close to the hearts of my constituents in not only the Katanning area but also the Esperance area. As has been discussed here today, the previous member for Eyre, Dr Graham Jacobs, moved a private member's bill in late 2016. He was my opponent at the state election but I certainly compliment him on his efforts advocating for the victims of child sex abuse and the likes of the Beale family, whom I have been in constant contact with in Esperance. I applaud their efforts and that of many other families in the Esperance–Condingup region who have been affected by this matter. In some ways, I feel a sense of shame. Obviously, I was not in Parliament last year when the debate was going on; the member for Scarborough referred to it and said how it deteriorated into a pretty mediocre debate. I think we need to move on from that space. I am certainly looking forward to some movement from the Attorney General. He, along with the Premier, provided a list of excuses that have been wheeled out over the last few weeks. I will go into those shortly. I intend to keep the pressure on. I agree with the member for South Perth that there is absolutely no reason why this legislation cannot be introduced this year as per the promises of the Attorney General and the Premier late last year and early this year prior to the election campaign.

I acknowledge Kirsty and the other visitors sitting in the gallery tonight. The other week I met some other child sex abuse victims at the south entrance to Parliament. It was great to catch up with them. The Attorney General has also been communicating with them and keeping them in the picture. The result of passing this legislation will be immeasurable. I think it will bring hope to their lives. Living without hope renders people helpless and they feel as though they lack control over their lives. If we can get this legislation through, it will make a great difference to many of those victims. I would like to quote Mr Todd Jefferis from an ABC news article of 26 November 2017 when he said, "It would mean I could say this is the end and move on with my life." Mr Jefferis was one the victims at St Andrews Hostel, Katanning. He said that the ongoing psychological damage had been massive and caused him to doubt himself, to be reckless and to do stupid things. The Attorney General has let down people like Mr Jefferis until now, but I hope he can reinstate himself in the weeks ahead. Enabling a wronged and powerless person access to a process of redress is a very small thing the government can do for the survivors. It is an action this government promised it would do for sexual abuse survivors within the first days of its administration. That would make a great difference to the lives of those survivors.

I would like to add to my comments about the member for Eyre at the time, Graham Jacobs. I have caught up with Graham several times recently. He is back on the stethoscope at the Banksia Medical Centre in Esperance, doing a great job there. I have had the opportunity to talk to him briefly about this issue. As I said, I certainly congratulate him for his advocacy on behalf of the victims. I would like to read in a couple of quotes from members of the government. Further to the member for South Perth quoting the member for Midland, now Minister for Police, when she criticised the Barnett government for its delaying tactics surrounding the Jacobs' private member's Limitation Amendment (Child Sexual Abuse Actions) Bill 2015, she said —

> … one that needs to be dealt with as a matter of priority and in a timely fashion, this is a most serious matter and the opposition will not let go of it. We want to see this bill passed this year. We do not think it is acceptable that it wait another year.

That was 20 October 2016. The government has been in for eight months and nothing has happened. Since 2014 the WA Labor Party has had a policy statement, and I quote —

- WA Labor would allow exemptions under the Statute of Limitations to allow child sexual abuse victims to sue for damages for crimes committed many years ago.

  …

- WA Labor would also allow Class Actions to be taken in Western Australia.

The policies are there; the statements from its members are there. I would like to repeat something I think the member for Scarborough and the Leader of the Opposition referred to. On the day the Attorney General was sworn in, he said that his first priority was to lift the statute of limitations for victims of child sex abuse seeking compensation and to introduce no body, no parole laws for convicted murderers. The Attorney General made it very clear in his first statement straight after he was sworn in that this was his first priority and here we are in November. I refer also to a question I asked the Premier on 12 October about where was the legislation and what was going on. His reply was that they are working through a few complexities, including the commonwealth redress scheme and how to ensure organisations are accountable. As our member for Central Wheatbelt said at the time, "You didn't think there were any of those complexities last year?" I think this explains the delaying tactics—using the commonwealth legislation as an opportunity to delay this process. With regard to the commonwealth legislation, Victoria and New South Wales have already jumped on board with their legislation and Queensland and Western Australia, hopefully, will very soon join the ranks. Unfortunately, my understanding of the commonwealth legislation is that we have to wait for all the institutions, churches, religious organisation et cetera to jump on board and be part of that package. As far as I am concerned, the chances of that happening are very slim. We therefore need to deal with this as a state Parliament.

Ms S.F. McGurk: Will you take an interjection, member?

Mr P.J. RUNDLE: Not at this stage, thanks, member.

In the lead-up to the state election in 2017, the now Premier said that every day there is a delay, there is justice denied. I think that sums it up very well.

The other thing I would like to bring up is what the member for Scarborough spoke about. I believe tomorrow is the forty-third piece of legislation that will be introduced by the government since it has come into power. I find it extraordinary that we have not been able to find room on the agenda for the most important priority of the Attorney General and the Premier leading up to the state election. I will list a few of the bills that are on the agenda: the First Home Owner Grant Bill 2017, the Local Government Amendment (Auditing) Bill 2017 and the Constitution Amendment (Demise of the Crown) Bill 2017. Honestly, the Attorney General has carriage of three of the bills: the Court Jurisdiction Legislation Amendment Bill 2017, the Courts Legislation Amendment Bill 2017 and the Coroners Amendment Bill 2017. Following on from that is the Port Kennedy Development Bill 2017. The one that really gets me is the Animal Welfare Amendment Bill. No-one can tell me that any of those bills are more important than the legislation that we are talking about today.

Mr J.R. Quigley: Is it more important than the genetically modified crops free areas bill?

Mr P.J. RUNDLE: As far as I am concerned, it is.

Ms M.J. Davies: This is about your priority and what you said to the government.

Mr P.J. RUNDLE: I am talking about my priority as the member for Roe and the priority for those victims, including Kirsty in the public gallery. As far as I am concerned, this is the number one priority. I agreed with the Premier and the Attorney General when they said that this was their first priority coming into government.

I want to mention also the Royal Commission into Institutional Responses to Child Sexual Abuse, which has been mentioned today. I speak, at times, with Andrew Murray, one of the royal commissioners. I was fortunate to be a member of the Western Australian Regional Development Trust, which Andrew chaired. I really admire the royal commissioners and the work that they have done with the difficulties they face. It is ongoing, of course, and it has been going for many years. The royal commission has paved the way for the state government to progress legislation for redress for the victims. As I said, Victoria and New South Wales have already done it and this is our opportunity as a state to continue that.

In summary, the Premier promised Kirsty Pratt, in the gallery, the Beale family and the many other victims from St Andrew's Hostel Katanning and elsewhere that this would be the first legislation that he would introduce. The Attorney General said that this is his highest priority, yet he has presided over 30 pieces of legislation, three of which he has carriage of, and we have got nowhere there. The members for Scarborough and Central Wheatbelt were members of a cabinet committee, which paved the way for legislation after the debates of late last year and the bill that Dr Graham Jacobs introduced. As I said, I am sure that there is bipartisan support. I agree with the member for South Perth, who has expressed support for it. I support the proposed legislation and I ask the Attorney General to get on with it and bring on this legislation because I want to go back to the victims and my constituents and tell them that the Parliament of WA has done its job.

MR S.K. L'ESTRANGE (Churchlands) [5.33 pm]: I believe that the former Liberal–National government let the victims of child sex abuse in WA down on this issue. We are not proud of not passing a bill to address this issue. As a member of the former Liberal–National government, along with many of my colleagues, I personally apologise. I say sorry for us, in our eight and a half years of government, not passing a bill to address the issue and remove the statute of limitations for victims of child sex abuse.

Mr M. Hughes: Why didn't you?

Mr S.K. L'ESTRANGE: Member, I am apologising on behalf of me and the former government. The answer to that question is something that we are debating now.

Mr M. Hughes: You have found a different line.

Mr S.K. L'ESTRANGE: If the member wants to politicise my apology, he is missing the point of what I am doing. If he could let me speak.

Ms A. Sanderson interjected.

Mr S.K. L'ESTRANGE: I am getting interjections from ministers now saying that it is shameless —

Ms S.F. McGurk interjected.

Mr S.K. L'ESTRANGE: Sorry; I thought it was the member for Fremantle. The member for Morley is saying that apologising to victims of child sex abuse is shameless.

Ms A. Sanderson: This approach is shameless, member.

Mr S.K. L'ESTRANGE: Can the member give me the opportunity —

Ms A. Sanderson: I was only in the other place. I could see what happened over here.

Mr S.K. L'ESTRANGE: Member for Morley, if I could have the opportunity to address this issue, that would be much appreciated. As I said, as a member of the former Liberal–National government, along with, I am sure, many of my colleagues, I apologise for not getting a result, because that is what is at stake here. Nobody in this place—it does not matter what side of politics we are on—would argue against trying to remove a statute of limitations for victims of child sex abuse. The member for Kalamunda would not. The Attorney General would not.

Mr J.R. Quigley: One person is on the record as being opposed to it.

Mr S.K. L'ESTRANGE: Let us not play the politics of the Jacobs bill. Let me speak to today's debate. We as a Liberal–National government failed to get a result. That is a given. Nobody on this side of the chamber is arguing that. Let us not try to make out that we should have done better, could have done better and would have done better, because we are accepting that we did not do well enough. That is a given, member for Kalamunda.

Mr M. Hughes interjected.

Mr S.K. L'ESTRANGE: Let me continue with this debate. This should not be about politics. This should be about results and leadership to ensure that those results are achieved. That is what this is about—nothing else. If members try to go back to the Jacobs debate in *Hansard* and argue the case that we should have passed that bill at that time, I have already said that yes, we probably should have. I will get to that in a moment, member for Kalamunda, and the rationale for why the leadership of the government of the day did not. The point is that the result was not achieved. We were responsible when we were in government and we did not achieve the result. Let us move to what we are discussing today.

We are now dealing with a motion that is about achieving a result to remove the statute of limitations for victims of child sex abuse. The Attorney General has basically said that he will use lawyer-speak to try to tie us to Dr Graham Jacobs' private member's bill last year, when it has nothing to do with the motion today. Today's motion is about the leadership of the new government in addressing this issue. I refer members in this place to an article written by Nicolas Perpitch, dated 17 January 2017 for ABC news titled "WA election 2017: Pledge to lift limits on child abuse victims seeking damages". I recommend that all members read the article, which steps through what the Premier of the day said that the Liberals would do if they got back into power and how they would go about it. The article also stated that Labor had pledged to lift the restriction for child abuse victims if it won government. Both sides were saying that they would go to the election and then deal with this matter properly.

At the time, Mr Barnett praised Dr Jacobs' work in raising awareness of this injustice in Parliament. He said that the revised legislation was already being drafted and that the reason the leadership of the Liberal–National government of the day did not pass the Jacobs bill was that it determined in its wisdom that the bill had flaws that needed to be rectified. Again, that happened just prior to the government going into caretaker mode. That is not an excuse. It could have been dealt with a lot earlier, member for Kalamunda, but it was not. As members know, Parliament rose in early November, and we were leading into the election. It absolutely could have been dealt with earlier, but the bill had flaws that the leadership of the Liberal–National government of the day said needed to be fixed.

The government of the day put together a subcommittee, chaired by the then Deputy Premier, Liza Harvey, to examine the issues and to make recommendations that the statute of limitations be removed and how that could work. The work was being done and the bill was being drafted so that if the Liberal–National government got into power, it would be ready to go. That is the context of how the Liberal–National government was heading into the election in March 2017.

At the same time, the article stated —

> Opposition Leader Mark McGowan has previously said removing the statute of limitations would be a priority for a potential Labor Government.

But back in October, and I quote —

> … he warned the delay by failing to pass Dr Jacobs' private member's bill would have severe consequences.

He went on to state, and this is a Mark McGowan quote, the Leader of the Opposition of the day —

> "Every day there is delay there is justice denied, and we know that for a fact because we saw that with the asbestos companies," Mr McGowan said.

I also acknowledge the hard work of Kirsty Pratt—I acknowledge her and her husband here in the gallery today. The article quotes Kirsty Pratt. First of all, the article states —

> … Kirsty Pratt was highly critical of the Government's rejection of Dr Jacobs' bill last year.
>
> She later backed WA Labor's commitment to abolish the statute of limitations, saying "our only recourse is to change our government".

That was quoted in that article in January. It goes on to state —

> However Ms Pratt has cautiously welcomed the Government's —

That is the Liberal–National government —

> proposed changes, after originally describing its handling of Mr Jacobs' legislation as a "circus".
>
> "At the time it certainly was very upsetting and I did use the words I used ... it did seem very cold and dismissive," she said.
>
> "But they seem to have gone through a very rigorous process and I'm quite impressed with what we've come out with.
>
> "I will be celebrating when it becomes law."

I have acknowledged and apologised for the fact that the Liberal–National government did not address this issue when it was in power for all victims of child sex abuse—those who are here in the gallery, those out in the community and those who will read today's debate in *Hansard*.

The government was too slow, but it was working. It worked with Kirsty Pratt to try to plug the gaps in the Jacobs bill. We, as the former Liberal–National government, acknowledge that the work Graham Jacobs did was commendable. He was tireless in his endeavours to try to get this front and centre with government. I cannot say what happened in party room meetings, but I can say that his leadership on this issue, to be heard, to be a voice for victims, was second to none. He pushed this through. He should have had better support from the government of the day to make sure that that bill was robust and the flaws that the lawyers would have found would not have been blocked so it could have worked effectively. As I said, that was not achieved. At the very least, going into the 2017 election the government was working with Kirsty Pratt and others to fill the gaps in the Jacobs bill to make sure a draft bill could achieve the intent that was needed and to bring it back, as I said earlier, so that the statute of limitations for victims of child sex abuse would be removed.

I am concerned that the Attorney General will get to his feet today and ignore everything I have just said. I hope he does not, but I fear that he will ignore everything I have just said. Instead, he will go to the Jacobs bill and try to read into *Hansard* the vote on the Jacobs bill. The government of the day decided not to support the Jacobs bill but instead decided to form a subcommittee, led by the Deputy Premier of the day, to work with the victims of child sex abuse to draft a bill that would work. In hindsight, we could have passed the Jacobs bill. We could have said, "Done." It would not have achieved the intent, because the bill had flaws in it, but it would have got this matter off the political agenda. When we were re-elected we could then have said that even though the bill was passed, we needed to amend it to fix it. That would have dealt with the politics of the day. But the leadership of the Liberal–National government of the day made the decision to do it properly—unfortunately, the proper approach—late in the game. I accept the member for Kalamunda's point that it was late in the game, but the then government decided to do it properly late in the game. Politically, that was not a wise thing to do.

Mr M. Hughes: *Hansard* will show that.

Mr S.K. L'ESTRANGE: *Hansard* will address the issue of the private member's bill that was flawed. The government said, "No, we are going to come up with an alternative. We'll bring a proper government bill into this place and we'll move that bill through the Parliament and get the job done that way." That was the decision of the day.

I accept that it could have gone two ways. That is what I am trying to communicate to members. We could have gone with the Jacobs bill and passed it, but it probably would have ended up back in this place because the upper house would have seen the flaws in it. It would have sent the bill to a committee to fix those problems and it would have ended up back in the Legislative Assembly. But it would not have come back in time because it was October. That process would have been lost. The government of the day was honest and truthful with the people of Western Australia. It was not going to pass the bill because it would not have done what it was purported it would do. It wanted to do it properly.

We lost government. This issue was a key commitment of the then shadow Attorney General. A key commitment of the now Premier was to remove the statute of limitations for child sex abuse as a priority. That is what the Labor Party said. It said that we had failed—I agree; we did—and that it would not fail. I am sorry, but here we are eight months in and there is still no result. In my book, that is failure.

Mr J.N. Carey: After eight and a half months?

Mr S.K. L'ESTRANGE: Yes, member for Perth, it has been eight and a half months.

If this matter had been a number one priority, member for Perth, then the government should not have sat on its hands and allowed other legislation to move through this place and the other place at the expense of what the government said was a priority to victims. That is what is at issue here. That is why this motion —

Mr J.N. Carey: Eight and a half years; eight and a half years.

Mr S.K. L'ESTRANGE: Member for Perth —

Several members interjected.

Mr S.K. L'ESTRANGE: I am not sure, Mr Acting Speaker, whether the member for Perth was here when I opened with an apology. I acknowledged that we had failed in eight and a half years—done. I am not sure whether the member for Perth was here when I said that the issue here was that we worked to go to an election with a fix. The issue at play here, and this motion, is about noting the failure of the McGowan government to introduce legislation to remove the statute of limitations for victims of child sexual abuse, which it said was a priority, and calls on the Attorney General to apologise for raising the expectations of victims of child sexual abuse when he was in opposition and failing to deliver now that he is in government. That is what this motion calls for. If members want to continue to tell me that my apology is irrelevant, they can do that. If the members opposite want to impute that my apology is insincere, they can do that. That is their decision.

Mr D.J. Kelly: I'm saying your criticism of us is disingenuous. You have to sleep with your apology; I'm talking about your criticism of us. It's disingenuous.

Mr S.K. L'ESTRANGE: We will leave the minister time on the clock to explain to the victims and the people of Western Australia why the Labor Party went to an election saying that this issue was a priority and the Premier and Attorney General have said that it is a priority, but here we are about to enter, after this week, the last two weeks of Parliament, and we still have not seen the legislation that the government said was a priority in its first year of government. We will give government members the opportunity to explain that.

If the Attorney General chooses to go into the past to say that we did not do good enough, and we did not achieve it, he is wasting his breath, because I have just done all that for him. If the Attorney chooses to spend his time on the clock to go over the past, that is up to him, but he needs to focus on what he, as Attorney General, and his cabinet and his executive have not done, and what they are going to do, and when they are going to do it.

Mr D.J. Kelly: We've done more in eight months than you did in eight years.

Mr S.K. L'ESTRANGE: The member for Bassendean must be a bit of a slow learner, because I have repeated time and again —

Mr D.J. Kelly interjected.

Mr S.K. L'ESTRANGE: That is what I said—slow to learn. The member is obviously not learning.

Mr D.J. Kelly: You really need to think about the terminology you use.

Mr S.K. L'ESTRANGE: The member for Bassendean will use any cheap shot he can without focusing on the serious issue at hand. Members opposite—members for Bassendean and Butler—will have an opportunity to get to their feet to explain to the people who voted them into office, many of whom would have voted them into office on this issue, why the government has not stuck to its priority and introduced the legislation that it said it would introduce, and what it is going to do about that now. The government should commit today to a time line of when this legislation will be brought to this place, because it has not done that yet. I think that is shameful. The Labor Party went to an election committing to the people of Western Australia and victims of child sex abuse that it would do this, but it has not delivered on its commitment to them. The government needs to deliver on its commitment to them.

MR C.J. BARNETT (Cottesloe) [5.52 pm]: I will be very brief. I listened to the member for Churchlands' comments and I just want to add perhaps some explanation.

The abuse of children is a horrendous situation. Unfortunately and tragically, it goes on prevalently in Western Australia today, and we have to be brave enough as members of Parliament to acknowledge that. In the time preceding the previous government, former Speaker Michael Barnett raised the issue of child migrants in this Parliament. That issue is not resolved. The federal government is now talking about another redress scheme. There was a redress scheme in Western Australia that was paid out during the time of the previous Liberal–National government—albeit at a reduced rate, but nevertheless I think well over $100 million was paid out. We also had the issue of the abuse of boys—now men, obviously—at St Andrew's Hostel that was raised by the now Speaker. We immediately appointed Justice Peter Blaxell to conduct an inquiry, which he did very quickly. We immediately set up a redress scheme, and in almost record time provided compensation for those affected.

With respect to the matter of the statute of limitations for child sexual abuse, that issue was raised by the former member for Eyre, Dr Graham Jacobs. I think Graham would regard raising that condition as his most significant achievement as a member of Parliament. Hopefully, that is respected by all members today. Graham chose to do it by way of a private member's bill, as he was entitled to do, but that denied the drafting of the bill having the full input of different government agencies on legal issues and the like. The lawyers looked at the bill and had different points of view about different legal matters—maybe the current Attorney General might comment on that when he gets up.

Mr D.J. Kelly: Why didn't you do your own bill?

Mr C.J. BARNETT: We looked at it. We had a cabinet subcommittee chaired by the Deputy Premier of the day.

Mr B. Urban interjected.

Mr C.J. BARNETT: Let me speak. Show a little bit of respect, because this issue deserves some respect for the victims, if nothing else.

Mr B. Urban: You're rewriting history.

Mr C.J. BARNETT: No, I am not rewriting history. I am telling members what happened and what I did as Premier.

There were flaws in the private member's bill drafted by Graham Jacobs. Graham, to his credit, when the committee chaired by the then Deputy Premier, the member for Scarborough, reported, recognised and accepted that there were flaws. As the member for Churchlands said, we could have simply agreed to the bill Graham Jacobs brought forward, because there was no dispute in the Liberal Party about what he was promoting. Every single member agreed, as I am sure every single member in this house agrees, that the statute of limitations for child sexual abuse in institutional care should be lifted. There was no dispute about that. I tell members that as Premier, the reason I hesitated—members opposite can criticise me for this, but I have seen it before in my long political career—was that the expectations of people, particularly expectations of victims, be raised and then not delivered. That was my great fear and why I took a cautious approach. I did not want victims of child sexual abuse to see a bill go through Parliament and believe that they had legal rights that they did not have—that if they chose to, they could take civil action and get compensation. I am sure the Attorney General will probably comment on some of the limitations. Victims may have been in the institutional care of a charity or a religious organisation, but the legal status of that had probably changed—probably several times since they were in care. They may have found that there was no-one to take legal action against. I did not want those victims who were suffering in their middle age and in some cases older age to believe that they had a clear and simple legal right that would be effective, because they did not. Yes, there might have been flaws and technical issues with the legislation, but the reason—if members want to criticise, I accept that: criticise me and the government I led—was to make sure that people did not have unrealistic expectations, only to be defeated and disappointed in a legal process. If members think that is wrong, they can think that. I actually think it was the right and proper, and actually compassionate, thing to do.

MR J.R. QUIGLEY (Butler — Attorney General) [5.57 pm]: I am not going to deliberately waste time on the clock as the member for Churchlands has done by going back too far into history, but the correct sequence of events has to be put on the record. Before I put the correct sequence of events on the record, I would like to repeat: the lifting of the statute of limitations in relation to historical child sexual abuse is a priority of the McGowan Labor government, and a bill will shortly be presented to this Parliament. I will say more about that bill in a moment.

We must go back and examine the record. I hear what the member for Cottesloe said. I have paid attention and heard what each of the members have said. Perhaps with the passage of time, with all the events that have happened in the last 12 months to former government members on this and many other issues, things have got a bit foggy. Former member for Eyre Dr Jacobs was an advocate for victims of child sexual abuse—all credit to him. He prepared a private member's bill and brought it to this chamber. It came to this chamber on Thursday, 12 November 2015. What was the then government's attitude to that bill? When Dr Jacobs brought the bill forward, the then Leader of the House, the member Kalamunda, Hon John Day, moved this motion —

> That so much of standing orders be suspended as is necessary to enable the second reading of the Limitation Amendment (Child Sexual Abuse Actions) Bill 2015 to be moved during time when government business has precedence.

Mr Day then went on —

> The government has agreed to the member for Eyre introducing his bill. He has given a commitment to take no longer than 15 minutes. It is not the usual process for private members' business to be introduced during government time, but we have agreed to that occurring with this bill. The government has not seen the bill, so it does not have a position on it, but is happy for the member to introduce the bill and to get it into the public arena.

He delimited the member to 15 minutes in which to read the bill in and do the second reading speech. That happened on 12 November 2015. The government of the day would not give him any further time subsequently to bring on the bill for debate. So on 13 October 2016, Mr Day moved a further motion to suspend standing orders to allow the debate to be taken. Mr Day said —

> This bill was introduced by the member for Eyre. It is a private member's bill, but the government has indicated that it will at some stage make time available for debate on the bill. If there is time later today, that may be this afternoon, or it may have to be on a later day.

Mrs L.M. Harvey: Did you give it priority in your private members' time?

Mr J.R. QUIGLEY: This was Mr Day's motion to move that so much of standing orders be suspended to allow its debate. On that same day, I spoke to that suspension motion and referred to what the Leader of the House said. I said —

> Although it was on the notice paper for today, —

That was Mr Jacobs' bill —

> it was not scheduled to come on this afternoon, but as a result of further negotiations, a small time has been allotted to it this afternoon. The government has said that it will take one speaker from the opposition this afternoon and then adjourn further consideration of the bill until a future time, and the chamber will return to the Genetically Modified Crops Free Areas Repeal Bill.

The government of the day did not want the bill debated; it gave it no priority. It said that only one opposition member could speak, and that is why I asked the member before which bill he would have given precedence to. The former government gave precedence to the Genetically Modified Crops Free Areas Repeal Bill. I asked the member that question because he is from an agricultural area. The government gave precedence to that bill and allowed only one speaker on the Limitation Amendment (Child Sexual Abuse Actions) Bill. I then said that if a Labor government was elected, this bill would be a priority. It is to be remembered that a previous Redress WA scheme was introduced by the Labor government, with a maximum compensation amount of $90 000. On the assumption of office by the Liberal government, it halved the Redress scheme maximum amount to $45 000. At that time, the Premier conceded that the money was not adequate compensation. He informed the Parliament —

> … if people receive an ex gratia payment, there is no limitation on them proceeding to seek civil damages, so there is no caveat attached to that.

In responding to the former Premier's statement that the ex gratia payment was insufficient and there would be no limitation on victims seeking civil damages, that, if I can use the terms of the motion before the chamber today, raised the expectations of the victims. They went to their lawyer, Mr David Bayly, and Bradley Bayly Legal, who were the solicitors for the victims, with the Premier's statement. The solicitors then wrote to the Attorney General in view of the statement and sought an undertaking from the Attorney General that if they introduced a suit in the District Court for damages, the state would not plead the limitation period because the Premier had acknowledged that the compensation was inadequate and that the way was open for the victims to seek civil remedy. The Attorney General then wrote back and stated —

> I will not give an undertaking, on behalf of the state not to plead a limitation defence in respect of any claims … on behalf of your clients, nor would I recommend that any statutory body corporate waive any relevant limitations provisions if a claim were to be made against them …

He shut the gate on the victims, notwithstanding what the Premier of the day had told the victims. It has been said, and it was postulated by the members for Scarborough and Churchlands, that there would not be a person on either side of the chamber who would be against this proposition now, and nor was there; it was only that time ran out. However, the former Attorney General Mr Mischin, in explaining to the media at *Perth Now* on 10 August 2013, over three and a half years before the election, said —

> … the reluctance to waive limitations provisions arose from a number of policy factors —

That is policy factors of the former Liberal government —

> recognising that lengthy time lapses between crimes and compensation increased the likelihood of miscarriages of justice and "carries with it significant direct and indirect costs".

One member of this Parliament was unequivocally opposed to lifting the statute of limitations. In the words of Dr Jacobs, the former member for Eyre, he was referring to the former Attorney General having his foot on the hose.

Mrs L.M. Harvey: He wasn't against lifting the statute. He said that the legislation wouldn't work.

Mr J.R. QUIGLEY: That is not what he said here.

Mrs L.M. Harvey: They are two different things.

Mr J.R. QUIGLEY: Sorry; I will take that interjection. The member for Scarborough said that he was not against lifting the statute of limitations; he was against the actual provisions in the bill. I just remind the member for Scarborough that this statement by the former Attorney General was made on 10 August 2013, some two years before Dr Jacobs brought in the bill, so he was not referring to Dr Jacobs' bill or its terms. This happened two years before Dr Jacobs drew up his bill. I will just go over that again. The former Attorney General said —

> … from a number of policy factors recognising that lengthy time lapses between crimes and compensation increased the likelihood of miscarriages of justice and "carries with it significant direct and indirect costs".

This happened two years before the Jacobs bill. The former Attorney General was opposed to it on policy grounds and he enunciated his policy grounds. The Jacobs bill sat on the notice paper for two years. I will just get the exact date. I read into the proceedings earlier today the exact date upon which he introduced the bill. I am sorry; it was over a year. He introduced it in late 2015. On 20 October 2016 I moved —

> That so much of the standing orders be suspended as is necessary to enable —
>
> (1) debate on the question, "That the Limitation Amendment (Child Sexual Abuse Actions) Bill 2015 be read a second time", be resumed forthwith; and
>
> (2) if the debate is not concluded earlier, at the expiration of 60 minutes of such debate for the Chair to put the question without further debate or amendment.

I did that because the former member for Eyre was given only 15 minutes to introduce his bill, and on 13 October, when many victims were in the gallery, he was given a short time to address the bill. There was then allowed only one opposition speaker before the government moved back to the Genetically Modified Crops Free Areas Repeal Bill. Do not talk to us about priority of legislation. It was before the house, and the then government let only one person speak on it.

A week later I moved a suspension of standing orders to debate the bill. During the motion for the suspension of standing orders, the then government defeated that motion so that there could not be a debate on the bill. I note that the former Premier voted against the suspension of standing orders to permit the debate, as did the members for Scarborough, Riverton and Churchlands. They all voted not to allow the suspension for the debate on the bill to occur. It was a cynical stunt on 13 October. Because there were victims here the then government wanted to appear as though it would entertain debate on this bill. They let Dr Jacobs and one opposition speaker go on that day, and then stopped the debate so the genetically modified crops repeal bill could be argued. Then when we sought to bring it on a week later, by moving a suspension of standing orders, it shut that debate down too. The opposition has the nerve to come here today and move a motion on the failure of the McGowan government to introduce legislation to remove the statute of limitations for child sexual abuse that it was said was a priority. We will introduce that bill this year —

Mr S.K. L'Estrange: When?

Mr J.R. QUIGLEY: Just wait.

We will introduce that bill this year and we will challenge the opposition. Member, will you be voting for it?

Mr S.K. L'Estrange: Show us the bill.

Mr J.R. QUIGLEY: Will you be voting for it?

Mr S.K. L'Estrange: What? You want a blank cheque?

Mr J.R. QUIGLEY: Will you be voting for it?

Mr S.K. L'Estrange: Show us the bill!

Mr J.R. QUIGLEY: After all that and after your apology! I am sorry; the apology sounds a little hollow to me, and it might sound hollow to some of the victims in the gallery if the member for Churchlands is not prepared to say he will support it. Only 20 minutes ago you said the opposition will support the bill. When I said we are actually going to introduce it this year, you have gone —

Several members interjected.

The ACTING SPEAKER: Members!

Mr J.R. QUIGLEY: When we are coming to the barrier now, when we are about to walk through the gates on the white picket fence and get onto the arena, the member for Churchlands goes to water and says, "Oh well, we don't know. We won't commit to doing it." You will not commit to doing it. Will you commit? When we bring it on, will you commit to treating it as an urgent bill?

Mr S.K. L'Estrange: Of course.

Mr J.R. QUIGLEY: So you will treat it as an urgent bill? I will ask a further question: when we got to no body, no parole, you, member—once again I am talking to the member for Churchlands—did apologise on that occasion, too, and I accept his sincerity in that regard. But this Parliament has not passed this bill because it has been held up in the committee for months and months and months.

Mrs L.M. Harvey: That is because the leader of the Labor Party in the Legislative Council did not negotiate with the backbench.

Mr J.R. QUIGLEY: Are you going to kick off? Are you going to send the statute of limitations repeal bill off this year to a committee and hold it up there too, or are you going to deal with it expeditiously? You have committed to dealing with it as an urgent bill. The whistle will blow, member, the ball will go in the air, the game will be on: are you going to go to water and not vote for the bill? You will vote for our bill! I know you will vote for our bill! You will not, after all this carry-on, have the temerity not to vote for it.

Now I will get to the next point. The member for Cottesloe says the reason the Jacobs bill was not supported by the government was because it was flawed and it wanted to do it better. In fact, the Jacobs bill was never allowed to be debated. We sought to suspend standing orders to debate it, and that motion was defeated by the then government. Although the opposition this evening now says the only reason the Jacobs bill did not get up, according to the member for Cottesloe, was that it was flawed. In the period that elapsed between it being read in on 12 November 2015, and 14 months later on 13 October 2016 when the then government allowed one person to speak on it before I moved the suspension of standing orders to allow the substantive debate on the bill, not once during that period did the government approach the State Solicitor or Department of the Attorney General to come up with any amendments to the bill. This is just fluff that they have come up with today. I have communicated with the State Solicitor's Office because I wanted to find out the amendments that might have been suggested during the 11 months it was on the notice paper—there was nothing! The former government did not do anything at all about the Jacobs bill. It did not get advice as to its adequacy or inadequacy, it did not go to the SSO and say, "Can you come up with any amendments for this bill? Can you rewrite this bill?" We have an insight as to what actually happened with that bill from the very well informed member —

Mr S.K. L'Estrange: Show us your bill! Show us the new bill! Bring us the bill!

Mr J.R. QUIGLEY: You will get it. You will get it, and you will vote for it.

Mr S.K. L'Estrange: Bring it on tomorrow! Attorney General, bring it as on an urgent bill tomorrow!

Mr J.R. QUIGLEY: You are the manager of opposition business in this chamber, not the leader of government business. In about 2030 you might have the chance to be the leader of government business in this chamber!

Mr S.K. L'Estrange: Will you still be here, member?

Mr J.R. QUIGLEY: I will have had my requiem mass by then, member—it will all be over, red rover! But I will be looking down and saying, "He eventually got there"! I might be wrong; it might be 2034!

During the whole 11 months that elapsed, nothing at all was done about the Jacobs bill. No critique was sought from the Solicitor-General, no input was sought from the State Solicitor, there was just an event later on saying the bill was flawed.

As the member for Cottesloe said rather disingenuously, a cabinet subcommittee was established, chaired by the member for Scarborough, to look at this very question. The part of that story he missed out was that that subcommittee was formed by cabinet in January 2016—a couple of months after Parliament had prorogued.

Mr D.J. Kelly: In 2017.

Mr J.R. QUIGLEY: Was it 2017? I am sorry. That was after Parliament has prorogued.

Mrs L.M. Harvey: No, member, it was formed in late 2016 —

Mr J.R. QUIGLEY: It was after Parliament prorogued.

Mrs L.M. Harvey: — and then the recommendations were made after the Parliament was prorogued.

Mr J.R. QUIGLEY: It might have been December. It was after Parliament prorogued. I can remember the announcement: it was not while Parliament was sitting. Parliament had got up and then it was announced that a cabinet subcommittee would be set up. Before the election campaign, the Liberal Party said that it would introduce the bill. It did not make a promise that it would get around to doing it, it did not give a time line for

it and nor did it in any way aver to that question that the member for Cottesloe has now raised, which the Solicitor-General encapsulated as the identification of the true defendant. That was never mentioned by the cabinet subcommittee in its subsequent announcement to the public. This cropped up during 2017. The member for Cottesloe has now latched onto my concerns about the identification of the true defendant and said that that is what the Liberal Party was trying to deal with during 2016. The first time that the identification of the true defendant was raised was during my consultation with the Solicitor-General, and I brought it to this chamber. I am very grateful to Mr Quinlan, SC, our very high-class, conscientious Solicitor-General, for raising that. Not only did he raise it, but also he has been working assiduously —

Ms S. Winton interjected.

The ACTING SPEAKER: Member for Wanneroo, your own Attorney General is on his feet.

Mr J.R. QUIGLEY: The Solicitor-General has been working very hard to come up with a few clauses that will deal with not only the identification of a true defendant, but also a clause that will pierce the trust—I do not mean "trust" as in "I believe you" but the legal entity—behind which the assets of these organisations are hidden and protected. It has to be constitutional and it has to get there. This never arose during 2015 or 2016 as a reason the former government could not address this very important issue. Even in the royal commission, recommendations 85 through 88 do not address that either. Recommendation 85 is that the limitation be removed. Recommendation 86 is that it be removed retrospectively and that the courts should expressly preserve the relevant court's existing jurisdictions and that state and territory governments should implement these recommendations to remove the limitation periods.

It was not until I sat down with the Solicitor-General and went through this that we had to face this very complex problem of piercing the legal veil of trust law and doing so in a way that would be beyond constitutional challenge. I am happy to say that we have arrived at a position in which I am confident that it will be the best legislation in Australia in lifting the statute of limitations. It will not just lift it; it will lift the protective veil of the trust. It will allow for the proper identification of the true defendant—that is, the set law of the trust that really owns the assets—and it will offer a pathway for plaintiffs to recover against those assets. It is complex, it is very important and, without it, those children who were abused in non-state institutions will have an uncertain path to recovery.

There are other complicating factors that I wanted to take on board during the preparation of this legislation. Hon Christian Porter, the Minister for Social Services in the federal Parliament, announced a redress scheme. At the time of announcing the redress scheme, little information was offered other than that there would be a national scheme. It was uncertain how that redress scheme would impact upon victims' rights at common law to sue. It was uncertain who would be guaranteeing the payments. Which institutions or organisations would be covered by the redress scheme was uncertain and remains uncertain. We wanted to ensure before we put the legislation before the Parliament that we had some knowledge or, if it was not certain knowledge, a good fix on where the commonwealth was coming from, because there still may be many people who will find it too traumatic to institute civil proceedings. Maybe the commonwealth wants to offer redress to those people.

The member for Cottesloe made a good point, because he went right back three speakers ago, or longer than that. I understand that Mr Barnett had been a child migrant. The member for Cottesloe has previously made the point that the Australian government embarked on a scheme of child migration to Australia after World War II. It brought many, many orphans to Australia. Some were orphans and some were subsequently found out not to be orphans but they were taken away from institutions in the United Kingdom, believing that they were orphans, and brought to Australia and not looked after by the commonwealth. I was going to say that they were dumped but that might be unfair. They were placed in state institutions or non-government organisations wherein they were abused. As the member for Cottesloe has said, it appears that the commonwealth is trying to wash its hands of its responsibilities to this cohort of children that it was responsible for bringing to Australia and then placing in both our state institutions and our non-government organisations—church institutions and charitable institutions—to look after these children, and did not keep a very close watch on them. It would appear from the commonwealth's position that it now wants to wash its hands of these people it brought to Australia and for whom it had a duty of care. It placed them in these organisations and now it appears that the commonwealth wants to wash its hands of all responsibility and say that it is the problem of the Western Australian government or the Catholic Church: "Count us out". It appears that the commonwealth's position might be that it is responsible for children only because some of them were minors who were sexually abused in military establishments like naval bases and the like or Indigenous children who were in the Northern Territory under the commonwealth's care. But otherwise, it appears that it seeks to disavow any responsibility for the children it had a duty of care for in bringing them out here as child migrants.

We wanted to see whether there were any hooks in this. The first of those conferences with the commonwealth happened only in late June or early July. Then we were told that there would be a further conference in Sydney on 15 November. We are not going to wait until 15 November because we already have a fix on where the commonwealth is coming from. It is not helping and it is not accepting responsibility. Even at one stage, until the states unanimously jacked up, it wanted the states to be the funder of last resort. We should just think about that for a moment. The commonwealth's initial proposal was that it set up a redress scheme through a tribunal or a board in Canberra somewhere where victims could go. They would have three levels of compensation—

$50 000, $100 000 and $150 000, depending on whether they are graded as class A, B or C victims. The public servants there would do that grading and make the award. Under the commonwealth's "thunder of last resort" first proposals, the person receiving their award from the tribunal would simply take the award back to the Western Australian government as the thunder of last resort and say, "Give us the money." Not only were we to accept responsibility for all the child migrants and people in commonwealth care, but also people who could have been in church organisations with considerable assets and who got an award, would then turn to the state of Western Australia to pay that award. In other words, the consequence of compensation would not lie with the organisation that committed the tortious acts of abuse. As I understand the latest position, all the states rebuffed the commonwealth in that regard, saying that they are not the thunder of last resort; they are not the final insurance company under that scheme. We have had to consider all these complex issues along with, as I said, the identification of defendants and a pathway to the assets. As I have said, my last communication from the State Solicitor's office and from the Solicitor-General of Western Australia is that this Parliament will be proud to pass the best legislation in Australia. However, the member for Churchlands equivocates and says that the opposition does not know whether it will support it or not.

Mr S.K. L'Estrange: I didn't say that.

Mr J.R. QUIGLEY: Yes, he did; he said that he did not know whether they would support it. Show them the bill. They will see the bill.

The ACTING SPEAKER: Members!

Mr Z.R.F. Kirkup interjected.

Mr J.R. QUIGLEY: Why does the member not FOI the bill; that is his trick—just FOI it. Why do I not have an FOI for the bill?

The best legislation in Australia will pass through this Assembly. I cannot say what will happen in the Council because we have seen what has happened to the no body, no parole legislation, which has got bogged down there. Nevertheless, it will presently pass through this Assembly because the McGowan Labor government is committed to it as a priority and we have the numbers here.

Mr P.J. Rundle interjected.

Mr J.R. QUIGLEY: Be patient. Members opposite sound like my daughter on 22 December saying: how many more sleeps until the man with the white beard comes? I tell her to be patient. Members opposite will get their chance to read the bill presently and we will get our chance as a chamber to vote on it presently. We all will. We will all be able to do this Parliament proud. What I will not take from the opposition is their reading out a list of all important bills that we have introduced to the chamber while the Solicitor-General and the State Solicitor have been working on this matter. Members opposite said that we gave priority to all those bills but when Dr Jacobs brought his bill forward, they said he could have 15 minutes on day one and the next time it came on, he was told he could have a small amount of time for a speaker, then they would have to return to the Genetically Modified Crops Free Areas Repeal Bill 2015. The member for Roe said that this bill was more important than that bill when he took my interjection, but the former government did not; it gave the GMO-free areas bill precedence.

In working conscientiously to bring before this Parliament the best legislation in Australia, should I feel embarrassed that it has taken, as the member said, 32 weeks since the election? The Limitation Amendment (Child Sexual Abuse Actions) Bill 2015 was left on the notice paper for nearly a year, without the then government even seeking advice on it. When it came before the Parliament, members opposite prohibited the suspension of standing orders that would have enabled its debate. Should I feel bad that only 32 weeks has expired? I think the member for Roe referred to Mrs Beale from Esperance in his speech. Is that one of the Beale family?

Mr P.J. Rundle: Mrs Beale, yes.

Mr J.R. QUIGLEY: Thank you for prompting me. He will know Jillian Beale.

Mr P.J. Rundle: That's it; Jillian Beale.

Mr J.R. QUIGLEY: She has a daughter.

Mr P.J. Rundle: That's correct.

Mr J.R. QUIGLEY: That is correct. She emailed recently. I have kept Mrs Kirsty Pratt up-to-date with the progress. Mrs Pratt is a lovely woman and a constituent of mine in Butler. She even brought me a cup of tea while I was wobble boarding during the election, to encourage me. On Thursday, 2 November, six days ago, Mrs Jillian Beale emailed me. I will read it in slowly so that Hansard gets it —

> Good Morning Attorney General,
>
> Thank you for your response to the emails I have sent, as you would imagine this is a very stressful subject and one that very few people fully understand, or the sadness as parents that we carry.

> Mrs Kirsty Pratt who is part of our group of girls here in Esperance is in constant contact with me. I sincerely hope that this bill will be passed and the victims can see some Justice for the ruination of their young lives.
>
> Friday our eldest daughter Jodie hopes to be in Parliament with Kirsty, —

She is in the gallery. The email continues —

> and I'm sure Kirsty has told you she will stay there until this Bill finally gets passed.

I will read the next sentence for the benefit of the Leader of the Opposition.

> Thank you for your work, could you please let us all know when you are going to stand up in Parliament and make this announcement as we hope to be their beside our daughters on that day.

Mrs Beale, if you read *Hansard* or hear this, we will let you know in advance so that your daughters can be here when this bill is brought before the Parliament.

Do I feel constrained to now apologise to Mrs Beale for what I have done? I do not. A mere 32 weeks have passed and we will have the best legislation in Australia. As a matter of fact, Mrs Jillian Beale does not berate me; she does not ask me to apologise; and she does not criticise me. Quite the contrary. "Thank you for your work, could you please let us know when you are going to stand up and do it." I have kept Mrs Pratt closely informed on a confidential basis. That is a little unfair to her. Because this matter has been before the State Solicitor and different things, I told Mrs Pratt I would take her into my confidence and keep her up to date, because she lives within two kilometres from my electorate office. She is a very valued constituent and is president of the P&C of one of the local primary schools up there and a community leader.

Mrs L.M. Harvey: John Butler.

Mr J.R. QUIGLEY: Of course. Unfortunately for Mrs Pratt, although she has accepted it, I could not tell her and the world at large—although she is one of the lead victims; she has told me privately in my electorate office of her horrendous experience—and she has agreed not to put about exactly where the drafting of the legislation is up to. But she has accepted it and she was convinced that what I was telling her was the truth. I have given her a recent update today. I know that she will not break my confidence to the member for Roe, but she knows exactly how many days until the white-bearded man comes down the chimney. She knows exactly how long she has to wait and she is not critical of me or the government. This government is working as a team to bring on this legislation. The Minister for Prevention of Family and Domestic Violence is very interested and concerned about it. This will happen. I feel under no pressure whatsoever, nor do I feel in the least embarrassed about the 32 weeks that it has so far taken to get this bill into shape. As the member for Churchlands would know, when we are first elected to office, we are hit with a tsunami of briefing papers. The member nods in assent. It takes us a while just to read those briefing papers, and that was the first month before Parliament sat. Of the 32 weeks, 28 weeks are gone just reading every morning. For the Bell Group litigation, member for Churchlands, the briefing papers were at least two and a half to three inches thick. To read them was an arduous task and that matter remains very important.

Another matter came out of left field. The opposition comes up with some curious statements on this issue at times. I have one page of *Hansard* here to come to. I know that the member for Cannington will speak for himself on this matter shortly, but this question was put to me by the member for Scarborough. They just make this up as they go, just as the member for Cottesloe made up as he went the proposition that the reason the Jacobs bill did not come on was that they were worried about the identification of the true defendant. That was made up. The first time that arose on the radar screen was when I spoke about it in Parliament this year. How do members like this for a question —

> I refer to the Attorney General's previous answer about his failure to introduce legislation to remove the statute of limitations for victims of child sex abuse to seek compensation. On the one hand the Attorney General says he does not have the resources of Parliamentary Counsel —

There has been a hold up there, but we are through that now —

> but on the other he says the legislation was debated last year. Is it not true that the Attorney General has not introduced the legislation not because of Parliamentary Counsel, but because he was rolled by the member for Cannington and other party colleagues?

Where did the member get that one from?

Mrs L.M. Harvey: From the mole.

Mr J.R. QUIGLEY: It was from the mole. I hope the member does not reward the mole with a scone or a frothy beer or something, because she is being ripped off. The member for Scarborough as a former cabinet minister knows the process. First of all, we have to seek cabinet's approval to draft. The member knows that is a stage of the process. I can assure the member that the approval to draft had 100 per cent unanimous support.

Mr W.J. Johnston: I can make it clear that the allegation made by the member for Scarborough was a lie and she should withdraw it.

Mr J.R. QUIGLEY: I will give the member a chance in a moment. I want to wrap this up.

Mr W.J. Johnston: It is a lie and it needs to be withdrawn.

Mr J.R. QUIGLEY: There is absolutely no truth in this. It is just fabricated.

Mr W.J. Johnston: The member for Scarborough told a lie in the chamber and here it is.

The ACTING SPEAKER: Member, you will have an opportunity to make your contribution in a moment. The Attorney General is making his contribution.

Withdrawal of Remark

Mrs L.M. HARVEY: Mr Acting Speaker, I seek your guidance on this. We have already had numerous rulings in this place in respect to the member's comment and I request that he withdraw the comment.

Mr W.J. JOHNSTON: In question time today, the exact same issue was raised by the member for Churchlands and the Speaker ruled that that remark did not have to be withdrawn. All I am doing is following the instructions, because what was said following the point of order by the member for Churchlands was that to say that a member was lying was ruled as unparliamentary, but to say that something is a lie was ruled to be okay. I do not understand why the Liberal Party is now raising this matter when it went down that path earlier today.

Mr S.K. L'ESTRANGE: Further to the request for a withdrawal of remark, it was not me who raised that point of order.

The ACTING SPEAKER (Mr R.S. Love): I understand.

Several members interjected.

The ACTING SPEAKER: Members! Member, I am going to ask that you withdraw the comment.

Mr W.J. JOHNSTON: Which comment?

The ACTING SPEAKER: The comment that you made. You know the comment that you have been discussing. I ask you to withdraw it for a couple of reasons. First of all, the Attorney General was making a contribution. You interjected loudly several times and made that remark and I ask that you withdraw it.

Mr W.J. JOHNSTON: I am sorry. Mr Acting Speaker, I am always happy to comply with the rulings of the Acting Speaker, but I am not sure which comment you want me to withdraw.

The ACTING SPEAKER: I think you know the comment.

Mr W.J. JOHNSTON: I am sorry, Mr Acting Speaker; I am very happy to withdraw anything that you direct me to withdraw.

The ACTING SPEAKER: You stood and made a point of order on the very matter about lying.

Mr W.J. JOHNSTON: I am sorry, but I am not quite sure —

The ACTING SPEAKER: Will you withdraw the comment?

Mr W.J. JOHNSTON: I will withdraw anything that I am directed to by the Acting Speaker, as I have done on every other occasion. If you direct me, I will withdraw it, but you need to direct me, Mr Acting Speaker. I am simply asking you, Mr Acting Speaker, what you are seeking me to withdraw. I cannot withdraw something that I do not know.

The ACTING SPEAKER: You said several times whilst interjecting that a statement was a lie.

Mr W.J. JOHNSTON: Mr Acting Speaker, if it is your direction to me, I unreservedly withdraw the allegation that the matter that was raised by the member for Scarborough can be described in that way in this chamber.

Debate Resumed

The ACTING SPEAKER: Attorney General.

Mr W.J. Johnston: Attorney General, can you let us know, is there truth in the ridiculous comments asked of you by the member for Scarborough?

Several members interjected.

The ACTING SPEAKER: Minister!

Mr J.R. QUIGLEY: I thank the Minister for Mines and Petroleum. In my own way I shall. As I explained just before the minister came into the chamber—I understand why he is upset—from whomever it originated, it is a fabrication. There is not a scintilla of truth in the proposition that I had not introduced the bill to lift the statute

of limitations because I had been rolled by the member for Cannington and other party colleagues—quite the contrary; I have been encouraged at every step. At every step of the way I have received the wholehearted encouragement of a unanimously united cabinet, which was not the case in the previous government. We know that there were divisions in the previous government's cabinet. This legislation has the unanimous support of the cabinet. We took it to the caucus, and it not only had unanimous support, but people were clapping. It was unanimous. We are a united party and one of our priorities —

Mr S.K. L'Estrange: Bring it in tomorrow.

Mr J.R. QUIGLEY: We are going to. As I said, the opposition will get to set the agenda on the day it accedes to the Leader of the House and not the redolent Leader of the Opposition. The opposition does not get to set the agenda. The victims have every confidence that this government is going to introduce this presently. In fact, some of the victims know when, but they respect the fact that I have told them in confidence, because I am putting the victims first. I am not putting first a party that pulled a stunt like it did in 2015, by allowing the matter to come on for 15 minutes and then 12 months later allowing it to come on so one speaker from the opposition could speak, before returning to the genetically modified crops bill.

When I said it was a cynical exercise, this is how cynical the then government was. During the debate on the suspension of standing orders, which, had it been successful, would have seen the bill debated in 2016, Mr Jacobs, the member whose bill it was and who was trying to get it on and whom they praised for trying to bring it on—but they never let him actually bring it on—was pressed to say on 20 October 2016, at page 7490 of *Hansard* —

> I woke this morning in some despondency, I must say. I know members might say, "He's got too close to it. He's got too emotional about it." With three of these girls, now women—this does not just apply to girls and women; it applies to boys as well—who it has affected, one of the women did not know how much this had affected her until she found out that her child going to school for the first time would have a male teacher. She was absolutely beside herself that her child, her girl, would have this male teacher.

This is years later —

> She moved heaven and earth to make sure that that girl did not join that class with the male teacher. It is important because although there is ability in the state of Western Australia for some redress—criminal injuries compensation or indeed ex-gratia payments under redress programs—there is still no ability in the state of Western Australia for individuals to have, if you like, their day in court.

I want to read the next sentence slowly so that members can take it in —

> I will deal with some of the political issues. My colleagues and friends in the Liberal Party —

Remember what we were debating—Labor's motion to suspend standing orders so that Mr Jacobs' bill could be substantively debated. Mr Jacobs said —

> My colleagues and friends in the Liberal Party may think that I put the Labor Party up to this. I tell members honestly from my heart that I was in a key seats meeting when this debate came on. I had no discussion with the Labor Party that it should bring this on because I can see that my bill, the private member's bill, is going out the door.

The then member for Eyre was at pains to impress the government of the day that he had no hand in bringing the matter on for debate. He did not want to be thought ill of by his party colleagues, who had come to an agreement the week before to bring this matter on when the victims were in the Speaker's gallery and allow one opposition speaker to speak—that was the cynical deal—so that the people in the gallery would think that Jacobs has the matter going forward. When they defeated our motion to suspend standing orders, including the members for Scarborough, Churchlands, Cottesloe and South Perth—they all voted to defeat the motion that would have allowed debate on the bill—the Jacobs bill was killed then and there. They never expected it to come on. We brought on a motion for the suspension of standing orders and Mr Jacobs was saying, "Government, please believe me. I didn't put Labor up to bring this bill on. I had no hand in bringing this bill on." Why was that? It was because he could see that his private member's bill was "going out the door". He knew that the government of the day was never going to allow his bill to be debated, let alone be passed. It was a cynical stunt to give the pretence for the victims who were sitting in the back of the chamber, who did not understand the procedures of the Parliament, that this matter was going to come on for debate and it was going forward. The government knew that. It is just like when you are in the swimming pool and you see that line and think, "I've got only three strokes to go and I hit the wall." They were saying, "We've only got a week to go and the Parliament prorogues and we are out of here; we don't ever have to look at this again." That is why Mr Jacobs said that he knew his bill was going to be thrown out the door. I put in the word "thrown"; he said it is "going out the door"—never on for debate, never on for vote.

The people who stopped this debate, who voted against it being debated, are the very people who stood up today. The people who voted on 20 October included 23 of us—Labor members, plus the then member for Eyre who crossed the floor. There were 23 ayes who voted to suspend the standing orders to bring on the bill for debate—

including Mr Jacobs, Mr Abetz and Mr Britza. A couple of Labor members must have been out of the chamber, but there we are. There were 29 noes. The person who voted no and stopped the bill coming on for debate is the person who moved the motion today. What temerity. He has more front than Myer, as they say. That very person, the member for Riverton, has moved a motion that criticises us for taking 32 weeks, with a couple more to go before we bring in the bill—the very person who has brought on the debate and calls upon me as the Attorney General to offer my apology to the victims. Mrs Beale has sent me a personal email, thanking me for my work. Did the Leader of the Opposition get one?

Dr M.D. Nahan: Where is your work?

Mr J.R. QUIGLEY: Where is the work? You sound like my eight-year-old Lilly, when we are going down to Mandurah to my mother-in-law's, and she says, "Are we there yet? Are we there yet? Are we there yet?" I have to say to her, "Child, patience; it will be delivered. We'll get to Mandurah. We'll get to granny's house. Don't worry." I say to the member for Riverton: you will get your chance to vote yes or no on this bill. What we want to know is: will he support it as an urgent bill?

Mr S.K. L'Estrange: Of course we will.

Mr J.R. QUIGLEY: Of course we will, says the member for Churchlands. We want to know whether the opposition is going to kick it into the long grass in the Legislative Council.

Several members interjected.

Mr J.R. QUIGLEY: Is the opposition going to kick the bill into the long grass, send it off to a committee for six or nine months, like it did with the no body, no parole legislation? I saw it. I saw them when they went up to the parents of the murdered victims in the back of the chamber and offered their condolences when the no body, no parole bill went through, not giving them the heads up that we were not there yet. What is going to happen to Mr Don Spiers, who was there? He thought it was all over then and that the no body, no parole law would get through. The bill has got to the upper house and the opposition has held it up in a committee for all this time. We want to know whether that is the opposition's intention with this bill too. Is it, member?

Dr M.D. Nahan: If you do a good job, we will pass it quickly. If you get up with your buffoonery, silliness and stunts, do not expect it. People deserve more than you.

Mr J.R. QUIGLEY: Member —

Dr M.D. Nahan: You are a disgrace as an Attorney General—buffoon!

Mr J.R. QUIGLEY: Member —

Several members interjected.

The ACTING SPEAKER (Mr R.S. Love): Members, silence! Attorney General, sit down. Okay. We are just about finished, so let us all just settle down and get this finished now.

Mr J.R. QUIGLEY: I do not like to use the word "disgrace", but I will tell members what is regrettable in the extreme: the previous Attorney General, the colleague of the Leader of the Opposition, announcing the Liberal Party policy by saying —

> … the reluctance to waive limitations provisions arose from a number of policy factors —

That is Liberal Party factors —

> recognising that lengthy time lapses between crimes and compensation increased the likelihood of miscarriages of justice and "carries with it significant direct and indirect costs".

That is disgraceful. I will go that far. It is saying that there is a likelihood of miscarriages of justice—the only miscarriage being that some people, some children, might get believed and the state might have to pay some compensation. That was the Liberal Party policy in 2013. Labor is committed to assisting these victims. Labor is committed to bringing this bill on.

Dr M.D. Nahan: Do not talk—do.

Mr J.R. QUIGLEY: We have been doing member, and we will see the best bill in Australia.

Debate adjourned, pursuant to standing orders.

House adjourned at 7.00 pm

———

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

DISABILITY SERVICES COMMISSION — ADVOCACY — COMPLAINTS

2195. Mr A. Krsticevic to the parliamentary secretary representing the Minister for Disability Services:

Can the Minister please advise how many complaints the Disability Services Commission has received from people unable to receive advocacy in the last 12 months?

Mr R.R. Whitby replied:

From November 2016 to October 2017, no complaints have been received by the Department of Communities/ Disability Services Commission in regard to people being unable to access advocacy.