Parliamentary Debates
(HANSARD)

FORTIETH PARLIAMENT
FIRST SESSION
2018

LEGISLATIVE ASSEMBLY

Wednesday, 27 June 2018

Legislative Assembly

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

PAPERS TABLED

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

BILLS

Notice of Motion to Introduce

1. Criminal Law Amendment (Intimate Images) Bill 2018.

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

2. Strata Titles Amendment Bill 2018.

3. Community Titles Bill 2018.

4. Community Titles Amendment (Consistency of Charging) Bill 2018.

Notices of motion given by **Ms R. Saffioti (Minister for Lands)**.

McGOWAN GOVERNMENT — FINANCIAL PLAN

Removal of Order — Statement by Speaker

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

DAISY KADIBIL — TRIBUTE

Statement by Minister for Aboriginal Affairs

MR B.S. WYATT (Victoria Park — Minister for Aboriginal Affairs) [12.05 pm]: I rise to pay tribute to and honour a great Western Australian, Ms Daisy Kadibil, who died recently in Roebourne at the age of 95. As most members would appreciate, it is customary in traditional Aboriginal culture not to speak the name of deceased people, but on this occasion I have permission from Daisy's family and community at Jigalong to say her name in this place.

Her name should be remembered and celebrated because she represents one of the greatest stories of triumph and resilience that could be imagined. She was the last of the three girls who famously walked the rabbit-proof fence. In 1931, when she was eight years old, Daisy was forcibly bundled into a car by a policeman, with her two cousins, Molly and Grace, and taken to Moore River Native Settlement, 1 500 kilometres to the south. Most of us know the story of their escape from that bleak place and their epic walk home to Jigalong through Doris Pilkington's book and that great film *Rabbit-Proof Fence*. It is the most famous story that revealed the shameful episode of Australia's stolen generations to a national and global audience. Daisy and her cousins were specifically targeted for capture and institutionalisation by the architect of that insidious state government policy of "biological absorption", A.O. Neville. It was a policy that Sir Ronald Wilson and Mick Dodson described in their 1997 "Bringing them home" report, as attempted "genocide", under the United Nations' definition of that crime against humanity. Daisy and her cousins' story is a demonstration of the enduring resilience of Aboriginal people to resist those appalling policies.

We know from the *Rabbit-Proof Fence* story that Grace was captured on the walk back to Jigalong, but Daisy and Molly made it home. Molly was again transported to Moore River a few years later, and heroically repeated her walking journey home to Jigalong. Daisy lived the rest of her life in Jigalong and the Western Desert, where she raised her children and followed her culture. I will attend her funeral at Jigalong this coming Saturday and pay homage to her extraordinary life with her family and the people of the Western Desert.

Members: Hear, hear!

ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

Standing Orders Suspension — Motion

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

> That so much of the standing orders be suspended as is necessary to enable, on Wednesday, 27 June 2018, the Premier and the Minister for Child Protection to make statements up to a maximum of 15 minutes each concerning Western Australia's response to the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse, and for the Leader of the Opposition, the Leader of the Nationals WA, and then any other member to be able to make statements in reply up to a maximum of 15 minutes each until 2.00 pm, unless concluded earlier.

Statement by Premier

MR M. McGOWAN (Rockingham — Premier) [12.08 pm]: Before I begin, I acknowledge the survivors of child sexual abuse who are in the gallery of Parliament today.

I rise today to announce the Western Australian government's response to the Royal Commission into Institutional Responses to Child Sexual Abuse. The royal commission has been a feature of public life in this nation since 2013. The commission was a difficult, solemn and worthwhile undertaking that has shone a light on the experience of thousands of Australians who had been ignored by society for so long. Night after night, Australia has heard the stories of survivors of unimaginable abuse; abuse that for decades had been swept under the rug and ignored; and abuse of children by those charged with their care and protection. It was an incredible failure of the institutions that our nation trusted. The abuse occurred in schools, boarding houses, sporting facilities, swimming pools, beaches, the bush, social services and the armed forces; in religious institutions across faiths and denominations; and in the Salvation Army, YMCA, scouts and Swimming Australia. It was a pattern that no-one saw or wanted to see. What shocked our nation is that the places and the institutions where abuse occurred were so normal, so common and so Australian—institutions woven into the fabric of society. The abuse was hidden in plain sight. Widespread abuse and inaction on the claims and reports of survivors were normalised. The reputations of the institutions and accused were put ahead of the interests of children. Reputations of institutions and the accused were put before justice. Make no mistake, this is not the case of a few isolated incidents in an otherwise healthy system. This was an endemic problem.

The numbers from this Royal Commission into Institutional Responses to Child Sexual Abuse are astounding and expose the lie of a few bad apples for what it is. The commission was contacted by 16 953 people who were within its terms of reference. They heard from 7 981 survivors of child sexual abuse across 8 013 sessions. They received 1 344 written accounts. They referred 2 562 matters to police; 3 489 institutions were the subject of allegations of abuse; and 58 per cent of survivors said their abuse happened in a religious institution and 32.5 per cent said it happened in a government-run institution. The average age of a survivor's first abuse was 10 years old. Over 20 per cent of survivors experienced abuse in more than one institution, and 14.9 per cent of survivors identify as Aboriginal or Torres Strait Islander. Each of these 7 981 survivors who told their story are more than a statistic. Each one has their own devastating story and only they will know the true horror and impact of what happened to them. Let us not forget there are countless more who chose not to tell their story and those who passed before they ever got their chance. Just as we cannot ignore the crimes that have been reported, equally we cannot ignore the breach of trust that has occurred in our nation. These institutions, whether religious, government or otherwise, have been important civic cornerstones for many generations. Institutions and the individuals within them have commanded respect and deference. For those institutions to rely on that respect and deference to protect and hide those who have committed crimes is a gross breach of society's trust and that trust must be rebuilt.

While much of the coverage has focused on interstate experiences, Western Australia has had its share of horrors. Case study 11 concerning Christian Brothers' institutions at Castledare, Clontarf, Tardun and Bindoon make for harrowing reading. It is disturbing testimony of the kind of abuse that occurred and the conditions children were kept in in remote corners of Western Australia across multiple decades. Allegations were made of sexual abuse against 16 named brothers at one or more of the institutions. Eight brothers were named as perpetrators at more than one institution. There was a concerted campaign of physical and emotional intimidation, keeping children in a state of constant terror to conceal that sexual abuse. Case study 12, which deals with an independent Anglican school in Western Australia, reminds us that child sexual abuse in institutions is not a problem of the past alone. Between 1999 and 2005, parents and fellow teachers made eight complaints to school leadership about a teacher at the school. Action to stand the teacher down with pay was only taken when complaints were made by a former student in 2009. Ultimately, the teacher was found guilty of 13 counts of indecently dealing with five children under the age of 13. The commission noted the pattern of behaviour of the offender: grooming children in his class who were new to the school and who were naturally socially isolated and, in turn, further isolated due to the bullying they received from the extra attention. The teacher would also strike up friendships with the victims' mothers, making it more difficult for the victims to report the behaviour to their parents. Shockingly, the school did not notify the police until 2009 despite the complaints from both teachers and parents. The only prior action it took against the teacher was to write to him outlining the concerns. In the final report, an excerpt of testimony from one unidentified woman, which has stayed with me, describes how she felt abandoned by the rest of the community. It reads as follows —

> I have never really been able to come to terms with the part society played—or didn't play, I guess being the point. You know, the people turning the blind eye, people not recognising things when they were in a position that they should have been educated to recognise. People not wanting to listen. People putting their own businesses or money or schools above the health and wellbeing of a child. These are the things that I find hard to forgive.

I do not blame her. We cannot make this right. We can never undo what has happened. The knowledge of that is a burden we must bear and will not erase from history, but we can do our best to make amends and ensure it is never repeated. I would like to state simply: on behalf of the Western Australian government, I apologise

unreservedly for the sexual abuse of children in Western Australian government institutions. The government had a duty of care to the children in its protection, and the state of Western Australia failed in that duty. For that, I apologise. More broadly, for children in WA who experienced sexual abuse in any institution, I apologise. You experienced something horrible—unimaginable to many of us here. You had your innocence stolen, your faith and trust in society broken, and authorities did not recognise the pattern. For that, the government of Western Australia and myself are truly sorry.

While no amount of money can make up for what has occurred, we recognise that redress is an important element for our nation moving forward, so today I am formally announcing that Western Australia will be joining the National Redress Scheme. Following extensive negotiation with the commonwealth, the state of Western Australia has resolved its issues with the scheme and we can join knowing the concerns of Western Australians have been addressed. We hope redress will go some way towards recognising what you endured and lived with and treat you with the dignity and respect you have always deserved. We hope it will go some way to providing support to survivors if they need it. Legislation required for our participation in the scheme will come to Parliament in coming months. However, Western Australians will be able to apply for redress from 1 July 2018—this Sunday. Although last year WA removed the statute of limitations for pursuing justice for historical sexual abuse through the courts—that bill will receive royal assent on 1 July—this Sunday, we want Western Australians to be able to access redress through the national system if that is what they prefer, without the need to engage lawyers, without the need to give evidence and relive the past in a court, and with support provided by the commonwealth government whilst they do so. Although we acknowledge the additional time taken for WA to announce it is opting in, we want all affected Western Australians to have the option of seeking the redress that they deserve without the additional burden of litigation.

I thank Attorney General, John Quigley, MLA, and the Minister for Child Protection, Simone McGurk, MLA, for the work they undertook to ensure every Western Australian who deserves redress can access it. Many people have been in contact with the prison system in recognition of how the abuse they survived can impact the rest of their lives. Those who were brought to Western Australia by the commonwealth as child migrants were left vulnerable at the hands of those who were meant to protect them.

The next step is to ensure this cannot happen again. Current and future generations of children cannot be subject to the same neglect of endemic abuse of past generations. The royal commission has taken five long years to do its work, and over those years, it has done difficult but extraordinary work and earned the trust of those who had campaigned for a royal commission over so many years. It is now the responsibility of governments and institutions to deliver on that work, and the Western Australian government will deliver. The Minister for Child Protection will follow shortly with more of our response to the recommendations applicable to the state government. Although change will not be instant, there will be change. As the final report states, the sexual abuse of a child is intolerable in a civilised society. Never again can our government or institutions turn a blind eye to abuse or, worse, hide the perpetrators. I am sure I speak for all Western Australians when I say this can never happen again, and we are truly sorry for what has occurred.

Statement by Minister for Child Protection

MS S.F. McGURK (Fremantle — Minister for Child Protection) [12.22 pm]: The community has a right to expect that our children are safe, especially within the institutions entrusted to protect, educate, care for and nurture them. For five years, the Royal Commission into Institutional Responses to Child Sexual Abuse uncovered cases in which institutions, government and non-government, failed to meet this expectation. It uncovered trauma inflicted upon childhood after childhood. The experiences that emerged have been alarming. They have shone truth on what has been hidden for a long time—historic and contemporary cases of child sexual abuse within institutions, and a concealment of evidence that has provided a refuge and protection for offenders. These experiences, and the courage shown by those who have come forward to create change, cannot and will not be ignored by the McGowan government.

In speaking to the McGowan government's response today, I must begin by acknowledging the survivors of sexual, physical and emotional abuse, some of whom join us today in the gallery. I recognise that sometimes in sharing their experiences, they have not been believed. I recognise that sometimes they have been alienated further, and sometimes it has been too much. I want to further acknowledge in this place those who are no longer with us today to see these events unfold. To their families and loved ones, to those who they live on through, I also acknowledge and pay my sincere respects.

As Minister for Child Protection, I know that the majority of carers have been, and still are, decent, honourable people who continue to open their hearts to care for vulnerable children. However, I also acknowledge that some carers have abused the trust placed in them. They have preyed upon our children. As the Minister for Child Protection at the conclusion of this royal commission, I feel personally compelled to acknowledge on behalf of the state government that some children who were placed in the care of the state were abused; that these children were hurt through no fault of their own; that their cries for help fell on deaf ears, and were dismissed as untruths; and that the state failed to protect its most vulnerable citizens when they needed us most.

In 2007, the then Labor state government announced a redress scheme called Redress WA to recognise the sexual, physical and emotional harm inflicted upon children who were placed in the care of the state. Today, I acknowledge that many people were hurt further by Redress WA following a change in government and the previous government's decision to reduce payments. This was never the original intention of Redress WA. As the state Minister for Child Protection, I apologise for the further hurt and pain this has caused. But, most importantly, as the Minister for Child Protection at the conclusion of this royal commission, I am committed to ensuring that the widespread scale of abuse that has occurred does not happen again. I will ensure that the recommendations do not sit in a report on a shelf. I will ensure that this government implements the recommendations to the best of its ability. The royal commission has presented us with a unique opportunity. It has brought all these issues to the surface and laid them on the table for all to see. There is no hiding from what has happened in the past. Although these conversations have been hard and confronting, we are determined to see them create significant change.

Today I stand before the house to speak to the government's response to each of the 409 recommendations made by the royal commission. It is important for all of us in this place to remember that these recommendations have been formed from the 42 041 calls handled by the royal commission; the 25 964 letters and emails received; the 8 013 private sessions held; the 59 research reports; and the 57 public hearings and case studies developed. This task has not been easy, and I thank the commissioners for their role in developing it. I am proud to state to the house that in response to the evidence and subsequent recommendations, the McGowan government has accepted, or accepted in principle, 93 per cent—or 289 of 310—of the applicable recommendations. We have not rejected one recommendation. In the interests of being transparent, 21 of the recommendations require further consideration due to a range of reasons including the complexity of the issues, the legislative framework underpinning them and the way in which they relate to national initiatives. We will continue working on those recommendations that require further consideration, and will now work towards the delivery of a staged implementation plan of the recommendations. The plan will outline reform priorities, time frames and resourcing options. We will ensure that this work is collaborative, methodical and rigorous, because the McGowan government is committed to building a community where children are safe. The government will publish a progress report on the recommendations that will be tabled in Parliament at the end of this year and annually thereafter.

I would like to take this opportunity to place on record my thanks and appreciation to my cabinet colleagues, the staff in their offices, and the many public servants across departments who have all contributed to this whole-of-government response. I am acutely aware that the McGowan government's response to the royal commission does not change what happened to those who have endured, it does not right the wrongs of the past, and, unfortunately, it will not result in the complete protection of children overnight. Although that work has begun within government, there is still a lot of work in front of us and the whole community. Change will not be instant, but we are committed because the importance of this work is clear—keeping children safe is the highest priority. I hope that our response today, and our intentions laid out in this area sends a very strong message to those who have a connection to the issue of child sexual abuse: this government has heard your experiences, we recognise your pain, and we are going to act to make sure that your experiences are not repeated.

In closing my remarks now, I want to share with the house an anecdote from the *Message to Australia* book on the royal commission website, which includes over a thousand personal messages from survivors who provided evidence to the royal commission. Message 146 starts with a poem titled "Who will cry for the little boy?" by Antwone Fisher. The poem reads —

> Who will cry for the little boy?
> Lost and all alone.
> Who will cry for the little boy?
> Abandoned without his own.
> Who will cry for the little boy?
> He cried himself to sleep.
> Who will cry for the little boy?
> He never had for keeps.
> Who will cry for the little boy?
> He walked the burning sand.
> Who will cry for the little boy?
> The boy inside the man.
> Who will cry for the little boy?
> Who knows well hurt and pain
> Who will cry for the little boy?
> He died again and again.
> Who will cry for the little boy?
> A good boy he tried to be
> Who will cry for the little boy?
> Who cries inside of me.

Following the poem are the handwritten words of a survivor, who writes —

> I'm standing up for the little boy who at the time had no-one to stand up for him. I only wish we could hold the people who harmed me accountable.

I believe that today, the McGowan government is standing up for survivors of child sexual abuse, and I encourage everybody to join us in this important work. I thank the house.

Statement by Leader of the Opposition

DR M.D. NAHAN (Riverton — Leader of the Opposition) [12.30 pm]: I respond on behalf of the opposition, but I would like to first note that the opposition has been given no formal briefing on the government's response to the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse and, indeed, for only a matter of hours has it had access to the Premier's and the Minister for Child Protection's speeches. The details of the government's response have been available to us for less than an hour. Within the parameters of the limited time frame and on behalf of the opposition, I acknowledge the government's response to the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse.

I note that the government has accepted, or accepted in principle, 93 per cent—or 289 of 310—of the applicable recommendations and will join the commonwealth redress scheme; I welcome that. At the outset, can I commend those victims of child sexual abuse and their families who have presented to the commission for their bravery and willingness to talk about this most difficult of subjects. For some, it was the first time they had spoken of the hurt that they had had to endure. Others never had the opportunity; the trauma inflicted saw many victims' lives end prematurely, many at their own hand. We owe it to those victims and their families, as the then Prime Minister Julia Gillard articulated when she announced the royal commission, to make sure that the terrible wrongs that have been done in the past to children in our country, to the greatest extent, never happen again.

I also commend the commissioners and all the staff of the royal commission for their work. To hear the evidence they have heard about the extent of the pain and trauma inflicted on the victims of child abuse day after day after day would have been extremely difficult. Their comprehensive report and its recommendations for governments and institutions is a credit to their diligence and application to an extremely difficult job—well done.

Today, the state government has provided its response to those recommendations. Although the opposition will take time to review the state government's response, we will welcome any improvements that enhance safety, protect children and ensure that every possible measure is taken to eliminate the incidence of child sexual abuse. I am pleased that the government will participate in the National Redress Scheme. It is incumbent on both the government and all institutions involved to participate in the redress scheme and to provide the necessary support to victims of child abuse.

I join with the Premier in apologising for past wrongs. I am deeply sorry that previous governments and institutions turned a blind eye to the horrible crimes perpetrated on children. I am sorry that when children spoke up, they were ignored. On 22 October 2018, to coincide with National Children's Week, the Prime Minister will deliver a national apology to the survivors, victims and families of institutional child abuse. I encourage the Premier to set aside time during the first sitting day after 22 October for the Legislative Assembly to make its formal apology. As the Prime Minister said recently, we owe it to survivors not to waste this moment of national reckoning. We must ensure that we continue to support those who experienced these evil deeds, and ensure that no more children suffer in the same way.

It is incumbent on every government, institution, member of Parliament and, indeed, every member of our community to now make sure that we explicitly prioritise children's safety and wellbeing. Nothing less is acceptable. As was stated in the royal commission's report —

> The sexual abuse of any child is intolerable in a civilised society. It is the responsibility of our entire community to acknowledge that children are being abused. We must each resolve that we should do what we can to protect them. The tragic impact of abuse for individuals and through them our entire society demands nothing less.

These are words I encourage the government to take heed of. The royal commission was instigated to bring justice for the victims, but also to show the victims that everything will be done to prevent the abuse of children, as happened in the past, from ever happening again. Today I ask the Premier and the Minister for Child Protection to especially remember that this royal commission, in the greatest measure, dealt with cover-ups perpetrated by people within organisations set up with the specific purpose of protecting and nurturing children. That is a betrayal of the worst kind—it was on the most vulnerable. That must never happen again under the watch of any government.

Members may be aware that the opposition, and in particular the shadow Minister for Child Protection, Hon Nick Goiran, has raised in Parliament the issue of victims of child sexual abuse in Roebourne. We have been seeking an assurance that none of the 184 victims of child sexual abuse in Roebourne are residing with a person

either charged with or convicted of one or more child sex offences. In the stark light of this royal commission and its recommendations, the government should be able to assure this Parliament that none of the 184 victims of child abuse in Roebourne are currently residing with a person either charged with or convicted of one or more child sex offences. Until the government provides this Parliament with that assurance, I genuinely fear for the safety of those children. This is an opportunity to ask why the government will not assure the community that none of the 184 victims of child sexual abuse in Roebourne —

Several members interjected.

The SPEAKER: Members!

Dr M.D. NAHAN: This is an opportunity to ask why the government will not assure the community that none of the 184 victims of child sexual abuse in Roebourne are currently residing with a person either charged with or convicted of one or more child sex offences.

I want to also briefly raise concerns about the government's machinery-of-government changes and how they may put at risk children in care. Prior to the election of the McGowan government we had a standalone Department for Child Protection. It was established as a standalone department, separated from the then Department for Community Development, following a review of that department by Prudence Ford. The Ford inquiry was established following a series of articles published by *The West Australian* in 2006 on the death of 11-month-old Wade Scale in 2003. It also followed the Ombudsman's "Report on Allegations Concerning the Treatment of Children and Young People in Residential Care" and the report by the Select Committee on the Adequacy of Foster Care Assessment Procedures by the Department for Community Development. The very first recommendation of that report was the establishment of a standalone Department for Child Protection. In response, the then Premier, Alan Carpenter, separated Child Protection from the larger Department for Community Development. When he announced this reform, Mr Carpenter stated —

> "There is nothing more important than the safety and protection of our children …
>
> "The Government's response to this report addresses the historical, practical and cultural issues that have stood in the way of this department delivering effective service to the people who need it most.
>
> "This is significant reform and I am confident it will give us tangible results."

Since the establishment of the standalone department, work in Child Protection has escalated. More children than ever are living under the care of the CEO.

Fast forward to 2017, and the McGowan government is taking us back to the days prior to this important reform. It has amalgamated the Department for Child Protection into the megadepartment of the Department of Communities. We now have a department reminiscent of the time when children were not being prioritised and when at-risk children fell through the cracks. The merger of the Department for Child Protection into the megadepartment of Communities has absolutely nothing to do with prioritising children's safety and wellbeing. This merger is simply to enable the government to say it has reduced the number of government departments. What about the priority of ensuring the safety and wellbeing of children?

I am most surprised that, through its machinery-of-government changes, the government did not leave the Department for Child Protection as a standalone department. Did anyone in the government not recall the time when, to quote Ms Ford —

> The child protection system in Western Australia needs to change. It is close to collapse and the public confidence in it has been shaken by a series of reports of preventable child deaths and inquiries into allegations of abuse in care.

Are we at risk of this again, with the amalgamation of Child Protection into a megadepartment?

Several members interjected.

The SPEAKER: Members!

Dr M.D. NAHAN: I raise these matters so that we do not go backwards following the hard work of the royal commission, and so that the 42 041 calls that were taken, the 25 964 letters and emails that were received, and the 8 013 private sessions that were held were not in vain. Although the government today announced its response to the royal commission, that it will accept 289 of 310 of the applicable recommendations and that it has not rejected one recommendation, I put it on notice that its actions need to match its rhetoric. We need an assurance from the government that none of the 184 victims of child sexual abuse in Roebourne are currently residing with a person either charged with or convicted of one or more child sex offences. The government also needs to establish a standalone Department of Child Protection. The royal commission reminds us to learn from our errors and to not go back to our past mistakes. We will work with the government to ensure that the recommendations as accepted are delivered. We will work with the government to ensure that the redress scheme becomes operational as soon as possible. We will do our utmost to ensure we explicitly prioritise children's safety and wellbeing. Thank you.

Statement by Leader of the Nationals WA

MS M.J. DAVIES (Central Wheatbelt — Leader of the Nationals WA) [12.40 pm]: I rise today on behalf of the Nationals WA to note the Western Australian government's response to the Royal Commission into Institutional Responses to Child Sexual Abuse. As the Premier has said, this commission had been underway since 2013, an enormous undertaking spanning five years. There have been many elements to this undertaking—some of which I will touch on—but at the core was a desire to create a space for those Australians who have survived abuse at the hands of those who should have cared for and protected them. It was an acknowledgement that what had been hidden, ignored, accepted or covered up would not be tolerated any longer. This commission has given those people, and their families, the opportunity to have what was ignored or not believed, validated. Now we have a responsibility to ensure that their bravery—their willingness to come forward and share those heartbreaking experiences—is not in vain. We as a community failed these people.

The royal commission was announced by the then Prime Minister, Julia Gillard, in November 2012. The pathway from then until the day the final report was handed down has been a difficult one, especially for those who have been required to tell strangers of their experiences as a child. Many had never shared these experiences with anyone; some had, and until this point had been ignored. No-one who reads the case studies or accounts published over the past five years can be unmoved by these accounts. It is shocking how widespread and endemic the abuse was. It is shocking that it occurred in institutions and organisations that were held up to be places of high repute, a safe haven and a cornerstone, as the Premier said, for our community.

Having been announced in November 2012, the task of the royal commission started with the commonwealth government amending the Royal Commission Act 1902 to allow for private sessions to be held in gathering evidence. The first public hearings were held in Victoria and, since April 2013, 57 public hearings were conducted across Australia. The commissioners heard from 1 200 witnesses over 400 days of hearings, across all Australian capital cities and in several regional areas.

The first issues paper was released in June 2013, inviting individuals and organisations to respond to key issues. In April 2014, the first roundtable was held, at which representatives of regulators, policy experts, academics, survivors and advocacy groups were invited to discuss issues relating to the issues being explored by the commission. Over the course of those five years, a number of case study reports have been released, and the Premier has touched today on a number of these. Case study 11, which relates specifically to the Christian Brothers' institutions at Castledare, Clontarf, Tardun and Bindoon, contains horrific detail of what these children experienced. Should anyone be under the illusion that this is an issue that happened way back in yesteryear and could not possibly take place in the here and now, they need only read the accounts of those survivors who were systematically abused by a teacher between 1999 and 2005 here in Western Australia.

As the commission's work continued, it released a number of reports. They included the "Working with Children Checks Report" and the "Redress and Civil Litigation Report", and the "Criminal Justice Report", which included the final recommendations on the response of the criminal justice system to victims of institutional child sexual abuse. It also released a research study titled "Key Elements of Child Safe Organisations".

In December 2017, just prior to the presentation to the Governor-General of the commission's final report, a book was released titled *Message to Australia*. This publication gave people the opportunity to share a message about their experience. More than 1 000 contributions were received, and these can be viewed online, or in the book itself, which is part of the national and state library collection.

The sheer numbers of interactions with the commission are confronting, with over 42 000 telephone calls, nearly 26 000 letters and emails, 8 000 private sessions, and 57 public hearings. We owe the commissioners and the staff who supported them a debt of gratitude. We owe the survivors a debt of gratitude for sharing their experience. The Nationals have had only a brief time to consider the government's response this morning, but we note the intent expressed by the Premier and the Minister for Child Protection that they will start working on enacting the recommendations applicable to the state government. As a government, as a community and as individuals, we owe the victims action on the recommendations that have been laid out. That is the very least we can do. I urge everyone to take the time to understand the body of work conducted over the past five years. It is so very important to understand our history—it is fundamental to ensuring we will never need to conduct a royal commission of this nature again.

I join with the Premier and the Leader of the Opposition to apologise to the survivors, and to those who have suffered and are no longer with us.

Members: Hear, hear!

BUSINESS OF THE HOUSE — PRIVATE MEMBERS' BUSINESS

Standing Orders Suspension

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

> That so much of standing orders be suspended as is necessary to enable private members' business to have priority from 4.00 pm to 8.00 pm on Wednesday, 27 June 2018.

ADMINISTRATION AMENDMENT BILL 2018

Introduction and First Reading

Bill introduced, on motion by **Mr D.A. Templeman (Leader of the House)** on behalf of Mr J.R. Quigley (Attorney General), and read a first time.

Explanatory memorandum presented by the Leader of the House.

Second Reading

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [12.47 pm]: On behalf of the Attorney General, I move —

That the bill be now read a second time.

It gives me great pleasure to introduce this bill as it will increase the current amounts of the statutory legacies payable on intestacy. These amounts were last adjusted in 1982 and are now grossly inadequate. It also provides a formula for calculating the amount of the statutory legacies in the future.

The process for reforming the law relating to succession began in 1991 when the Standing Committee of Attorneys-General of Australia resolved to develop uniform succession laws across all Australian states and territories. The project was coordinated by the Queensland Law Reform Commission, with a national committee comprising representatives from each jurisdiction preparing a report and proposed model bills for adoption by the states and territories.

In late 2003, Western Australia established a working group to examine the law of succession in Western Australia and make recommendations for consideration by the government as to legislative reform. The working group was constituted by experts in the area and drawn from the Supreme Court of Western Australia, the legal profession, academia, the Office of the Public Trustee and the independent bar. The model bills, together with reports of the Law Reform Commission of Western Australia, have informed the process of the working group's review of the law of succession in Western Australia. However, there have been significant differences between the proposed reforms and the model bills. Although the working group is aware of the rationale for uniformity, it does not consider that the benefits contained in the Administrative Act 1993 of Western Australia should be surrendered for that purpose alone. From the work done by the working group, there have been reforms to the law relating to wills and family and dependants' inheritance provisions. The working group continued with the above review process when considering the reform of intestacy law in Western Australia.

This bill deals with entitlements arising upon an intestacy as presently contained in sections 14 and 15 of the Administration Act 1903 of Western Australia. Intestacy occurs when the whole or part of the estate of a deceased person is not disposed of by a will. The property that has not been dealt with effectively by will is usually distributed according to a regime established by statute. A partner's legacy is the fixed net sum to which the deceased's surviving spouse and/or de facto partner is entitled from the estate when the person died intestate and in circumstances in which there are surviving family members.

The most significant of the proposed reforms is to increase the statutory legacy from the intestate estate passing to the surviving spouse or de facto partner. Currently, a partner's legacy in Western Australia is as low as $50 000 when the intestate dies leaving issue—a person's children or other lineal descendants—and as high as $75 000 when the intestate dies leaving no issue. The statutory legacy aims to remove financial hardship for the surviving spouse or de facto partner and tries to ensure that he or she can live in the manner to which he or she had become accustomed. The bill amends the Administration Act 1903 to set the amount of the partner's statutory legacy at $435 000 when the intestate dies leaving issue and $650 000 when there is no issue. The parental statutory legacy applies when the deceased has living parents and/or siblings or siblings' issue but does not have a surviving husband, wife, partner or issue. The parental statutory legacy was last reviewed prior to 1982 and is currently $6 000. Consideration has been given to whether to increase the $6 000 to a financially beneficial point or to abolish this statutory legacy. The reasons for preferring to increase the parental statutory legacy include that the $6 000 has little beneficial financial impact; it makes the distribution of an intestate estate more complicated than this small amount warrants; and it is appropriate that the deceased's parents participate in the distribution of their child's intestate estate because the death of a child is a very tragic event for parents, and money, though it cannot compensate for the loss, may provide some help to those parents. The bill amends the Administration Act 1903 to set the amount of the parental statutory legacy at $52 000.

In 1973, the Law Reform Commission of Western Australia noted that fixing the statutory legacy by legislation had proved unsuccessful, given that Parliament had adjusted the statutory legacy on only three occasions in the preceding 25 years. The bill inserts a new provision into the Administration Act 1903, setting out a formula for calculating the amount of statutory legacies from time to time in the future.

I commend the bill to the house.

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

CHILD SUPPORT (COMMONWEALTH POWERS) BILL 2018

Introduction and First Reading

Bill introduced, on motion by **Mr D.A. Templeman (Leader of the House)** on behalf of Mr J.R. Quigley (Attorney General), and read a first time.

Explanatory memorandum presented by the Leader of the House.

Second Reading

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [12.54 pm]: On behalf of the Attorney General, I move —

That the bill be now read a second time.

It gives me great pleasure to introduce the Child Support (Commonwealth Powers) Bill 2018. The bill will greatly benefit ex-nuptial children in this state. It will ensure that they immediately receive all the benefits of commonwealth legislative amendments to the child support scheme, like all other children in Western Australia and like children in other parts of Australia, rather than having to wait for the enactment of Western Australian adoption legislation.

As members will be aware, the commonwealth child support scheme was introduced with the objective of ensuring that separated parents shared equitably in the financial cost of supporting their children. The scheme operates under two commonwealth statutes: the Child Support (Registration and Collection) Act 1988 and the Child Support (Assessment) Act 1989. In this context, the commonwealth Parliament has constitutional power to legislate with respect to children only if they are the product of a marriage. Legislative power for unmarried parents and their children is vested in state Parliaments. For the commonwealth child support acts and, therefore, the child support scheme to apply uniformly to married and unmarried couples and their children, state Parliaments must either, firstly, refer legislative power of the maintenance of ex-nuptial children to the commonwealth Parliament or, secondly, afterwards adopt the commonwealth acts under which the scheme operates by state legislation.

All states except Western Australia have referred legislative power so that whenever one, or both, of the commonwealth statutes is amended, those amendments have immediate application to all children in those referring states. Instead of referring power to the commonwealth Parliament, this Parliament has previously adopted the commonwealth legislation that governs the child support scheme. As members will be aware, these commonwealth acts have been amended many times. Under section 51(xxxvii) of the commonwealth Constitution, amendments to the commonwealth child support legislation extend to Western Australia only when this Parliament afterwards adopts the amended commonwealth legislation. Therefore, the method of adoption of laws, rather than referral of legislative power, means that the child support scheme as amended by commonwealth acts does not apply to unmarried couples and their ex-nuptial children in Western Australia until this Parliament amends the Western Australian Child Support (Adoption of Laws) Act 1990 to adopt the commonwealth acts as amended. During the hiatus between amendment of the commonwealth acts and adoption by the Western Australian Parliament, often ex-nuptial children in Western Australia do not have the benefits of the commonwealth amendments. Until this Parliament adopts the commonwealth acts as amended, two versions of the commonwealth legislation operate in WA. This Parliament regularly has to pass bills adopting current versions of the commonwealth child support acts. Since 1990, this Parliament has passed eight such bills. As amendments at commonwealth level are becoming more frequent, the need for adopting bills in Western Australia is correspondingly greater. For example, there have been three such Western Australian bills in the past four years.

Under section 51(xxxvii) of the commonwealth Constitution, this Parliament can adopt amendments only after they have been enacted by the commonwealth Parliament and then, in practice, only when Western Australian parliamentary time is available. The result is that considerable time often elapses between the commencement of a particular amendment to the commonwealth child support acts and the adoption of the same amendment by this Parliament. As the commonwealth amendments take effect immediately for children of a marriage in Western Australia, these delays mean that for a period, the commonwealth scheme does not apply equally to children of a marriage and ex-nuptial children in Western Australia. Authorities administering the child support scheme need, in effect, to operate two schemes in Western Australia; one for children of a marriage and one for ex-nuptial children. This inequality can disadvantage the latter, especially financially. It should also be noted that since the first adoption by the Western Australian Parliament in 1988 of the commonwealth legislation relating to the child support scheme, the WA Parliament has always adopted, albeit with some delay, all commonwealth amendments. Therefore, firstly, this bill will adopt all commonwealth child support laws that this Parliament has previously adopted and also commonwealth amendments that have been enacted between 1 September 2017 and when this bill receives assent. Secondly, the bill refers state legislative power to the commonwealth Parliament.

Members will also note that the adoption and referral can be terminated by the Governor issuing a proclamation that has been approved by both houses of this Parliament. I trust that all members will agree that this bill will greatly benefit children in this state.

I commend the bill to the house.

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

LEGISLATION BILL 2018

Introduction and First Reading

Bill introduced, on motion by **Mr D.A. Templeman (Leader of the House)** on behalf of Mr J.R. Quigley (Attorney General), and read a first time.

Explanatory memorandum presented by the Leader of the House.

Second Reading

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [1.00 pm]: On behalf of the Attorney General, I move —

That the bill be now read a second time.

An important responsibility of government is to provide public access to accurate, up-to-date and reliable versions of legislation in a timely and efficient manner. This responsibility stems from the principles that everybody is presumed to know the law, and that ignorance of the law is no excuse. Neither of these principles can operate fairly and effectively if the law is not made publicly accessible. In Western Australia, this responsibility is carried out by the Parliamentary Counsel's Office and the State Law Publisher. Individual acts as passed and bound volumes of acts passed each year are published in hard copy and made available through SLP. Subsidiary legislation as made is generally published in full in the *Government Gazette*, which is published in both hard-copy and electronic forms. Reprints of acts and subsidiary legislation—that is, with their amendments incorporated—are prepared by PCO under the authority of the Reprints Act 1984 and printed and published by SLP.

The WA legislation website provides public access to WA legislation in electronic form. Previously hosted by SLP, the website is now hosted by PCO. The work of maintaining and updating the collections of material on this website has always been undertaken by PCO staff. Under current WA law, generally only hard-copy versions of acts and hard-copy versions of the *Government Gazette* in which subsidiary legislation is published have official status. Electronic versions on the WA legislation website and the electronic version of the *Government Gazette* have no official status. Demand for printed copies of WA legislation has steadily declined over recent years. People have come to rely on the availability of the WA legislation website as a means of accessing WA legislation. Usage of the WA legislation website continues to increase, in line with the trend in other Australasian jurisdictions. Hard-copy reprints are produced only periodically, while the electronic consolidations on the WA legislation website are updated each time an enactment is amended. This means that hard-copy reprints can quickly become out of date and potentially misleading, while the electronic consolidations provide up-to-date access to current law. The number of subscribers to the *Government Gazette* also continues to decrease. It is a reasonable assumption that most people who want to access WA subsidiary legislation do so by looking at the electronic version of the *Government Gazette* in which it appears or the versions on the WA legislation website.

Many other jurisdictions no longer require that subsidiary legislation be published in full in their *Government Gazette*. Instead, the making of an item of subsidiary legislation, along with details of where it may be accessed, is merely notified in the *Government Gazette* or on a legislation website, and the full text of the item is included in the collection of legislation made available on a legislation website. A general decline in the demand for printed copies of legislation and an increased demand for electronic legislative material has had a further consequence. Most other Australasian jurisdictions have reduced or discontinued entirely the production of printed versions of legislation, and have given electronic versions official status. Electronic versions of legislation now have official status in the commonwealth, New South Wales, Queensland, the Australian Capital Territory, Victoria and New Zealand. In those jurisdictions, people wanting their own official versions can simply print these from the electronic versions available on the relevant websites. For those people who want access to commercially printed and bound legislation, some jurisdictions have moved, or are moving, to a print-on-demand service.

The current processes for publishing WA legislation have a number of disadvantages. Firstly, electronic versions of legislation lack official status. Under WA legislation, only printed copies of WA acts and subsidiary legislation are given evidential status in judicial and other proceedings. Electronic versions of WA legislation and the *Government Gazette*, which is the format in which most people access this material, have no official status. This means that the current processes for the publication of WA legislation, particularly the publication of subsidiary legislation in the *Government Gazette*, are unnecessarily expensive, inefficient and inconvenient for users. Secondly, the current editorial powers available under the Reprints Act 1984 are unnecessarily limited in nature and scope. That act confers power on PCO to make formal amendments in reprints, such as updating drafting styles, correcting certain inconsistencies, errors and anomalies, and changing outdated references. These changes would otherwise have to be made by way of amendments enacted by Parliament, which, given their minor nature, would not be an efficient use of parliamentary time. It is also very difficult for Parliament to find time to consider and enact Statutes (Repeals and Minor Amendments) Bills, which would otherwise be the usual vehicle for making these kinds of amendments.

I note that there is an important restriction on the exercise of these editorial powers. They must not alter or otherwise affect the substance or operation of any written law. Currently, the editorial powers can be exercised only in the preparation of hard-copy reprints. They cannot be exercised in the preparation of the electronic versions of legislation made available on the WA legislation website. This deprives users of legislation of the benefits of the timely exercise of editorial powers to maintain the quality and accuracy of material on the Western Australian legislation website. It also adds unnecessary complexity and inefficiency to PCO's electronic legislation updating processes. The current editorial powers are also much more limited than those available to PCO's equivalents in other Australasian jurisdictions, and some of the current editorial powers have also been found to be uncertain in scope. This means that changes that can be made under editorial powers in other jurisdictions can be made in WA only by way of parliamentary amendment.

The bill proposes to modernise the processes for publishing WA legislation. It will enact a new Legislation Act that sets out the responsibilities for publishing WA legislation, provides for the official status of both hard-copy and electronic versions of WA legislation, and gives PCO a more useful set of editorial powers so that WA legislation can be kept up to date, modernised and simplified, and errors corrected, without the need for the changes to be enacted by Parliament. Important restrictions on the exercise of those editorial powers will remain. The Reprints Act 1984 will be repealed. In line with conferring official status on electronic versions of WA legislation, the electronic version of the *Government Gazette* will also be given official status.

A number of benefits will flow from these proposals. It will improve public access to subsidiary legislation. Unlike Western Australian acts, currently published versions and consolidated versions of WA subsidiary legislation must be accessed through two different channels—the *Government Gazette* and the Western Australian legislation website. It would be more convenient for users if it were available in one place on the WA legislation website.

The bill will bring the legal status of electronic versions of legislation into line with hard-copy versions. Given that electronic versions are increasingly being more widely used than hard-copy versions, the current difference in legal status is difficult to justify. It will also help allay any concern about the accuracy and reliability of the electronic version compared with the hard-copy version, and promote confidence in its use. It will bring the legal status of electronic versions of WA legislation into line with that in the majority of other Australasian jurisdictions and many other overseas jurisdictions. It will enable the editorial improvements currently authorised by the Reprints Act 1984 to be delivered sooner to users of legislation. Necessary or desirable changes to the most up-to-date versions of legislation on the WA legislation website that require the exercise of reprint powers will not need to wait for the next available hard-copy reprint. This will also make the Parliamentary Counsel's Office's electronic legislation updating processes simpler and more efficient.

The bill will significantly improve the quality of reprints and their usefulness to users, and save parliamentary time, because a greater range of editorial changes could be made. The current restriction on the exercise of editorial powers will remain. They must not be used to alter or otherwise affect the substance or operation of any written law. Some of the proposed additional powers are as follows: to update references to the laws of other Australasian jurisdictions where the citations of the laws have been changed; to change expressions indicating gender to conform with current drafting practice, which is to draft in gender-free terms; to number or renumber provisions; to update references to things that have been replaced, such as statutory bodies; to change grammar, spelling or punctuation to conform with current drafting practice; to omit obsolete or redundant provisions of WA legislation; to incorporate validation, saving, transitional or similar provisions, when contained in amending legislation, in the legislation to which the provisions relate; and to make format or layout changes to ensure conformity with current drafting practice.

It will introduce greater efficiencies in the availability of printed copies of WA legislation with official status. The production of hard-copy reprints will cease, and users of WA legislation will be able to print their own copies from electronic versions of legislation on the WA legislation website or order commercially printed and bound versions. It will enhance the status of the version of the *Government Gazette* that most people access, and also enable the *Government Gazette* to move to online-only publication in the future as the continuing decrease in demand for the hard-copy version eventually makes publication in that format uneconomic. The bill will make the processes for the publication of subsidiary legislation more efficient and cost effective. Publishing subsidiary legislation on the WA legislation website will provide significant cost savings to government and other agencies.

I note that the Parliamentary Counsel's Office proposes to take a staged approach to the implementation of the proposal to change the way in which WA subsidiary legislation is published. The material that the PCO drafts will be moved from the *Government Gazette* to the WA legislation website as a first step. The PCO will also undertake consultation with other agencies responsible for the subsidiary legislation that the PCO does not draft, such as local laws. This consultation will be designed to determine whether this material should continue to be published in the *Government Gazette*, moved to the WA legislation website or published in some other way.

I note that the bill will not alter the processes for the development and passage of legislation through Parliament, nor will it change the way in which acts are handled under the existing publication regime. The bill will introduce a significant change to the way in which subsidiary legislation is published. The Parliament of Western Australia

performs a close supervisory function with regard to subsidiary legislation, particularly through the Joint Standing Committee on Delegated Legislation and the disallowance power vested in each house by section 42 of the Interpretation Act 1984. No change to that function is proposed.

The PCO has consulted extensively on the changes that are proposed to be implemented in the bill. In 2015, the PCO wrote to key legal stakeholders affected by the proposals to modernise the processes for publishing WA legislation and sought their feedback. All those who responded supported the proposals. In relation to the proposed enhancements to editorial powers, the PCO issued a public discussion paper in December 2016 seeking submissions on those proposals. The discussion paper was made available online and responses could be made by way of an online survey, email or letter. Emails inviting submissions on the discussion paper were also sent to a large number of legal stakeholders and others considered to have an interest in the proposals. Twenty-one submissions were received on the discussion paper. An overwhelming majority supported the proposed enhancements. There was some feedback on the proposals to enhance the current editorial powers. The PCO currently takes a very careful and conservative approach to the exercise of the editorial powers available under the Reprints Act 1984, and this approach will be adopted in relation to the enhanced editorial powers. If there is any doubt about whether the exercise of an editorial power would change the law, the PCO would not exercise the power. Any change would then have to be made by Parliament in the normal way, principally through a Statutes (Repeals and Minor Amendments) Bill.

The changes proposed in the bill do not have a direct impact on the way in which crown copyright in WA legislation is currently administered. The current approach in WA is quite conservative and restrictive compared with that in other jurisdictions. Other jurisdictions take a more open approach to re-use of legislative data. New Zealand abolished copyright in legislation in 2001. In the commonwealth, Queensland and the United Kingdom, creative commons licences are granted so that users can share and adapt content for any purpose, even commercially. The adoption of this approach in Western Australia would be consistent with the Western Australian "Whole of Government Open Data Policy", which seeks to ensure that the state's data and information resources are shared widely across government and the community, and these resources are able to be used to improve government, encourage innovation and develop new business and employment opportunities. The policy also states that, when possible and appropriate, a non-restrictive licence should be used to promote maximum dissemination and re-use of the data. I intend to give consideration to relaxing the current approach to copyright in Western Australian legislation.

The bill supports the government's objectives to make its processes more efficient and cost effective through more effective use of technology, and to improve the provision of its services to the public. The bill will create administrative efficiencies across government and also reduce costs to all government agencies. In one sense, the proposals in the bill are also about managing, maintaining and enhancing a vital state asset—the collection of its legislative data. The bill will enhance public accessibility of WA legislation. In enhancing access to legislation, the bill will improve access to justice, which is a key priority of this government.

With great relief, I commend the bill to the house.

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

RESERVES (TJUNTJUNTJARA COMMUNITY) BILL 2018

Introduction and First Reading

Bill introduced, on motion by **Ms R. Saffioti (Minister for Lands)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MS R. SAFFIOTI (West Swan — Minister for Lands) [1.20 pm]: I move —

That the bill be now read a second time.

The Reserves (Tjuntjuntjara Community) Bill 2018 seeks Parliament's approval to excise an area of some 78 578 hectares from Great Victoria Desert Nature Reserve 30490—a class A reserve of approximately 2 495 777 hectares situated within the Shire of Menzies—to enable the grant of registrable tenure for the Tjuntjuntjara Aboriginal community and for related purposes.

The Tjuntjuntjara community has existed on the western extent of the nature reserve since at least 1988, but has never had a registrable land interest over the area it occupies or legal access to it. The Tjuntjuntjara community members are part of a larger group known as the Spinifex people—a proud and dynamic traditional Aboriginal group that was removed from its homelands before the British atomic testing at Maralinga in the 1950s and 1960s, but decided to return in the early 1980s. Since that time, the Tjuntjuntjara community has steadily grown, whilst maintaining a focus on traditional cultural cycles of desert life. People from across the Western Desert region with traditional attachment to the Spinifex lands have returned to live at Tjuntjuntjara. Despite isolation and remoteness, the Spinifex people's resilience and determination to live in country and to provide strong local governance makes this a unique community.

The Paupiyala Tjarutja Aboriginal Corporation—PTAC—was established in 1989 as the governing body for the Spinifex people. The not-for-profit corporation was also established so that the Spinifex people could receive and administer funds to develop infrastructure at Tjuntjuntjara. Since then, PTAC has grown and added to the services it provides to the community, such as the health service, the Tjuntjuntjara community store, the women's centre, the Tjuntjuntjara community resource centre and a range of other programs and infrastructure-related projects. PTAC also acts as a local council service provider, taking responsibility for the maintenance of the Tjuntjuntjara community facilities, roads, store and other services.

The nature reserve on which the Tjuntjuntjara community resides was set aside in 1970 for the purpose of conservation of flora and fauna and is formally vested in the Conservation and Parks Commission. In practice, it is managed by the Department of Biodiversity, Conservation and Attractions. The commission cannot grant a lease of the land that is inconsistent with the reserve's purpose. The lack of formal tenure limits the community's ability to seek investment for critically required infrastructure, such as an expansion of the health clinic and the building of houses, whilst it also restricts the community's pursuit of on-ground economic activities.

A determination of the Federal Court of Australia in November 2000 recognised the Spinifex people's non-exclusive native title rights over part of the area of the nature reserve, including that area occupied by the Tjuntjuntjara community. The state has since worked with the registered native title body corporate for the Spinifex people the Pila Nguru Aboriginal Corporation—PNAC—and PTAC to resolve the issue of appropriate land tenure for the Tjuntjuntjara community. Subject to the enactment of this bill and the registration of a suitable Indigenous land use agreement, I, as Minister for Lands, intend to utilise the powers provided by section 83 of the Land Administration Act 1997 to issue PNAC with a head lease in perpetuity over the lands occupied by the Tjuntjuntjara community. The head lease will allow PNAC, with the consent of the Minister for Lands, to sublease part of the lease area to PTAC for development purposes and further to allow PTAC, also with the consent of the Minister for Lands, to sublease portions of the sublease area.

To secure this outcome, it will be first necessary to excise the lands occupied by the Tjuntjuntjara community—78 578 hectares—from the nature reserve. It is proposed that the community's area be redescribed as lot 9 on deposited plan 220992. The effect of doing this is portrayed graphically within schedule 1 of the bill. The Conservation and Parks Commission, the Ministers for Environment and Mines and Petroleum, and the directors of PNAC and PTAC have all previously consented to this proposed course of action, which will more directly empower the registered native title body corporate to support future economic, social and cultural development of the Tjuntjuntjara community.

Legal access over an existing track will be required by PNAC and members of the Tjuntjuntjara community through the nature reserve to the boundary of lot 9. In my capacity as Minister for Lands, I also propose to grant an easement under section 144 of the Land Administration Act for this purpose. This access easement will benefit the leasehold interest of PNAC in lot 9. The proposed easement corridor will be 20 metres wide—10 metres on either side of the centreline of the existing track—and extend some 19.3 kilometres through the Tjuntjuntjara community to the westernmost boundary of the nature reserve. The area of the easement is calculated at about 33.71 hectares and is depicted on deposited plan 403086. The proposed easement area lies over an area of crown land where native title has previously been extinguished, but not within the Spinifex determination area.

Section 44 of the Land Administration Act would normally require that I, as Minister for Lands, lay the proposed grant of this access easement before both houses of Parliament, when section 43(1) of that act will then apply. Given that Parliament's approval is also required for the proposed excision from the same nature reserve, for administrative efficiency, the requisite authority for the access easement is simultaneously dealt with in this bill.

It is not intended that any of the tenure changes set out above should extinguish or adversely impact the native title rights held by PNAC over the Spinifex native title determination area; hence, the parties to the proposed Indigenous land use agreement have agreed that the non-extinguishment principle will apply to each related grant of tenure made.

Excision of the area occupied by the Tjuntjuntjara community out of the nature reserve and conversion to a perpetual lease issued under section 83 of the Land Administration Act for any purpose that advances the interests of the native title holders, including Aboriginal cultural, community and commercial purposes, will remove certain protections from mining and petroleum exploration and recovery otherwise applying to the nature reserve under the Mining Act 1978 and the Petroleum and the Geothermal Energy Resources Act 1967 respectively. Substitute arrangements have therefore been agreed and are dealt with in this bill. This will ensure that the written consent of the Minister for Mines and Petroleum is required before mining or exploration for petroleum or geothermal energy resources, or operations for the recovery of these resources, may be carried out on or under proposed lot 9. In forming a position on any related proposal, the Minister for Mines and Petroleum will be obliged to consult with and obtain the recommendation of the Minister for Environment and to obtain the recommendation of PNAC as lessee of lot 9. Should lot 9 revert to unallocated crown land at any future point, in addition to the recommendation of the Minister for Environment, the Minister for Mines and Petroleum would also be required to obtain the recommendation of the Minister for Lands before consenting to mining, petroleum or geothermal energy activity on or under this land.

This bill will also correct an error in the technical description of the eastern boundary of the nature reserve, which occurred when it was first gazetted in August 1970. The bill is further intended to provide that the head lease of lot 9 to the Pila Nguru Aboriginal Corporation is not subject to the provisions of the Residential Tenancies Act 1987 (WA), but it is not otherwise intended to affect the operation of that act in respect of any sub-interests that may be granted by PNAC or any of its sublessees that would ordinarily be regulated by the act. It is proposed that the operative provisions of this bill commence on proclamation, not upon royal assent. This will allow the state flexibility to ensure that the requisite indigenous land use agreement is formally executed and registered by the National Native Title Tribunal before the operative provisions, such as the excision of lot 9 from the nature reserve, are proclaimed. The State Solicitor's Office has drafted an indigenous land use agreement in consultation with relevant parties and it is intended that this document be executed as soon as possible.

I commend the bill to the house.

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

RESIDENTIAL TENANCIES LEGISLATION AMENDMENT (FAMILY VIOLENCE) BILL 2018

Second Reading

Resumed from 26 June.

MR J.E. McGRATH (South Perth) [1.32 pm]: I congratulate the Leader of the House for the way he read in those three bills for the Attorney General. I was at a horse sale the other day. Someone gets the job of reading in the terms of the auction at a horse sale, and it goes on and on! The guy who got the job did it for about 40 minutes. People were walking around saying, "What's this bloke talking about?" He has to read the terms of the auction, and that is what the Leader of the House did for the Attorney General today, and he did it in fine style.

It is time to talk about the Residential Tenancies Legislation Amendment (Family Violence) Bill 2018. I think our lead speaker, the member for Hillarys, indicated last night that the opposition will be supporting this legislation. We will discuss a few issues on the way through, but we understand that domestic violence is a real problem and that we need to support anyone who is a victim of domestic violence.

I point out that in my electorate of South Perth, there are a lot of landlords and a lot of rental properties. In fact, I have some stats here and it is very interesting to look at them. In South Perth, the percentage of fully owned properties is 31.4 per cent and those being rented is 43.8 per cent. In Como, where I live, the percentage of fully owned properties is 27.7 per cent and those being rented is 42 per cent. In Karawara, the percentage of fully owned properties is 27.4 per cent and those being rented is 44.8 per cent. There are a lot of rentals in Karawara. In Manning, the percentage of fully owned properties is 31.2 per cent and those being rented is 31.8 per cent. Members can see that there are a lot of rental properties in my electorate. Landlords play an important role in our community—they always have. When young people marry, not many of them can afford to buy a house first up, so most young families rent. In my electorate, a lot of students and young people from country towns come down and live in the city when they first start work. We also have a lot of refugees in South Perth, and they do not get Homeswest homes. They live in private rentals or other types of rental accommodation that is offered to them.

Ms J.M. Freeman: Which communities, member for South Perth? Are they Afghani or Syrian communities?

Mr J.E. McGRATH: The refugees who come to South Perth live mainly in Manning —

Ms J.M. Freeman: But which communities? Are they Afghani communities or Syrian communities?

Mr J.E. McGRATH: All types. We have refugees from a lot of African communities.

Ms J.M. Freeman: Because the Somalians —

Mr J.E. McGRATH: We have Somalians. I had a Somalian taxi driver the other day. He was a fantastic guy.

Ms J.M. Freeman: When I present, I will tell you a story about them and rentals and housing.

Mr J.E. McGRATH: A lot of people think that refugees get Homeswest housing, but they do not. They are not eligible. There are quite a few in my electorate of South Perth. Overall, about 32 per cent of dwellings in the suburb of South Perth are being rented, which is a high figure.

In addition to affecting tenants, this bill will obviously also affect landlords or owners of rental properties in my electorate. Like members on both sides of the house, I condemn any form of domestic violence and I support measures to reduce it and assist the victims of domestic violence. I had a briefing from the Kensington police only two days ago. The officer in charge told me that domestic violence is now one of the highest objectives of their policing. They are now putting a lot more time into domestic violence cases than they have ever done before. My electorate office receives its share of phone calls and emails from constituents who are experiencing a family or domestic dispute and/or violence problems. These include those who have been accused of perpetrating domestic violence and who feel that they have been denied a fair hearing. Members might be interested to know why I raise this. This bill proposes that a tenant's interest in a lease agreement can be terminated based on a report of family

violence from the listed people described in proposed section 71AB(2)(d), which includes doctors, nurses, psychologists, social workers, police officers and a person in charge of a women's refuge. Earlier this year, a constituent who had been involved in a family dispute came into my office. He has been separated from his wife and three children for almost a year. As part of the court process, he was surprised to learn that multiple support letters had been written by social workers in the Department of Communities in favour of his wife, without the process of trying to validate the claims she had made against him. He was saying that statements had been made in support of his wife—he had been trying to see his children and have some contact with them—but no-one had asked him whether those accusations were accurate and whether those things actually happened. He felt that the situation was weighed against him. The constituent understood that while the court process is happening, I, as his local member of Parliament, am not in a position to intervene or get involved—obviously, I made that clear to him—and he has to continue to go through the process. The letters were submitted to the Family Court and he probably has the opportunity to respond to the allegations in court. But he did query the principle of the process that allowed support letters to be written based on one version or side of the story.

Ms J.M. Freeman: How does he know? How do you know that, member for South Perth?

Mr J.E. McGRATH: I am telling members what my constituent told me.

Ms J.M. Freeman: So you are saying —

Mr J.E. McGRATH: I am saying that he was not consulted. When this case went before the judiciary —

Ms J.M. Freeman: How did you get evidence that it was only one side? It was just him saying that, but did you then —

Mr J.E. McGRATH: Hang on a minute! I am giving the speech and the member for Mirrabooka is interjecting. What I am trying to say, without being threatening to the member, is that he came to my office and said that only one side of the story had been told by the people who made the report. No-one went to him and said, "Did you actually do this?"

Ms J.M. Freeman: No. My question to you is: how did you confirm that his version of events is right?

Mr J.E. McGRATH: I have not. He came to me and I said, "I can't get involved in this; you've got to let this go through the process."

Ms J.M. Freeman: It's just his version of events and that is a part of domestic violence. The person who is perpetrating it will often have an unsubstantiated position that they put to other people, whereas it is quite likely that she had a substantiated position and you have just taken that into Parliament.

Mr J.E. McGRATH: I have acted as a responsible member of Parliament. I listened to him and I said, "I can't get involved in this; this has to go through the process". It will be borne out later whether the evidence given against him or the letters of support for the other party were correct. I have not taken a side. Even in my electorate I get a lot of domestic violence and breakup issues, as most members of Parliament would.

The letters were submitted to the Family Court and my constituent will probably have the opportunity to respond to the allegations in court. However, he queried the principle of the process that allowed support letters from an agency to be written based on one side of the story. Once it goes to court he will be able to give his side of the story.

Ms J.M. Freeman: It is quite likely that those people who wrote those letters to the court had further things to give them the capacity to do that.

Mr J.E. McGRATH: The member for Mirrabooka is helping me continue through to question time, because I did not think I was going to make it.

I guess he was asking how these agency people could write a letter. It would be as though I made a complaint about the member for Mirrabooka and I wrote the letter.

Ms J.M. Freeman: But you wouldn't. The agencies wouldn't write that letter without substantiating that. His version of events is wrong. I can tell the member that his constituent's version of how it would be processed is wrong. He has that view, but the person in the agency who wrote that would have substantiated the claim. They cannot just write it on the basis of someone making a claim.

Mr J.E. McGRATH: How would they substantiate it if they did not talk to him and there were no witnesses?

Ms J.M. Freeman: They would have gone to the police. They cannot talk to the perpetrator! They would speak to the police or other people who are involved. They would substantiate it before giving a letter of support.

Mr J.E. McGRATH: I thank the member for her input and for extending my time. I now have only 17 minutes to go. I will call her when I need her.

I have written a letter to the Minister for Child Protection on behalf of my constituent, as a member of Parliament would. I am still awaiting her response, but I am sure that her ministerial office is working through it. The office might ask the member for Mirrabooka for some advice about what response they should make. In the meantime,

I would like to seek clarification, perhaps in the consideration in detail stage, on whether letters such as the ones provided by the Department of Communities—in this case, to my constituent—would be sufficient under this bill to submit a request to terminate a tenant's interest in a lease agreement. Would that be enough?

Ms J.M. Freeman: The member can ask about that.

Mr J.E. McGRATH: We will ask the minister. The member for Mirrabooka might be sitting with him and helping him out.

The real estate industry is also of the view that a general practitioner's letter may provide the opportunity for people to abuse the system and create a sick-note mentality for those looking to terminate a lease. As GPs face increasing patient numbers, the risk that people could simply say the right things to tick the boxes in order to gain the required documentation is real. I am not saying that that will happen, but it has been raised. Although we totally support anyone who is a victim of domestic violence, as members of Parliament we have to make sure that we go through this sort of legislation to make sure that it has no loopholes.

In an attempt to protect those in vulnerable situations, will this bill unintentionally result in property owners or landlords being vulnerable to people looking to thwart or abuse the system? It can happen; a lot of people can abuse the system. People walk out on rental agreements, trash places, leave all the furniture that they do not want, and landlords are left to sort out the mess.

Clause 10 of the bill proposes amendments to section 45 that will provide a tenant with the ability to change the rental property locks, given a new key is provided to the property owner and/or property managers within a reasonable time frame. A lot of residential properties in South Perth are apartments under strata management, under which the front door is often not under the ownership of the property owner. As such, permission would need to be sought from the strata manager, just as the owner would need to seek permission to change the locks. Is this situation addressed in the bill; and, if yes, how so? That is another question that we will ask the minister in the consideration in detail stage. Are there provisions in the bill to ensure that any locks are replaced with identical products and fitted by a registered professional? That will be raised by our shadow minister during the consideration in detail stage.

Proposed section 56A will prevent discrimination against a tenant or prospective tenant on a number of grounds. I understand that landlords are not allowed to discriminate against a prospective tenant who has or may have experienced domestic or family violence, but why can a landlord not refuse an application by a convicted perpetrator of domestic violence? That is a pretty good point. Would that not act as a deterrent and help ensure that the perpetrator is accountable for his or her actions? We need to make sure that perpetrators of domestic violence will not be allowed to take advantage of this legislation that we are putting through. Property owners in my electorate will want me to ask this question, so it is one that we will be looking at. Why can landlords not refuse an application by a convicted perpetrator of domestic violence? Would it not act as a deterrent and help ensure that perpetrators are accountable for their actions? I think it is a very pertinent point.

I will continue to speak from the landlord's point of view, but I want to be clear that I do not support landlords against victims of domestic violence. I think that any self-respecting landlord would or should do everything to help victims of domestic violence find a better place or a place where they could not be contacted by the perpetrator of the domestic violence. Generally, most landlords are pretty reasonable people, but at the end of the day they are running a business and have to maintain the property, which involves a lot of costs. Continuing to speak from the landlord's point of view, proposed section 71AC(3)(b) proposes that a landlord, upon receiving a termination notice by a tenant, can apply to the court to review the notice, but only for the purpose of finding out whether the process in giving the evidence document has been complied with. There does not seem to be provision for a magistrate to have the power to examine whether the terminating tenant has been or might be subject to a family violence case in which a restraining order or criminal conviction has not been issued.

[Member's time extended.]

Mr J.E. McGRATH: I still might need some assistance from my colleague on the other side, the member for Mirrabooka.

Ms J.M. Freeman: If the member sits down, I have some case studies that I can —

Mr J.E. McGRATH: Please, I think I had better keep talking!

Ms J.M. Freeman: I have actual case studies, and the member does not want to —

Mr J.E. McGRATH: I have a lot of case studies in my electorate. Do not worry.

Ms J.M. Freeman: These are from the legal service in the area. These are actual take-them-to-court legal service cases.

Mr J.E. McGRATH: People come into my office all the time—victims of domestic violence with their kids, and some of the stories are heartbreaking.

Ms J.M. Freeman: Does the member send them to a legal service?

Mr J.E. McGRATH: I might help them myself. I might give them advice. We send them to the right authority or where they need to go to get some help. Some of them are looking for help with better Homeswest accommodation because their family has grown or their husband has run out. They have all sorts of issues. As members of Parliament, we get that. Even in an electorate such as mine that people might think of as leafy and where people are well off, we have a lot of lower socioeconomic areas.

Ms J.M. Freeman: You've got a really good community legal service over your way, in Gosnells.

Mr J.E. McGRATH: In Gosnells? No.

Ms J.M. Freeman: Sussex Street—you've got Sussex Street.

Mr J.E. McGRATH: It is not in my electorate, but it is over my way, in Victoria Park.

Ms J.M. Freeman: Yes, and they've got a tenancy advice person who would deal with this all the time at Sussex Street.

Mr J.E. McGRATH: Can I mention your name and I will give them a call?

Ms J.M. Freeman: Absolutely.

Mr J.E. McGRATH: Thank you.

Examination and verification by a magistrate of claims of domestic and family violence would strengthen and add further legitimacy to the process and outcome that this bill is trying to achieve. Changes proposed in the bill to ensure that a victim of family violence is not held financially accountable for any damage to the property or arrears in rent are very reasonable. We agree that if someone is a victim of family violence, has no money and is in a terrible financial position, of course they should not be held accountable. It is my understanding that the bill allows for the property owner to take civil action against the perpetrator to hold him or her financially accountable for any damage to the property. However, in cases in which no criminal convictions have been recorded against the alleged perpetrator, what is stopping the perpetrator refuting all claims, leaving the property owner significantly out of pocket? What is to stop them bolting or ending up going to jail with no money, and the property owner has no chance of gaining any recompense or compensation? We will need to examine these issues on the way through. As I said, the opposition supports the tenor of the legislation, but we do not want the bad eggs in these situations—the perpetrators of the domestic violence—getting away through some loophole or crack in the legal system, leaving the property owner responsible for any damage or loss of rent. Are other options available to property owners or landlords to avoid having to shoulder this financial burden, while the responsible party or parties are allowed to escape their financial responsibilities?

In most of these cases, the renters would not have any money anyway. I would not think they would be high-end renters in expensive accommodation. They would probably be struggling to pay the rent anyway, and a lot of them would move out and leave it to the landlord to sort out the mess. Overall, my concern is that, in an effort to relieve the burden of the more vulnerable members in our society, we risk transferring that burden onto others. We do not want a person to have to carry an unfair burden just because they happen to own a rental property. People who own properties and rent them out are very important in our society, because a large number of people in the community cannot afford to own houses. They pay rent. They cannot get into Homeswest accommodation. They may be aspirational young people who have just gone into the workforce, or are newly married and starting families. They cannot afford to buy a house with house prices the way they are, even though the government is working towards shared ownership and those sorts of policies, which have been very good. These people rely on landlords to provide a roof over their head. I look forward to the minister's second reading response, and the opportunity to clarify the parts of the bill that I have raised in consideration in detail. This is an interesting and very important subject in our community. As I said before, domestic violence is a scourge, and we need to protect the victims of domestic violence. If this is one way of doing it so that they can get out of an untenable situation and move to another property and the perpetrator of the violence will not know their location, they need that sort of protection to be able to do that.

MS J.M. FREEMAN (Mirrabooka) [1.55 pm]: In the short time I have before question time to speak on the Residential Tenancies Legislation Amendment (Family Violence) Bill 2018, I want to address a few issues that were raised by the member for South Perth. If I have the opportunity afterwards, I will present a number of case studies from a legal service in the Mirrabooka area that deals directly with this issue. This measure has long been called for and advocated by tenancy advocates—the people who are at the front line of dealing with people against whom family and domestic violence has been perpetrated and who have no other option than to make changes to the property or leave the property.

The member for South Perth kept putting to us the concept that people who own properties are property owners or landlords. Under our legislation, anyone who rents out property to someone is a lessor. It is a business that gets returns, and if the landlord loses those returns, there is capacity for tax relief through the Australian taxation system by declaring that a loss has been made. It is in fact a contentious issue that the federal government has argued around—I cannot think of the actual term.

Mr J.E. McGrath: Bill Shorten wants to abolish negative gearing.

Ms J.M. FREEMAN: That is right—negative gearing.

The people the member talks about as those whom we do not wish to disadvantage are in no way disadvantaged. The people who are disadvantaged are the lessees renting the property who have to make changes to keep themselves and their family safe. Think about it. A client has made an application to a court to have her tenancy terminated. This is a direct case study. The tenancy is in joint names. She advised the agents in March that she was in fear for her life and that she could not afford the rent, and so moved out of the property. She has a violence restraining order against her partner. She has gone to the courts, and she fears for her life. She has told the agent, but the owner and the agent have not advertised the property to mitigate any of her losses. That is not disadvantaging those agents; it is disadvantaging the person who is in fear for her life. When the member for South Perth has someone come into his office making a claim about the unfairness against him for someone not checking with him whether he has perpetrated violence, he should say to that person, "I'm sorry, you need to go and get yourself good legal advice, and here are the places you can go." I can certainly tell the member that no letter would be written by any doctor, department or anyone else without some sort of substantiation. It is the same with VROs. We are unashamedly in this place putting forward a bill to keep families and children safe, and to keep women in their homes, which is the most important thing for families. If a family is uprooted because of domestic violence, the children are removed from schools and support networks, and the parent is uprooted. This is why we have violence restraining orders and why we want to make sure women are safe.

I have another case study for the member. A client has lived in a house for four years. Her ex-partner and herself were named on the lease. The client had taken out a violence restraining order against her ex. Her ex had breached the violence restraining order and police were unable to locate him. Her ex had remarried and had another child. The estate agent was unable to have his name removed from the lease without his permission, and he could not be located.

Debate interrupted, pursuant to standing orders.

[Continued on page 4023.]

QUESTIONS WITHOUT NOTICE

CORRECTIVE SERVICES — CORRUPTION AND CRIME COMMISSION — "REPORT ON CORRUPT CUSTODIAL OFFICERS AND THE RISKS OF CONTRABAND ENTERING PRISONS"

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

Given the continued failures in the Corrective Services portfolio, including failure to notify the community when electronically tracked criminals were lost and, under the minister's watch, the finding in a Corruption and Crime Commission report that convicted paedophiles and murderers had had unsupervised access to public places such as Hungry Jack's, will the minister explain fresh findings revealed by the CCC yesterday that highlight that, under the minister's watch, drugs are flying unfettered into our prison system, carried in by the very officers who are meant to be preventing it?

Mr F.M. LOGAN replied:

In response to the question that has been put by the member for Dawesville, I note that his comments in WAtoday reflect the question that he has just put to this chamber—just more hysterical banter by the member for Dawesville. If he is going to approach this matter, he should approach it seriously, because it is a serious issue. This is not about scoring points against the minister or the government; it is about dealing with serious criminal matters.

The CCC has quite rightly identified two prison officers who, it appears, have admitted to undertaking criminal actions. I have told this house and the member personally, and have spoken on radio, about the matter at Karnet Prison Farm: the biggest problem we have in prisons when it comes to staff is grooming, and that is identified in this report. It is not surprising that grooming occurs in prisons, because prisons are full of criminals. They are full of people who have been put in there primarily for either taking drugs, selling drugs, or carrying out other criminal activities with violence, under the influence of drugs. That is why they are there, and they spend all their time in there working out devious ways of getting around the prison rules. That is what they do, and one of the things they do is identify weaknesses in prison officers. That was clearly set out in the CCC report. The two officers involved were clearly identified as having a weakness and a susceptibility to being groomed, and they were groomed. That is a major problem for security.

This is not an issue of, "The minister has allowed this to happen." That is a pathetic statement. I could easily turn around to this house and ask, "Well, what did you do when you were advising the previous Premier on Corrective Services for two years on this very issue? What did you advise them to do? Maybe it's your fault that it wasn't addressed under the previous government." But I will not say that, because it is stupid, and I would prefer it if the member did not take that approach either.

This is a very serious issue. If the member read the report, he would know that these two officers have apparently indicated quite clearly and openly to the CCC that they not only consorted with criminals, but also conspired with criminals to bring drugs into prison. I am going to personally refer these two individuals and these matters to the Commissioner of Police for further investigation and possible criminal charges. If one reads the report as to what they have self-admitted to under the CCC, on my simple interpretation they appear to be criminal-related matters. I believe the police should further investigate these matters and, if possible, bring charges against those two officers so that we can send a very, very clear message to the bad apples in the system that they will not only be caught, but also hopefully charged and imprisoned for what they have done.

I might add: how did these prison officers get caught in the first place? They got caught because prisoners and other prison officers were very unsure about the behaviour of both those prison officers—the officer in the gym and the other prison officer. The prisoners themselves indicated to prison officers that they may be dealing with drugs. It was the prison officers who brought that to the attention of the authorities, and the Department of Justice, Acacia Prison and Serco that referred it to the CCC.

That is in keeping with the drug strategy that we are implementing at the moment. I might point out to the member for Dawesville that there has not been a drug strategy in place within the Department of Justice since it was cancelled by his government in 2012. After just over 12 months of the McGowan government, we have increased our investment in intelligence by 300 per cent, we have undertaken more than 64 000 searches over two particular contraband interception projects, and we have caught significant amounts of contraband going into prisons. That will continue, and I can tell the member for Dawesville that it is a damn sight more than was done under his government.

CORRECTIVE SERVICES — CORRUPTION AND CRIME COMMISSION — "REPORT ON CORRUPT CUSTODIAL OFFICERS AND THE RISKS OF CONTRABAND ENTERING PRISONS"

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

I have a supplementary question. I note the minister's referral of those officers to Western Australia Police Force or any other prosecuting authority. What action will the minister be taking to ensure that this systemic approach within prisons stops happening and that we reverse the revolving-door policy of letting drugs pour into prisons, and paedophiles being let out?

Mr F.M. LOGAN replied:

I will not deal with that last comment, because it is just ridiculous.

I will deal with the previous issues the member raised. As the member for Dawesville knows, there are five recommendations at the back of this CCC report, and all five are currently being implemented. I also draw the member's attention to the Auditor General's report that was released earlier this year, which went into far greater detail, while not dealing with individuals. Obviously, the CCC tracked down corrupt individuals within the system but the Auditor General looked at the systemic structures of the Department of Justice, particularly with regard to contraband smuggling. Based on the Department of Justice report, further security measures are being tightened up. All the matters that have been referred to in the CCC report are currently being implemented, but what is most important is the systemic security issues that were identified by the Auditor General earlier this year, which we are working on as well.

NATIONAL REDRESS SCHEME

473. Mrs J.M.C. STOJKOVSKI to the Premier:

I refer to today's announcement that the state government will sign up to the National Redress Scheme. Can the Premier outline to the house what the process is now for ensuring that survivors can access the scheme; and, will survivors still have the opportunity to pursue civil litigation, which was made possible by the removal of the limitation periods for all child sexual abuse actions?

Mr M. McGOWAN replied:

I thank the member for the question and, once again, acknowledge the survivors of child sexual abuse who are in the public gallery today. I look forward to seeing you after question time.

I would like to acknowledge in particular the Attorney General and the Minister for Child Protection for their roles in achieving this outcome today. The Attorney General has been working extremely hard to reach an agreement with the commonwealth government on Western Australia agreeing to a redress scheme that is fair to all Western Australian survivors of child sexual abuse. I am very pleased that we have managed to secure an outcome for Western Australia that is fairer than that originally proposed, particularly with regard to child migrants and people living in regional communities across the state.

We are formally signing on to the scheme, but we are required to pass legislation, which we will bring in during the second half of this year. We expect that we will be ready to introduce that legislation fairly early in the second half of this year. That will be required not only for the state to officially sign on to the scheme, but also so that other Western Australian-based institutions—including churches, non-government institutions and the like—can sign on to the scheme as well.

We hope that this legislation will pass quickly through both houses of this Parliament. It will allow for a monetary payment of up to a maximum of $150 000 and also funds to access counselling services for survivors. Most importantly, the legislation will allow survivors to receive a direct, personal response from the responsible institution if they wish to receive one. Also importantly, applications can be received for the scheme from 1 July this year, which is essentially next week. That is also something the Attorney General negotiated with the federal government. When our legislation is passed, we will inform the commonwealth and the assessment process of applications can therefore begin, but applications can be received from next week. This does not stop survivors of child sexual abuse who wish to pursue civil litigation. Members might recall that late last year or earlier this year we passed the legislation to lift the statute of limitations period for civil action for survivors of child sexual abuse. That legislation will be proclaimed on 1 July this year as well, so it will start on Sunday or Monday next week. I note, however, that court processes, lawyers and the adversarial nature of the courts can be difficult, expensive and time-consuming and, for some survivors, it might be a particularly traumatic experience. Redress therefore can provide for many people a more streamlined and supportive alternative, and access to financial counselling and specialised legal support services.

In closing, this is the most comprehensive approach ever in the history of Western Australia to assist victims of child sexual abuse. It is comprehensive for anyone who is impacted across the community, in particular, people in state government institutions. We are very proud and pleased on this historic day to have been able to achieve this outcome.

CORRECTIVE SERVICES — CORRUPTION AND CRIME COMMISSION — "REPORT ON CORRUPT CUSTODIAL OFFICERS AND THE RISKS OF CONTRABAND ENTERING PRISONS"

474. Mr P.A. KATSAMBANIS to the Premier:

I refer to the track record of the Minister for Corrective Services in just over a year in which the Corruption and Crime Commission has previously found, under this minister's watch, that convicted paedophiles have had unfettered access to innocent children in places like Hungry Jack's. Yesterday, the Corruption and Crime Commission found that drugs are pouring into our prisons under the minister's watch. This minister has also refused to construct a new prison, preferring to let dangerous criminals out onto our streets. When is the Premier going to relieve the incompetent and unaccountable Minister for Corrective Services of his portfolio and replace him with a minister who will do their job properly?

Mr M. McGOWAN replied:

Mr Speaker, that is an appalling question, full of inaccuracies. It is full of inaccuracies and shocking imputations against a government minister, without any evidence whatsoever. We will ensure the information in the CCC reports is referred to police for further inquiry and investigation so that any former prison officers who have committed offences will be prosecuted. Members might note that it was under this government that the Department of Justice commenced two operations to root out prison officers who might be doing the wrong thing. They were Operation Contra and Operation Horace, which were carried out late last year and early this year. They were proactive operations that this government launched in order to determine whether there were any problems with prison officers in prisons. Over the course of those two operations, numerous searches of staff were carried out. In fact, according to the information I have, thousands upon thousands of searches were carried out, including all sorts of bag searches, canine line-ups, staff line-ups, staff vehicle searches, staff alcohol and drug tests, breath tests—the list goes on and on of the sorts of things that this government has undertaken to find out whether there are any prison officers who have done the wrong thing. Essentially, the member for Hillarys' question is saying that we have done the wrong thing by finding out where these sorts of instances have occurred. The member's government did not do that, so who knows what was going on? I recall the case in which a dangerous drug dealer and break and enterer, as I recall, was walking puppies around a park and managed to walk off. He ended up on the Gold Coast living a life of Riley under the former government.

Several members interjected.

Mr M. McGOWAN: The member is trying to attack this minister for putting in place processes to catch these sorts of things. Seriously?

CORRECTIVE SERVICES — CORRUPTION AND CRIME COMMISSION — "REPORT ON CORRUPT CUSTODIAL OFFICERS AND THE RISKS OF CONTRABAND ENTERING PRISONS"

475. Mr P.A. KATSAMBANIS to the Premier:

I have a supplementary question. When is the Premier and his government going to provide a serious response to the continuing Corruption and Crime Commission exposure of what is going on in our prison system, or is the Premier just going to continue to pursue his path of spin and denial, and pretend there is nothing wrong?

Mr F.M. Logan interjected.

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

Point of Order

Mr D.A. TEMPLEMAN: I refer to the last part of that question. It was an imputation and I believe it was not a valid question to be asked.

The SPEAKER: I did not hear the last bit, so can you ask the question again, member?

Mr M. McGOWAN: I appreciate the Leader of the House's point, but I am happy to answer the question.

Questions without Notice Resumed

Mr M. McGOWAN replied:

Under this government, we brought in significant changes to dangerous sex offender legislation to make it far less likely that they will be released. That did not happen in the eight and a half years of the Liberal–National government. Secondly, this minister is bringing in methamphetamine treatment prisons for both men and women to do our utmost to rehabilitate people in prison who might have a methamphetamine or drug addiction. That has not happened in Australia before. It is an innovative policy to try to deal —

Dr M.D. Nahan: It's not going to work if the drugs are in the prisons —

Mr M. McGOWAN: He is saying, "It's not going to work." Please; the Leader of the Opposition has disgraced himself enough already today.

We will have meth treatment prisons for the first time ever. There are new laws for dangerous sex offenders and methamphetamine treatment prisons for men and women to try to rehabilitate offenders in prison. Both those things occurred under this government and members opposite have provided no acknowledgement of that. There has been no acknowledgement or appreciation that these initiatives are out there. As one minister just reminded me, the ringleader of the Evil 8 child sex offenders was allowed into Banksia Hill Detention Centre under the former government, so when members opposite stand up and make those sorts of allegations, they should look in the mirror.

ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

476. Mrs L.M. O'MALLEY to the Minister for Child Protection:

I refer to the 409 recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The state government has accepted 93 per cent of the applicable recommendations and rejected none.

(1) Can the minister advise the house what this means in practical terms?

(2) Can the minister update the house on the implementation of these recommendations for those who are concerned about child protection?

Ms S.F. McGURK replied:

I thank the member for this question. Again, can I acknowledge the work of the royal commission, particularly those people who appeared before the royal commission over the five years of its work.

(1)–(2) Our response to this issue has been threefold. One is to recognise the abuse that has occurred in the past, and that is why our decision to sign on to Redress WA is an appropriate response. I acknowledge the Attorney General's work on that. My responsibility as Minister for Child Protection is to coordinate work in government and with the rest of the community to do all we can to ensure that the abuse does not happen again in the future and, if it does occur, that we respond in an immediate and effective manner. That is what the public expects of us and many of the recommendations that the member for Bicton referred to go to that point. I could talk about a number of issues; for instance, how we best respond to harmful sexual behaviour amongst children, or how we implement independent oversight mechanisms, particularly in our child protection system. That is something I have given some thought to. Of course, there is also the role of religious institutions and their response to the royal commission. I think it is also worth mentioning the comments made by the royal commission regarding child-safe standards. A lot of the community is interested to know how we can implement and better understand how we can ensure that there is child safety in the community, particularly amongst organisations and institutions that we entrust with our children. As part of our response to the royal commission, Western Australia has agreed to the development of a national statement of child-safe principles and we will be working with other jurisdictions on a national approach to implementation.

We call on all institutions—both government and particularly non-government—that are engaged in child-related work to work under those child-safe principles, because we all have a duty to keep children safe. As I said, I think people who see the myriad institutions and organisations that exist in our community wonder how they can have confidence that children in their care are safe—they might be normal sporting organisations, local arts organisations, local church groups and, obviously, large organisations such as schools, hospitals and the like. There are so many organisations that impact on

children and the public wants to have confidence that child-safe standards apply and some rigour exists in relation to those standards. I think, too, there is generally a role for government to be promoting awareness about child safety and not just thinking that it is the role of someone else, whether it implements working with children checks or child-safe standards in institutions, and for all of us to have an understanding of what child safety means in our day-to-day lives. If a person with children sends them to their friend's place for a sleepover, what is the empowerment those children can have themselves to maximise their safety? We will continue to work to implement the recommendations. We will report again at the end of this year and then annually thereafter to be transparent in the implementation of the recommendations of the royal commission and, as I said in my statement to the Parliament, to honour the work of the royal commission and all those who appeared before it.

METRONET — REMOTE HOUSING FUNDING

477. Mr V.A. CATANIA to the Premier:

I refer to the Premier's comments yesterday that securing federal funding for remote housing is the number one issue in regional Western Australia and his subsequent comment that his government has been more successful than any government in history in securing commonwealth money. Does the Premier consider the commonwealth's current lack of support for remote housing to be a greater issue than the funding of Metronet?

Mr M. McGOWAN replied:

That is a strange question and I do not really understand it, but, as I said yesterday, the most important issue confronting regional Western Australia in my view is the fact that the commonwealth is ceasing funding for housing construction and maintenance in remote Aboriginal communities, and I stand by that. I think it is an incredibly important issue. We have continued to take up that issue with the commonwealth government and we got advice yesterday that Minister Scullion, the Northern Territory Country Liberal Party fellow, basically referred to the remaining $43 million to complete remaining housing works in Western Australia beyond 30 June 2018—in other words existing program, but works that go beyond 30 June—and threatened the continuation of that funding. He said that yesterday in statements he gave to the press. The commonwealth is not only ceasing funding into the future, but also ceasing funding that is already committed to Western Australia.

Point of Order

Mr V.A. CATANIA: My question relates to Metronet funding and whether it is more important.

The SPEAKER: No, that is not a point of order.

Questions without Notice Resumed

Mr M. McGOWAN: I am very concerned that the federal government is doing that. With the commonwealth government we have pursued regional road funding, we have pursued hospital funding, we have pursued rail funding, we have pursued remote communities funding and we have pursued a whole range of other issues such as aged-care funding, for which Western Australia gets the lowest amount across Australia. The commonwealth government—Mr Turnbull, Mr Morrison, Mr McCormack and the like—have decided which ones they want to fund and they have given us money for our Metronet plan. They also gave us some money for some road projects across Western Australia, in particular the Bunbury outer ring-road and Stephenson Avenue. They gave us some money for Joondalup hospital and Osborne Park Hospital and a range of other projects across Western Australia. They have made the decision to not fund remote housing.

METRONET — REMOTE HOUSING FUNDING

478. Mr V.A. CATANIA to the Premier:

I have a supplementary question. Will the Premier today commit to reallocating a portion of the $1.84 billion that Canberra has gifted his mean government for Metronet to the remote housing funding gap?

Mr M. McGOWAN replied:

Mr Speaker the commonwealth's —

Mrs M.H. Roberts interjected.

The SPEAKER: Minister for Police!

Mr M. McGOWAN: I realise that the member for North West Central has never been a minister, so he probably does not understand how it works, but the commonwealth allocates money and attaches strings to it, and the commonwealth determines where those strings go.

Mr D.T. Redman interjected.

The SPEAKER: Member!

Mr M. McGOWAN: What I find with the member for Warren–Blackwood is that he does not listen to what is said and he interjects without having listened to what has been said.

Mr D.T. Redman interjected.

The SPEAKER: Member for Warren–Blackwood!

Mr M. McGOWAN: There he goes again.

Several members interjected.

The SPEAKER: Minister for Transport!

Mr M. McGOWAN: I have sat with the Prime Minister at dinner and raised the issue of remote housing with him. I have met with federal ministers and raised the issue of remote housing with them. I have looked the Prime Minister in the eye in front of all of the Premiers and the chief ministers of Australia and raised the issue of remote housing with him. If the commonwealth government decides that it is not its priority, that reflects very badly on the Liberal and National Parties nationally.

NATIONAL PARTNERSHIP ON REMOTE HOUSING

479. Ms S.E. WINTON to the Minister for Aboriginal Affairs:

I refer to the McGowan Labor government's commitment to supporting the 12 000 Western Australians living in remote communities across the state. Can the minister outline to this house what it will mean for their disadvantaged communities if the commonwealth government walks away from its long-held responsibility of funding remote housing in this state.

Several members interjected.

The SPEAKER: Members!

Mr B.S. WYATT replied:

I thank the member for Wanneroo for the question. I am pleased to see that the National Party has finally raised this issue in the Parliament of Western Australia after being silent on it for the last 15 months.

Mr D.T. Redman interjected.

The SPEAKER: Member for Warren–Blackwood!

Mr B.S. WYATT: I note that the Liberal Party has yet to raise this issue and I am surprised by that in light of the most extraordinary speech I think I have heard from a leader of a political party, which was made earlier today by the Leader of the Opposition. There would not be a serious leader of a political party in this country who would have delivered that sort of outrageous speech, but that is the nature of the Leader of the Opposition.

Dr M.D. Nahan: You do not care about the kids in Roebourne.

Several members interjected.

The SPEAKER: Members, the Minister for Aboriginal Affairs is on his feet.

Mr B.S. WYATT: Leader of the Opposition, I want to just make one point on that. At a time that was supposed to be about survivors of institutional child abuse, the Leader of the Opposition decided to make —

Dr M.D. Nahan interjected.

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

Mr B.S. WYATT: The Leader of the Opposition decided to make a party-political partisan speech, which I noticed his colleagues behind him were rather awkward about.

Several members interjected.

The SPEAKER: Members!

Mr B.S. WYATT: I am simply making the point that there is not a serious leader of a political party in the country who would have made that speech. I think the lack of filter that the Leader of the Opposition has highlighted that.

Dr M.D. Nahan interjected.

The SPEAKER: Leader of the Opposition!

Mr B.S. WYATT: Interestingly, Senator Scullion, who I think is the Leader of the Country Liberal Party in the Northern Territory, seems to articulate this position that the commonwealth government has been involved in the provision of housing in remote Aboriginal communities for only 10 years, for the duration of the national partnership that expires at the end of this week, which of course is not the case. The commonwealth has been involved in the construction of housing in remote communities for 50 years. Mr Scullion is of the view that we as a state should simply accept a very small cheque to allow the commonwealth to walk away. I do not accept that and the government does not accept that. I want to highlight one point, because I am curious and surprised that the

member for North West Central would support the comments of Mr Scullion. I will read something he said. I think the member for Warren–Blackwood will be interested in this. This is what Senator Scullion said about WA in an email he sent out to journalists. I quote the email —

> Since 2008 the Commonwealth has invested $1.16 billion to build 854 houses and 1,705 refurbishments in Western Australia across 94 communities. In this same time the WA Government invested nothing and delivered nothing.

I was not in government during most of that time, but I know that is not true. I know that the former government invested in remote communities. Despite a strong percentage of its members wanting to close those communities down, I know that the former government invested in housing in those communities. The point I am making, before the member the North West Central goes about backing Nigel Scullion, is that he is at war with the state. It does not matter who is in power, he is throwing the former government under the bus. He is saying to the media that it delivered nothing and invested nothing. At the same time he managed to find $500 million for the investment in remote housing in his own territory, but when it comes to Western Australia and indeed Queensland, the two states most affected—nothing; no engagement, no desire to engage, indeed he wants to throw some sheckles on the ground and say, "We are walking away." That is unacceptable. We all know that the consequences of not constructing new housing or refurbishing housing is overcrowding and we know what that does in respect of, Leader of the Opposition, issues around child protection. I hope at some point the Leader of the Opposition might raise a question in this house around the issue he so blatantly politicised earlier today, because now is the time for the Liberal Party and the National Party to take this up, perhaps not with Nigel Scullion, because he has thrown us all under the bus, but with their federal colleagues and get them back to the bargaining table with the starting position of accepting that the commonwealth government has had for 50 years a long responsibility of delivering housing into remote Western Australia and to at least, at the very start, commit to that ongoing responsibility.

LANDGATE — COMMERCIALISATION

480. Mrs L.M. HARVEY to the Minister for Lands:

I refer to the media release regarding the sale of Landgate —

> The … Government —

And I quote, is —

> … to commercialise a restricted part of Landgate's automated functions.

And further, that —

> … a new operator will be restricted in the prices it can charge customers during the term of the contract.

(1) What exactly does the minister mean by commercialising a part of Landgate?

(2) Why has the minister linked this controversial privatisation to the funding of something as important as the redress scheme?

Ms R. SAFFIOTI replied:

(1)–(2) Thank you for that question. The member is entirely incorrect; we are not selling Landgate. In fact, the media statement states that we are not selling Landgate, so I do not know what the member is referring to. Member for Scarborough, get a correct question. Read a media statement correctly and come and ask a proper question.

Several members interjected.

The SPEAKER: Members!

LANDGATE — COMMERCIALISATION

481. Mrs L.M. HARVEY to the Minister for Lands:

I have a supplementary question. Clearly, if a new operator is involved, the government is privatising Landgate. When can this Parliament expect the legislation to enable this sale and does the government guarantee that the redress scheme will be funded even if the privatisation of Landgate does not proceed?

Ms R. SAFFIOTI replied:

The member for Scarborough is again completely incorrect. We do not need legislation because we are not selling Landgate. I am not sure how many times and in how many languages the member wants me to say it.

Mr M. McGowan: Say it in Italian!

Ms R. SAFFIOTI: I was going to say, "Noi non stiamo."

Several members interjected.

The SPEAKER: Members!

Ms R. SAFFIOTI: We are not selling Landgate. We do not need legislation.

Mrs L.M. Harvey: What are you doing? What does your media release mean?

The SPEAKER: Member for Scarborough, I know what you are doing, getting called to order for the first time.

Ms R. SAFFIOTI: If the member for Scarborough wanted to ask a serious question about this, then come in with a serious question. Do not come in with an absolute fabrication, which is often what happens in this place, absolute fabrications, and say, "Justify the fabrication." I am not going to justify a falsehood.

Several members interjected.

The SPEAKER: Members.

Mr V.A. Catania interjected.

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

Mr D.T. Redman interjected.

The SPEAKER: Member for Warren–Blackwood, I know you like to hear your own voice, but I do not. I call you to order for the first time.

Ms R. SAFFIOTI: The member for North West Central is today arguing against more money for WA. He is saying, "We shouldn't be arguing for more money for WA." That is the opposition's approach.

Mr V.A. Catania interjected.

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

Ms R. SAFFIOTI: The member for Scarborough did not read the press release.

Mr W.R. Marmion interjected.

The SPEAKER: Member for Nedlands, I call you to order for the first time. Members, just let the minister finish the answer to the question you asked.

Ms R. SAFFIOTI: The member for Scarborough said that the press release stated that we are selling Landgate. That is not what it states. It states that we are not selling Landgate, we do not need legislation and if you want to ask —

Dr M.D. Nahan: What are you doing?

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

Ms R. SAFFIOTI: If you want to ask a serious question, come in and ask a serious question.

Mrs L.M. Harvey interjected.

The SPEAKER: Member for Scarborough, I call you to order for the second time. Members, if you want question time to keep going, just let the minister answer the question.

Ms R. SAFFIOTI: We are not selling Landgate. We do not need privatisation because we are not selling Landgate.

METHAMPHETAMINE ACTION PLAN TASKFORCE

482. Mr D.T. PUNCH to the Minister for Health:

I refer to the methamphetamine action task force that was established by the McGowan Labor government to find practical ways to reduce methamphetamine harm, and tackle the supply and demand of this insidious drug. Can the minister update the house on the community consultation the task force has undertaken and what it has revealed about the challenges our community faces when it comes to tackling this problem?

Mr R.H. COOK replied:

I thank the member for the question, coming from someone who has put a lot of time and effort into working with the task force so that we can better understand this complex problem that is impacting on our community, and making sure that we are pulling together a plan that is comprehensive and seeks to deal with the issue, the impact of methamphetamine on our community. We know it is an important issue because we see it every day. Yesterday I released a report titled, "What the Taskforce Heard". It is the outcome of the public consultation process of the meth task force. Yesterday, we heard from Tom de Souza. Tom is a young man of 23 years who has himself been impacted by an addiction to methamphetamine. He talked about the impact it had on his life and his family and the way it envelopes and ruins lives. He is a great example of just how low a person can go with the impact of methamphetamine but what we can also do if we pull someone out of that spiral. Tom is an inspiration to all of us. Members might be interested to know that Tom does not come from a marginalised background; he comes from an affluent community. It is a demonstration that methamphetamine impacts all of us.

This report provides a window for everyone into the world of methamphetamine addiction and its impact on our community. The meth task force held over 70 meetings with more than 500 people attending those meetings across the metropolitan area and regional centres. The extensive consultation was undertaken in metropolitan and regional areas in WA, including Kalgoorlie, Bunbury, Geraldton, Karratha, Port Hedland, Broome, Northam, Albany and Exmouth. This report provides everyone with an insight into not only the complexities associated with methamphetamine addiction, but also the difficulties in addressing it. People talked to the task force about the need for a focus on prevention and early intervention; the importance of reducing the stigma around methamphetamine addiction; to encourage users to seek help earlier and help families feel less isolated; the difficulty in accessing and navigating a complex system to help and respond to people in crisis, particularly in regional areas; and the need for more practical support for families of individuals trying to build their lives. The McGowan government takes a three-pronged approach to methamphetamine. It is about reducing the harm, making sure we have the services to assist people and their families; reducing supply by ensuring we have the proper law enforcement regime to make sure that, where we can, we intercept this drug before it gets to our community; and, of course, reducing demand—that is, educating the community so that they understand just what an insidious drug this is and how it can wreck and destroy lives and communities.

I am very much looking forward to the outcome of the methamphetamine task force work, under the leadership provided by Ron Alexander as chairman. I want to commend the member for Bunbury for the work that he has put into being a member of that task force, and I think we all as members of Parliament look forward to getting on top of this scourge on our society, methamphetamine.

NATIONAL PARTNERSHIP ON REMOTE HOUSING

483. Mr D.T. REDMAN to the Premier:

I refer to the Premier's opposition to Premier Barnett's suggestion in 2015 that closing some remote Aboriginal communities may be the consequence of cuts to federal funding, and recent responses from the Premier and the Minister for Housing that failure of the commonwealth continuing the National Partnership Agreement on Remote Indigenous Housing funding beyond June this year may result in the closure of some remote Aboriginal communities.

(1) Does the Premier accept the hypocrisy of this position?

(2) Does this not expose the government's metro-centric approach to commonwealth funding and failure to prioritise funding to remote community housing?

Mr M. McGOWAN replied:

(1)–(2) Once again, I fail to understand the logic of the National Party, but I note that all our talking about and raising the issues of remote communities has stung the Nationals into asking two questions about the matter. If that is the sum total of the Nationals' effort when it comes to remote communities, well, good for you. The member has actually taken the issue up in, I must admit, a very polyglot and unusual way.

But let us go back a bit. Let us remember what Premier Barnett said; as the Minister for Aboriginal Affairs will attest. He said some shocking things in here. He said some shameful things in here. What I noted about former Premier Barnett is that he would get his blood up and then he would lose control of what he said. He said some shocking things about Aboriginal men and he generalised about Aboriginal men across Western Australia in an appalling manner.

Mrs L.M. Harvey: When did he do that?

Mr M. McGOWAN: That is exactly what occurred.

Several members interjected.

The SPEAKER: Members!

Mr M. McGOWAN: Does the member want me to come back and read out what happened? I am more than happy to do that. It is on the *Hansard*.

Dr M.D. Nahan: So is yours.

The SPEAKER: Leader of the Opposition!

Mr M. McGOWAN: Leader of the Opposition, we are aware of people saying shocking things in this Parliament, and you did it this morning.

Several members interjected.

Mr M. McGOWAN: In relation to the —

The SPEAKER: Premier, a point of order.

Point of Order

Dr M.D. NAHAN: I just want to highlight that —

Several members interjected.

Dr M.D. NAHAN: I have not finished. I have not said anything.

The SPEAKER: What is your point of order?

Dr M.D. NAHAN: The Premier does not have any respect for the 184 children who are under threat in Roebourne.

Several members interjected.

The SPEAKER: Sit down! That is not a point of order, and I call you to order for that inappropriate one. That is the third, Leader of the Opposition.

Questions without Notice Resumed

Mr M. McGOWAN: I draw to the Parliament's attention again that today we have older men and women who were victims of child sexual abuse in the Parliament. It was an opportunity for big-spirited speeches, and the Leader of the Opposition went low, and that was inappropriate. It was inappropriate for the Leader of the Opposition to do that.

Back to the member's question. Mr Barnett said some shocking things about Aboriginal men and he generalised across the community. Our view —

Mrs L.M. Harvey: He didn't!

Mr M. McGOWAN: Honestly, the member's memory is like a sieve.

He also indicated the communities would just be closed willy-nilly. We all know the consequence of that. The consequence of that is people who have lived on land for hundreds and hundreds of generations disperse into bigger communities and we create homelessness and dysfunction, we send people towards a life of crime and we have children not attending school. We have all those things occur.

What happened last year, I think, was that the federal government ceased the funding for services in remote communities. Up until then it had supported Western Australia in providing services, and we had to pick up that cost, which we did. The Minister for Aboriginal Affairs and, I think, the Minister for Housing were involved in that picking up of costs for services, which was a direct transfer of responsibility from the commonwealth to the state. Now it is looking at doing it for building houses and maintaining houses, and it is a $100 million a year liability that the commonwealth is seeking to pass on to the state. I am saying to the commonwealth government that they are not delivering on a historic obligation that the government of Australia has to our first inhabitants. That historic obligation of the government of Australia to our first —

Mr D.T. Redman: Do you stand by yesterday's comments that the consequence will be that communities die? Your comments yesterday: communities die.

Mr M. McGOWAN: Please! Please!

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

Mr M. McGOWAN: That historic obligation of the government of Australia has been through Prime Ministers Gorton, McMahon, Whitlam, Fraser, Hawke, Keating, Howard, Rudd, Gillard, Rudd, Abbott and Turnbull. Through each and every one of them. They have accepted the obligation up until this one—up until Turnbull. I thought he was a better fellow than that. I actually get on quite well with him and I thought he was a better fellow than that to give up that historic obligation to our first inhabitants, but obviously I am wrong.

NATIONAL PARTNERSHIP ON REMOTE HOUSING

484. Mr D.T. REDMAN to the Premier:

I have a supplementary question. Can the Premier confirm that state government access to commonwealth funding was our problem when we were in government, as he said before, and from comments yesterday that it appears to be still our problem in opposition?

Mr M. McGOWAN replied:

Again, I do not understand the question.

Several members interjected.

Mr M. McGOWAN: Perhaps when the member says that it is their problem —

Mr D.T. Redman interjected.

The SPEAKER: Member for Warren–Blackwood, I call you for the third time. You ask a question; you do not give the answer.

Mr M. McGOWAN: Perhaps when the member says "our problem", "our" is all members of the Liberal and National Parties, who are pulling out their support for Western Australia. They are all members of those parties. They are all shaking their heads like they are not. There you go, Mr Speaker.

TAB

485. Mr J.E. McGRATH to the Minister for Racing and Gaming:

I refer to an article in *The West Australian* on 20 June titled "TAB needs 'cost cutter'". Can the minister confirm the analysis conducted by Morgan Stanley that the Western Australian TAB has become bloated with operating costs at 55 per cent of revenue, which is almost double that of Tabcorp and Tatts, and also can the minister confirm that covering the bloated operations of the TAB could be costing the WA racing industry in terms of its distribution from wagering?

Mr P. PAPALIA replied:

Thanks for the question. No, I cannot. I am not familiar with the report to which the member referred. I understand he is referring to some article in the back of *The West Australian* that I did not read. That aside, I have not seen the report to which the member referred, so I cannot confirm what he is asking.

TAB

486. Mr J.E. McGRATH to the Minister for Racing and Gaming:

I have a supplementary question. Given that the minister has not seen the story—I gather the Treasurer would have seen the story because it was in the finance pages—would he ask the Treasurer to use the powers available to him to request a thorough inquiry by the Economic Regulation Authority into the operations of the TAB?

Mr P. PAPALIA replied:

No, of course not. The TAB is operated by Racing and Wagering Western Australia. The responsible authority that reports to government and publishes its annual reports in accordance with its obligations. There is no suggestion that there would be a requirement for the inquiry that the member is suggesting. I will not commit to that.

BUILDING INDUSTRY — SUBCONTRACTOR PROTECTION

487. Mr M.J. FOLKARD to the Minister for Commerce and Industrial Relations:

Can the minister update the house on the McGowan government's commitment to protecting subcontractors in the building and construction industry?

Mr W.J. JOHNSTON replied:

I thank the member for his interest in the topic and I am happy to answer the question.

Members will remember that I established an industry advisory group under the chairmanship of prominent Western Australian barrister John Fiocco to look at matters regarding security of payment for subcontractors. This is to implement the government's election commitments. It is looking at a range of reforms to improve protections for subcontractors. I make the point, Mr Speaker, that they in no way set aside any of the protections that were introduced by the former government through the former Minister for Small Business. All those protections still exist, but this is about going even further and doing even more. We are looking at how we can amend the Building Services (Registration) Act 2011 to ensure a more robust and responsible registration framework. We are looking at the need for amending legislation to provide fairer contracting practices in the industry and improving the operation of the rapid adjudication process for the resolution of payment disputes. I might add that we are seeking to have people access that rapid adjudication process more often, because it is an alternative pathway to get disputes in the industry resolved. We are also looking at introducing statutory trust arrangements, and we are looking at how that can be done.

The member who asked the question would be interested to know that the commonwealth government commissioned John Murray, a former national president of the Housing Industry Association, to review subcontractor arrangements. The commonwealth government's review is interesting reading, and I have asked Mr Fiocco to include that body of work in his industry advisory group. I make the point that I was very surprised that given it was a commonwealth government review, it did not make a single recommendation to reform commonwealth legislation. One of the key problems in the industry is insolvency laws whereby moneys that are paid to a builder are protected from claims by subcontractors through insolvency laws. The commonwealth government reviewed the situation for subcontractors but did nothing about any of the laws or procedures that are controlled by the commonwealth government. It made recommendations only for action by the states. We do not demur from needing to respond to that report. As I said, we have asked Mr Fiocco's advisory group to give us recommendations for reform, but is it not interesting that not a single recommendation from the Murray review was directed to the reform of commonwealth legislation. I am very, very surprised about that because one of the problems in responding to insolvency issues and subcontractor issues in the building sector is those commonwealth insolvency laws. I was very disappointed that there was no action on that, but we do not step aside from the need to respond to the Murray review, and we are doing so.

The SPEAKER: That is the end of question time.

BUSINESS OF THE HOUSE — DINNER SUSPENSION

Statement by Speaker

THE SPEAKER (Mr P.B. Watson): Members, I advise that there will be a dinner break tonight between 6.00 and 7.00 pm.

MEMBER FOR CARINE

City of Perth — Personal Explanation

MR A. KRSTICEVIC (Carine) [2.51 pm]: I rise under standing order 148 to seek permission to make a personal explanation.

The SPEAKER: Yes.

Mr A. KRSTICEVIC: On Tuesday, 15 May 2018, I gave my contribution to the budget speech and spoke extensively about some of my concerns about the actions of both councillors and staff of the City of Perth. My speech highlighted a number of areas that I thought needed to be put on the public record so that the City of Perth inquiry panel and others could look into the issues raised and investigate the actions of both the suspended councillors and relevant staff. As a result of that speech, Dr Green and Mr Fini raised a concern about my assertion that Dr Green, as Acting Lord Mayor, should have declared a perceived conflict of interest during a debate at the City of Perth council meeting held on 19 December 2017 at which, from the chair, she moved and voted on a motion to give Historic Heart of Perth $300 000. Dr Green and Mr Fini subsequently submitted statements to the Procedure and Privileges Committee, which were tabled on Thursday, 14 June. In response to this, I seek to correct some misimpressions raised in Dr Green's statement.

In her statement, Jemma Green states, and I quote —

> The Member for Carine made no attempt to contact myself —

Point of Order

Mr W.J. JOHNSTON: Standing order 148 is very specific. It allows a member to make an explanation of their own behaviour. The provision reads —

> When there is no business before the Chair and with the consent of the Speaker, a member may explain a matter of a personal nature. A personal explanation will not be debated.

There is no capacity in this standing order for the member to make any reflections on any other person. He has to explain only himself.

The SPEAKER: Yes, he can. He can correct a misimpression. That is the ruling.

Mr W.J. JOHNSTON: I understand your ruling, Mr Speaker. Does the member need to withdraw the comments about Jemma Green? He made an allegation about a person who is not in this chamber in a personal explanation. Will he have to withdraw those comments?

The SPEAKER: It was in the context of what it was and he just said in the context. Member for Carine.

Personal Explanation Resumed

Mr A. KRSTICEVIC: Thank you, Mr Speaker.

In her statement, Jemma Green states, and I quote —

> The Member for Carine made no attempts to contact myself or Mr Fini prior to making these statements.

She continues —

> The Member's comments … suggest that I have acted improperly, that I have broken the law, that I have sought to personally gain from doing my job at the City of Perth.

First, I address her statement that I made no attempt to contact Dr Green or Mr Fini. The reason I made no attempt to contact Mr Fini is because my concerns and issues had nothing to do with Mr Fini. My focus was extensively on the actions of the suspended councillors and certain staff at the City of Perth. There was no reason to contact Mr Fini as I had no issues about his conduct, no intention to mention him in that light and, indeed, I did not reflect negatively on Mr Fini in my speech. Nevertheless, I am sorry if there has been any misunderstanding of my comments. With respect to Dr Green, I did contact her.

Several members interjected.

The SPEAKER: Members!

Ms R. Saffioti interjected.

The SPEAKER: Member, this issue has been brought to myself and the Clerk and we passed it. The member for West Swan can shake her head, but under the standing orders he is allowed to do it. If you have any problems with it, I cannot help at the moment. The Clerk and I looked it. What he is doing is perfectly legal.

Mr A. KRSTICEVIC: I phoned Dr Green and we agreed to meet at 3.30 pm on Tuesday, 6 March. At 3.01 pm on Tuesday, 6 March, Dr Green sent me a text message to reschedule the meeting for a later date. That was the last contact I had with Dr Green as she made no attempt to reschedule the meeting that she cancelled.

Secondly, I refer to Dr Green's contention that my comments suggest she acted improperly, broke the law and sought to personally gain from doing her job at the City of Perth. I did not make any such allegation. At the time of giving my budget-in-reply contribution, based on the information available to me, I was firmly of the opinion that Dr Green should have declared a perceived conflict of interest and not voted on the motion in question. The Freehills Project Percy information was particularly compelling in forming that view. Thank you.

Mr J.N. Carey interjected.

The SPEAKER: Member for Perth!

Mr J.N. Carey interjected.

The SPEAKER: Member for Perth!

Members, this was put to the Speaker and the Clerk and was found to be perfectly in order. I am sure members are much more knowledgeable than the Clerk. We have found that it is proper. Minister for Tourism, you can sit there with all your knowledge and shake your head, but it has been passed by the Speaker and the Clerk.

Point of Order

Mr D.A. TEMPLEMAN: I have a question about the insertion into *Hansard* of the two statements from Mr Fini and suspended councillor Green and the status of those now that the member for Carine has made his statement.

Mr V.A. Catania interjected.

Mr D.A. TEMPLEMAN: I am asking a question. Maybe you might want to shut up and listen.

Withdrawal of Remark

The SPEAKER: You withdraw.

Mr D.A. TEMPLEMAN: I withdraw.

Point of Order Resumed

Mr D.A. TEMPLEMAN: It is an important matter.

The SPEAKER: It is an important matter.

Mr D.A. TEMPLEMAN: The Procedure and Privileges Committee addressed or examined two letters from Mr Fini and Councillor Green and this house, through your statement to the place, Mr Speaker, agreed for those statements to be included in *Hansard*. We now have a contradiction to those statements by the member for Carine and I am asking about the status of those two letters and the status of *Hansard* as this matter is recorded.

The SPEAKER: The member was clarifying his position in a personal explanation. Shake your head as much as you like, Minister for Transport. It is in the rules. If you want to change the rules, go right ahead and do it.

Mr D.A. TEMPLEMAN: I understand your explanation.

Mr V.A. Catania: You're canvassing the ruling again.

Mr D.A. TEMPLEMAN: I have a further question.

My point is that there is now in *Hansard* as per the insertion made through the house and one of the statements has now been contradicted. What is the status of *Hansard*'s recording of those?

The SPEAKER: If they are not happy, they can send a letter to the Parliament like they did before. The member is clarifying his position, which he has the right to do.

MINISTER FOR CORRECTIVE SERVICES

Standing Orders Suspension — Motion

MR Z.R.F. KIRKUP (Dawesville) [2.59 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 condemns the Minister for Corrective Services for being weak on law and order and allowing convicted paedophiles to be left unsupervised in public places frequented by children, for failing to notify the community after losing paedophiles who were being electronically tracked, for allowing illegal drugs to pour into our prison system and for adopting a policy of releasing criminals instead of building a new prison.

Standing Orders Suspension — Amendment to Motion

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [2.59 pm]: I rise to add to the motion. I move —

To insert after "forthwith" the following —

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

In doing so, I highlight to the house that during this debate, several members of this side of the house will be attending a function with victims of crime and sexual abuse as we believe that is more important at this point in time given today's significant statement and debate in the place earlier today.

Amendment put and passed.

Standing Orders Suspension — Motion, as Amended

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

Question put and passed with an absolute majority.

Motion

MR Z.R.F. KIRKUP (Dawesville) [3.01 pm]: I move the motion.

The opposition is moving this suspension of standing orders not without recognition of the serious nature of what is occurring in our state's criminal justice system. Time and again we have seen exceptional and concerning developments in our state's justice system, in particular, what is occurring in our state's prisons.

As part of the minister's response, we expect and I hope to find out exactly what he is doing to ensure that he rights the multitude of wrongs that continue to occur under his watch. I note that in question time he stated that he intends to refer a number of the officers identified in one of the CCC reports released yesterday to the Western Australia Police Force or prosecuting authorities, but this is a systemic and embedded issue in our state's prison system. I expect a minority of prison officers is involved in corruption in the system, but we need a very clear plan and indication from this minister of exactly what he intends to do to, for once, take responsibility and deal with what I think is a very serious issue.

When we say that it is a serious issue, we are not talking about just what has come to light over the last two days, but what has come to light over the last couple of months. Exposé after exposé, report after report, question after question—the minister has been lacking. Prisoners have been completely inadequately supervised whilst out in the community. They include murderers, criminals with organised crime links and paedophiles. They were out and about in public with basically no oversight or supervision. In fact, it was lacking so much that they got up to some fairly horrendous acts in public that would be illegal all over again.

Through the parliamentary estimates process we found that corrective services lost contact with offenders who were meant to be monitored around the clock via GPS bracelets. Reports released by the CCC today found that there was inappropriate use of force at Hakea Prison, Eastern Goldfields Regional Prison and Bunbury Regional Prison. From my and the opposition's perspective, the most damning and concerning report was the report released yesterday into corrupt prison officers who smuggle contraband and drugs into our state's prisons.

Time and again these issues crop up and the minister fails to take full responsibility and deal with them. On this side, we want the minister to take action and deal with what the CCC and we have found to be very serious issues. For some bizarre reason the government does not appear to have any willingness to address these systemic issues.

I am increasingly disappointed by the minister's flippancy about issues that we in the opposition continue to raise. When we asked a question about GPS tracking in budget estimates the minister simply did not know about it. It seems he had not been well briefed by his agency or was completely ignorant that the issue had happened in other jurisdictions —

Mr F.M. Logan: Stop misleading the house!

Mr Z.R.F. KIRKUP: It is not misleading the house at all, minister. When you suggest that you had no information at all —

Mr F.M. Logan: You asked the question of the director general as well, you idiot!

Withdrawal of Remark

The ACTING SPEAKER (Mr I.C. Blayney): Minister, I have to ask you to withdraw that, please—the comment pertaining to the member who is on his feet.

Mr F.M. Logan: To the member being an idiot?

The ACTING SPEAKER: Yes.

Mr F.M. Logan: I withdraw.

The ACTING SPEAKER: Members, can we just keep it down so we can get through this, please?

Debate Resumed

Mr Z.R.F. KIRKUP: Flippancy and arrogance is once again on display by this minister. It happened with the GPS tracking of offenders. It happened in question time when I asked about unsupervised prisoners. The minister made a personal explanation, I think, similar to what just happened with the member for Carine under the similar standing order. He said it was not paedophiles who were out and about in public places and, in particular, Hungry Jack's. It was organised criminals and murderers, as if that was somehow better. I do not think that is better than the situation raised in question time.

Mr F.M. Logan: I was correcting your fabrication!

Mr Z.R.F. KIRKUP: The way the minister approached that was flippant and completely disregarded the serious nature of what this house has to deal with and the problems the CCC has found exist within the state's prison system.

Today the Corruption and Crime Commissioner added more weight. In Gareth Parker's segment on 6PR he spoke about the CCC reports that were tabled today and yesterday. I would like to read some highlights to the house today. He said that the CCC did not know how many prison officers might be part of the corrupt minority. He highlighted a systemic lack of processes, transparency and accountability in relation to the screening and testing of officers. He said that he did not know how many prison officers were vulnerable to being corrupted by prisoners. I was most concerned that he suggested that there were no worthwhile checks in place at prisons across Western Australia, which now allow drugs to be smuggled in. He also said that there was no fortitude whatsoever to tackle this issue. The commissioner stated that this was an urgent problem. Former Justice McKechnie stated that this is an urgent problem that needs to be dealt with here and now. He said that actions speak louder than words, and that he would like to see some action on this matter urgently—proper action and proper resourcing.

That is the Corruption and Crime Commissioner, a third party who has investigated this issue quite extensively. He is saying that this government needs to be doing more and to act. It needs to not just talk about this, but take actual action and give it proper resourcing.

The opposition does not have enough time this afternoon, in the 10 minutes we have left, to go through all the significant issues that have been uncovered, not just by the CCC, but by the opposition's own work as well, but I will summarise very quickly what we have found out to date and leads us to stand here today and condemn this minister for his absolute inaction on this matter.

Several members interjected.

The ACTING SPEAKER: Members!

Mr Z.R.F. KIRKUP: If members opposite want to deal with this so loosely and if there is no problem here at all and they want to continue to throw barbs at me, that is fine. However, the opposition chooses to deal with this very significant issue seriously and go through this as much as we can in the 10 minutes we have. It is an urgent matter for us and this house.

Firstly, there was a CCC report into the supervision of prisoners while they were out in the community. Attached to that CCC report was harrowing vision from CCTV in a Hungry Jack's restaurant of prisoners free to do whatever they wanted. That CCC report, which was tabled on 11 May 2018 stated —

> [1] When a prison officer delivering supplies stops off at a Hungry Jacks restaurant to buy ice creams for 'his boys', and allows a prisoner serving a lengthy sentence for drug offences to disappear into the toilet for a few minutes on a pre-arranged visit with an associate, the security risks to the public and the prison system are obvious.
>
> [2] Or they should have been to the Department of Justice … which continues without the most basic precautions to allow lone prison officers to be accompanied on deliveries by prisoners.
>
> ...
>
> [11] The prisoners who accompanied …

The prison officer —

> … were, in the main, nearing the end of substantial prison sentences. Many had been convicted of the most serious criminal offences, including wilful murder and child sex offences.

The vision shows a parent's worst nightmare— prisoners who might be paedophiles or others out in public without any adequate supervision whatsoever. When this report came out I expected a lengthy statement specifically updating the house and the people of Western Australia on what the government would do to ensure that this did not happen again. We saw none of that! Further, there was no responsibility taken for the fact that this happened entirely under this government and this minister's watch.

The second issue is what we found out during parliamentary estimates. We have gone over this and canvassed it in this place a number of times, but we still do not know the exact number of prisoners who are meant to be monitored around the clock. We still do not know the specifics of what happened when we lost track of them during a telecommunications blackout. We do not know what happened, because the department, unlike other jurisdictions across the nation, has not updated us. Unlike in other jurisdictions across the nation, the minister has not updated us specifically about what happened. If I were a minister in his position, I would table a statement in the house. At the very least I would read in a brief ministerial statement outlining specifically what happened, how many offenders we lost contact with and the nature of the loss of contact. We still do not know, and there is no sense of transparency or accountability from this minister or this government. Once again, the minister completely lacks any sliver of responsibility for the actions undertaken by his agency. I find it fascinating when, in budget estimates or in question time, the minister says that he did not know, the director general did not know, the commissioner of prisons did not know, but someone down the line did. That in itself is a problem. The person who monitors those prisoners and is responsible for community-based offender management did not let the commissioner, the director general or the minister know. That in itself is a problem—the government, even in a bureaucratic and departmental sense, cannot get that structure right, when we lose contact with prisoners in the community who are meant to be monitored.

I move to the Corruption and Crime Commission report released yesterday on corrupt prison officers who, as we found, were unfortunately part of a scheme to smuggle drugs into the state's prisons. The CCC report also found that our state's prison system is now considered to be a corruption hotspot. A hotspot of corruption and unethical behaviour exists in Western Australia, and what do we see from this minister? Nothing. We see that the referral was raised as a result of parliamentary questions today, but there is no statement out there suggesting exactly what action or recourse the minister will be taking to assure himself that there will not be any criminal, corrupt or unethical behaviour in our state's prison system. The CCC report is incredibly concerning. It is concerning to see what happens from a prison officer's perspective, and what prison officers are able to do. The report reads, in part —

> With assistance from Acacia prison management, the Commission uncovered multiple incidences of custodial officers associating with criminals and members of organised crime syndicates, using prohibited drugs, smuggling prohibited drugs into prison and taking bribes in the form of cash and drugs. The investigation also uncovered one instance of custodial officers illegally importing prohibited drugs into Australia.
>
> None of these custodial officers had a history of criminality. Rather, this report highlights how prisoners and organised crime syndicates can exploit an officer's weaknesses in order to corrupt them.

I find it fascinating, as I have spoken to the minister about, that prison officers might be groomed, and prisoners seek to do that in order to corrupt our prison system. That is all there is. There does not seem to be any systematic review of what is occurring. I would think that the minister would want to make sure that he is absolutely certain that each prison officer in our state's prison system is acting absolutely aboveboard, with the highest level of ethics, accountability and transparency, but once again we do not see this minister taking any responsibility for any course of action to make sure of that accountability to the state and people of Western Australia. The member for Hillarys is about to jump up and, in the final moments, go through some of the concerns the opposition has in this place. The lack of transparency and accountability, and flourishing corruption in our state's prison system are the reasons we are debating this motion today. This is a minister with a lack of accountability and transparency. We have seen very little action from this minister to correct this behaviour. The minister needs to stop hiding. He needs to pull his head out of the sand and provide a clear response to this house on these concerning findings by the CCC in these multiple reports and, if he refuses to do so, the Premier should stand him down.

MR P.A. KATSAMBANIS (Hillarys) [3.15 pm]: I rise to associate myself with this motion. The lead speaker, the member for Dawesville, has highlighted the concerns. In the past six weeks we have seen two completely and utterly damning reports into the management of our prison system under the watch of the Minister for Corrective Services. On 11 May we received a report on inadequate supervision of prisoners in the community. We saw that vision. We saw how prison officers were facilitating dangerous criminals, not only hanging around in public restaurants, but also going off and having prearranged assignations in the toilets of those restaurants. Any law-abiding member of the community would be extraordinarily concerned that these dangerous criminals were allowed to wander around in public places when they should have been locked up in jail. Yesterday, we saw the report about our prisons being awash with drugs. The report highlighted the fact that prison officers were being corrupted and were acting corruptly. I sometimes worry about saying they were being corrupted they were being groomed. No—they are corrupt prison officers. They have chosen to go down that path, and they have done so to the detriment of our state. Our prisons are awash with drugs as a result of these corrupt prison officers acting in concert with organised criminals. It should be alarming that the CCC has made a series of recommendations. It has questioned the reliability and the effectiveness of the current search and screening procedures for entry into prisons, and whether the current drug testing regime is effective, and it has called for a review. In response, the government says, "Don't worry about it; we're dealing with it." The CCC says it is not, and that the government

should be reviewing what it is doing to see how it can be done better. Instead, this minister and the government stick their heads in the sand and say, "Nothing to see here; we move on." It is not good enough. The public of Western Australia expects that dangerous prisoners should be in prison, not out at a Hungry Jack's restaurant and having assignations in public toilets when they should be in prison. The public of Western Australia expects that our prisons should be drug free.

MR F.M. LOGAN (Cockburn — Minister for Corrective Services) [3.18 pm]: In all the statements made by the member for Hillarys and the member for Dawesville, one thing seems to have been overlooked. There is one thing the member for Dawesville seems to have overlooked. He can make claims about my failure over the past 18 months to respond to Corruption and Crime Commission reports, or be outraged by the CCC reports, but he has overlooked one thing. The CCC media release states —

> The CCC's work into corruption risks in the State's prison system is part of an ongoing joint investigation with the Department of Justice.

I have said that before in this house, and the member has simply not listened. We are undertaking this investigation jointly, member for Dawesville. The CCC is putting out these reports because of action we are taking with the CCC and the Department of Justice. The actions being taken by this government are resulting in corrupt officers being caught. The CCC reports that the member uses to try to nail me as being not responsible for, resulted from the government asking the CCC to do that work.

Mr Z.R.F. Kirkup: They did not start before you were in power. Is that what you're saying?

Mr F.M. LOGAN: I will take that point as well. Does the member know what happened in 2012, when he was advising the Premier? The then government closed down the drug strategy. In 2015 the previous government got rid of the joint drug task force, on the member for Dawesville's watch—the joint drug task force that involved the CCC. That is what happened. Why is the CCC now back investigating matters in the prison system? It is because we asked it to.

Mr Z.R.F. Kirkup: So it doesn't predate you then.

Mr F.M. LOGAN: It predates our government; all these problems predate our government, as the member for Dawesville well knows. Not only that, these issues predate even the former Liberal–National government, the Labor government before that, and the Court government before that, because these are issues that every single prison system in Australia and the world has to deal with. These issues are internationally recognised by every corrections body, including in Singapore. I was there only last week and I will give a report on that tomorrow. Even Singapore, with its tight security, has the same problems. These are ongoing issues that impact on corrections—that is, the continued attempt by criminals to smuggle drugs and contraband into prisons.

These CCC reports are coming hard and fast because of the work we are doing and because of the hammer we are putting down in the area of contraband security. The member for Dawesville might laugh; he should go and get a briefing from the Department of Justice. Instead of sitting there being smart, he should go and get a briefing from the Department of Justice and listen to it. I will arrange it for him; he should go and get a briefing from the intelligence area of the Department of Justice and he might learn something.

There is a significant difference between what we are doing as a government and what the previous government failed to do. The Liberal–National government got rid of the drug strategy in 2012. The Liberal–National government got rid of the drug coordination unit in 2015. Surprise, surprise; as the member for Dawesville puts it, the jails are awash with drugs. How did that happen? Because his government allowed it to happen.

Mr Z.R.F. Kirkup: Take some responsibility!

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

Mr F.M. LOGAN: I think it is trite for the member for Dawesville to say, "Take some responsibility" in this house, after the absolute disaster the previous Liberal–National government left for this state in the areas of both finance and corrections. Corrections was a disaster. The previous government left me to pick up a portfolio that had a prison system bulging at the seams and no money. The previous government left me to pick up a portfolio in which overtime was out of control, by 150 per cent. It left me to pick up a portfolio in which security was lax because the previous government had got rid of the various bodies that were set up to try to catch contraband. Not only that, it left me with a portfolio with overcrowded prisons and no money to deal with them on a year-to-year basis. The current Leader of the Opposition as then Treasurer went to the people in the 2017 election campaign promising a new prison that was fully funded, but there was no money for it. Now the member for Dawesville has the hide to say to me, "Take some responsibility" after —

Mr Z.R.F. Kirkup interjected.

Mr F.M. LOGAN: Mr Acting Speaker, I am not asking for those interjections.

The ACTING SPEAKER: Minister, if you direct your comments to me, I am sure the member for Dawesville will assist.

Mr F.M. LOGAN: I am speaking through you, Mr Acting Speaker.

This comes after the previous government left me with an absolute basket case of a portfolio. It now expects me, 18 months later, to wave a magic wand and fix all the problems it left me. It does not work like that. I repeat: the issues that are coming up now, the matters that are being released now by the CCC, come as a result of me taking a very, very hard line in the area of contraband and smuggling. Members will find that that will tighten up even further under my leadership as minister.

Can I now respond to the questions put by the member for Dawesville about what is going on. It is all there in the CCC report. There are five recommendations on the area of drugs as they relate to those two officers at the privately operated Serco prison, Acacia. Those five recommendations are being picked up and are currently being implemented by the Department of Justice, in line—as I indicated earlier today—with all the recommendations that came out of the Auditor General's report.

Mr Z.R.F. Kirkup interjected.

Mr F.M. LOGAN: Mr Acting Speaker.

The ACTING SPEAKER: Thank you, member. I think the minister does not want to take any more interjections.

Mr F.M. LOGAN: We are implementing all the recommendations of the Auditor General's report and the five recommendations of the CCC report. I note that the private operator of the prison, Serco, has also acknowledged that it is implementing those recommendations.

With regard to Acacia Prison and its private operator, I have had three meetings with Serco about drugs, allegations of drugs going into Acacia Prison, and allegations that have been put to me about the smuggling and use of drugs into Acacia—so much so that I asked to meet with the head of Serco. He flew over from the eastern states to meet with me. I expressed my clear displeasure at the rumours and allegations that have been made about drug smuggling into Acacia Prison and demanded to know what Serco was doing about it.

At my second meeting with Serco, when I asked about processes for contraband and drug testing in prisons, such as testing drainage waters in each of the units, I was informed that it could not be done at Acacia. I am not a plumber but I am a tradesperson, and I know that that is not true. When I put that to the head of Serco when he came to see me, there was a completely different position. He said, "Oh, no, it can be done." That is good. I made it very clear to him that I expected that to be done, and a damn sight more, given what I have heard.

The concerns and allegations about those matters that were put to me have now quite rightly been confirmed through investigations that were underway through the Department of Justice, the police and the CCC, and that resulted in the catching of those two particular officers, and there will probably be more. But that came about as a result of the tightening up of security arrangements across all prisons, and I hope Serco tightens up its security structures —

Mr Z.R.F. Kirkup: Every prison, not just Serco.

Mr F.M. LOGAN: We are dealing with two criminals from Acacia.

Mr Z.R.F. Kirkup: That's one report, though, minister. There are all these other issues.

Mr F.M. LOGAN: Member for Dawesville, do not laugh. This is serious. You are not taking this seriously. You are not taking this seriously at all. You are acting the fool, as usual. We are dealing with two serious criminals from Acacia, along with—as I have let this house and you into my confidence—the other allegations that have been made and other information I have about that prison. I have made it clear to this house, to you and to Serco, the private operator of that prison, that we expect to see significant change. The CCC has identified only a minimal amount of change. We expect to see a damn sight more than that from that operator. Of course, there may well be other issues in other prisons. That is obvious to anybody. It happens in every single prison across the whole of Australia and across the world, but there have been significant problems at Acacia. That is the point I am making, and it has been confirmed by the CCC. Acacia is operated by Serco—it is not operated by the Department of Justice—and it has to play its role as well, exactly as we are doing.

Now that I have addressed the issue of why we are doing what we are doing and why these reports have come out, I want to go to the motion. It states —

> That this house condemns the Minister for Corrective Services for being weak on law and order and allowing convicted paedophiles to be left unsupervised …

Where in the report that was handed down in May this year does it say that we left convicted paedophiles unsupervised in public places, member for Dawesville? A fabrication is a fabrication. No matter how many times the member says it, it is still a fabrication.

Mr Z.R.F. Kirkup: I would actually reference it, but they took it for Hansard.

Mr F.M. LOGAN: It is not in there, member for Dawesville.

Mr Z.R.F. Kirkup: It is, though!

Mr F.M. LOGAN: When I made an explanation to this house —

Mr Z.R.F. Kirkup: It is, though!

Mr F.M. LOGAN: Where? Where is it!

Mr Z.R.F. Kirkup: I just said that they have taken my copy of the report.

Mr F.M. LOGAN: Where is it?

The ACTING SPEAKER: Thank you, minister.

Mr F.M. LOGAN: Mr Acting Speaker, it is a fabrication and the member knows it. The reason he said it is that it uses the word "paedophile", which he expects will upset and excite the public. That is why he said it. This is wrong. We are dealing with security issues and corrections. This is a serious portfolio, member for Dawesville. It is not the Young Liberal conference—okay? Take it seriously. Deal with things factually. Do not try to make things up.

Mr Z.R.F. Kirkup: I'm not going to be lectured on this by you.

Mr F.M. LOGAN: You will be lectured by me and you will be lectured by me for years if you are still in that portfolio, because I am trying to get you to be a bit more sensible!

Mr Z.R.F. Kirkup interjected.

The ACTING SPEAKER: Thank you, members.

Mr F.M. LOGAN: I am trying to get the member to be a bit more sensible. This is not a Young Liberal conference; it is Parliament.

Several members interjected.

The ACTING SPEAKER: Thank you, members.

Mr F.M. LOGAN: Mr Acting Speaker, I will leave it at that. In dealing with the member for Dawesville, always go back to check the facts because he fabricates a significant amount, just as we have heard here today.

Division

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

Ayes (15)

Mr I.C. Blayney	Mr Z.R.F. Kirkup	Mr W.R. Marmion	Mr D.T. Redman
Mr V.A. Catania	Mr A. Krsticevic	Mr J.E. McGrath	Mr P.J. Rundle
Dr D.J. Honey	Mr S.K. L'Estrange	Dr M.D. Nahan	Ms L. Mettam *(Teller)*
Mr P. Katsambanis	Mr R.S. Love	Mr D.C. Nalder	

Noes (31)

Ms L.L. Baker	Mr T.J. Healy	Mr M.P. Murray	Ms J.J. Shaw
Dr A.D. Buti	Mr M. Hughes	Mrs L.M. O'Malley	Mrs J.M.C. Stojkovski
Mr J.N. Carey	Mr W.J. Johnston	Mr P. Papalia	Mr C.J. Tallentire
Mrs R.M.J. Clarke	Mr D.J. Kelly	Mr S.J. Price	Mr D.A. Templeman
Mr R.H. Cook	Mr F.M. Logan	Mr D.T. Punch	Mr R.R. Whitby
Mr M.J. Folkard	Mr M. McGowan	Ms M.M. Quirk	Mr B.S. Wyatt
Ms J.M. Freeman	Ms S.F. McGurk	Mrs M.H. Roberts	Mr D.R. Michael *(Teller)*
Ms E. Hamilton	Mr S.A. Millman	Ms R. Saffioti	

Question thus negatived.

RESIDENTIAL TENANCIES LEGISLATION AMENDMENT (FAMILY VIOLENCE) BILL 2018

Second Reading

Resumed from an earlier stage of the sitting.

MS J.M. FREEMAN (Mirrabooka) [3.37 pm]: I continue to want to give my contribution to the Residential Tenancies Legislation Amendment (Family Violence) Bill 2018. One of the things I would really like to do is especially commend the public servants who have worked on this bill. One in particular in the community took an active interest and therefore make sure that, in drafting this legislation, she heard many different contributions, including from those who represent lessors. I refer to the real estate industry and people who, as a business, own a property, and the property is then rented out to tenants. Let us stop the charade out in our community that if a person chooses—even as a mum-and-dad investor—to purchase a house and rent it out to someone by

themselves, without going through an agent, that they will somehow have some sort of property rights over that house other than the fact that they own a business and that that business is one that operates accordingly. The business is offering residential accommodation for payment to someone so that they get a return. It should not be based on an aspect that has been raised here, which is that something may disadvantage landlords or property owners. I said that previously. I think that is missing the point and missing what this legislation is about. This is about making families safe. Under the current legislation, there is no easy and quick way to end a lease. The liability for someone who has had to leave accommodation due to domestic violence or personal family violence can be crippling at a really difficult stage when they are trying to deal with what would be an emotionally wrenching situation, a personally threatening situation and a difficult situation in trying to re-establish their personal life and, in many cases, the lives of their children. In situations of domestic and family violence with both parties on the lease, it is unlikely the agreement will end by mutual consent of all parties. Tenants are required to break these provisions, and in most instances the lessor demands compensation for the losses associated with re-letting. That is not a fair situation. If the lessor has a loss because someone breaks the lease, they can pursue the person or pursue the loss and gain tax advantages from it. When a tenant breaks a lease or has to run from a family violence situation, it can be really problematic. It can take, on average, eight weeks for a property to be re-let, and with the current housing market in which there are more rentals than tenants, it can maybe take longer. Applicants can use hardship provisions under section 74 of the act, but this can be difficult as hardship is not defined in the legislation. Although there are provisions to expedite matters, it usually takes at least five to six weeks before a person can come before the Magistrates Court. If the lessor disputes the matter, the case may not be heard by the magistrate for up to two to three months, and meanwhile costs are rising. Even under the section 74 hardship provisions the tenant can still be ordered to pay compensation to the lessor.

We know that housing is a major social determinant of health. It has major implications for the wellbeing of victims of family and domestic violence. We also know that being able to maintain a tenancy is often the best outcome for families in terms of their social networks and educational institutions or sporting clubs their children may attend. There is that whole aspect of having the familiar during a harrowing time—for example, being able to go to a shopping centre that a person is familiar with. The worst-case scenario in a family violence situation is that a person has to leave the tenancy for their own personal safety. A big part of the work of women's refuges now is working hard with people who have suffered from family and domestic violence to help them remain in their homes. It is called the Safe at Home project. They do that through the person in question, obviously, getting restraining orders or various other measures for the perpetrator not to come to the home. The capacity to change locks is integral to the sense of security and immediacy needed for a person not to have to leave their house and place themselves in a refuge. It is absolutely about a person being able to control their own situation. It is about them taking some control back in a very distressing and deeply disturbing time when they are confronting their partners, in most cases, or someone in their family, about the violence being perpetrated against them. Paramount to the success of this legislation is the ability for that person not to have to go through major hoops and simply presenting the lessor with proof that, based on the regulations, this is best under the circumstances.

I want to take members through two more case studies. The first one explains the complexity of what happens to people going through the current court system. A tenant in her mid-20s was referred for assistance by Legal Aid WA, which had assisted her to get a violence restraining order against her ex-partner. She had been in a two-year fixed-term tenancy with her ex-partner that she had to flee after four months due to domestic violence. The rent on the property was $750 a week and the lease had been broken two months prior to contacting the service. The property was to be re-let in one week's time for $50 a week less than the original agreement. The real estate agent was demanding that the tenant pay $8 000 to end the tenancy. A significant proportion of this amount was the difference between the original letting price and the re-let price over an 18-month period. She was being penalised for the decrease in the rent able to be charged. The ex-partner had been on the lease and the tenant was concerned about being liable to pay the amount in full. She was also concerned about being listed on the tenancy database. This tenant was advised of joint and several liability under section 17A of the act, which outlines that when there is a dispute between tenants over one tenant paying another tenant's proportion of the rent, an application can be made to the court to recover the moneys paid. She was basically being told that she had to take her partner to court to get that part of the money paid. The tenant was advised that evocation of hardship under section 74 was moot and that it would be difficult as the tenancy was due to terminate in three days when the new tenants moved into the property. As such, this tenant could basically leave it and wait until the real estate agent sued her and then mount a defence or negotiate a pre-trial agreement about how to resolve the situation. She could have had an argument under section 15 over a dispute of the liability. She could have disputed it with the lessor and argued that the lessor and real estate agent had acknowledged the situation and all of those sorts of things, but the court process would be difficult, it would take lots of time and it would require her to be part of the process when she was trying to re-establish her life. Although she could apply to have the matter expedited on the basis of domestic violence, it would not necessarily be done. If she chose the first option of just sitting it out with this $8 000 debt, it was quite likely that her debt would be listed on the tenant databases.

The next case study I want to go through was of a woman in her late 20s who was being case managed by the Department for Child Protection and Family Support. She was three months into her 12-month fixed tenancy and

had been told by the department that she and her two young children had to leave her rental property due to domestic violence from her ex-partner. He was not listed on the lease. She had a violence restraining order in place, but she and her children were at risk, and to maintain custody of her children, for them to be able to stay in her care, the department required her to leave the tenancy.

[Member's time extended.]

Ms J.M. FREEMAN: The tenant moved to stay with her parents, but wanted advice about how she could end the lease. The tenant was advised about the provisions of breaking the lease through termination by mutual consent, but I understand she did not get mutual consent. She was advised that if the owner treats the termination as a breaking of the lease, the tenant would have to file an urgent application to the Magistrates Court as per section 74 of the act—termination due to hardship. There is a cost involved with processing and lodging the form, and there would need to be evidence to demonstrate hardship, because, as I said before, hardship is not defined in the legislation. She would also need to show evidence of her compromised safety at the property. Although she could get assistance through a legal service, she was advised of the protracted nature of the court process and that she could withdraw her application if the tenancy was re-let before the court date, but there may be an issue around compensation. I have given members all those cases, and I have been given others as well; other clients were named with their partner, the partner left the tenancy and the agent wanted to gain compensation.

This legislation protects the innocent party. It does not in any way discriminate against or cause difficulties for the lessor, because the lessor has the protection of the taxation system in the business that they run, which is the rental property. If they have any losses through that, they have recourse to mitigate those losses and they get a return on those properties in any event. This legislation is absolutely necessary to fulfil WA Labor's commitment to families and to victims of family violence in our community. I commend the bill.

MR S.A. MILLMAN (Mount Lawley) [3.51 pm]: I rise to make a contribution to the debate on the Residential Tenancies Legislation Amendment (Family Violence) Bill 2018. I start by placing on the record my gratitude to the member for Mirrabooka. Last night we were discussing this bill and the contributions to this debate. It is on the encouragement of the member for Mirrabooka that I rise to make a contribution. The member for Mirrabooka said to me that it would be worth making a contribution because it is important that men's voices are heard on the issue of domestic violence. That is a really important salutary lesson for everyone in this chamber. We all come in here and say that we are committed to tackling the scourge of domestic violence, and that is a worthwhile endeavour that everyone in this place is committed to—I will go into some evidence that supports that proposition—but all too often it falls to the women to articulate precisely why tackling the scourge of domestic violence is so important. I commend the member for Mirrabooka, firstly, for her contribution to the debate but, secondly, for providing me this afternoon with the incentive that I needed to stand up and make a contribution. I note as well that the contributions made on behalf of the opposition have also been made by men. I acknowledge that and recognise that they have also contributed to this debate as well. I thank them for their contributions.

I said that I would refer to some evidence that people in this place are united in their view that we need to tackle the scourge of domestic violence. I would like to highlight two key events. I see that the member for Bateman is in the chamber. Earlier this year, in coordination with a number of women's refuges and shelters for victims of domestic violence, the members for Armadale, Bateman and Dawesville, together with the minister, organised a ride against domestic violence from the south west to Perth. That was designed to raise the profile and awareness of what the McGowan Labor government and we as a community can do to tackle the scourge of domestic violence. I commend all members who participated in that ride and all parliamentarians who supported that endeavour. The Minister for Prevention of Family and Domestic Violence also has been assiduous in promoting this issue more generally in the community. On 28 November last year, she issued a media release, titled, "WA parliamentarians unite on stopping domestic violence". I will quote a little from the minister's media release, which states —

> - Western Australia has the second highest rate in Australia of reported physical and sexual violence perpetrated against women
> - Violence against women is a State-wide, whole of community issue
>
> Members of the Parliament of Western Australia have united, calling for a stop to violence against women, acknowledging that it has wide-ranging effects on victims and their families, on communities, and on society as a whole.
>
> The bipartisan group of 54 MPs —

Perhaps it was not bipartisan, but I know that it included members of the National Party and other minor parties as well. The media release continues —

> and Her Excellency the Honourable Kerry Sanderson AC, Governor of Western Australia gathered on the steps of Parliament House today, proudly displaying orange 'Stop the Violence' badges in support of the 16 Days in WA to Stop Violence Against Women campaign.

We can see from those introductory comments that we, as a Parliament, are cognisant and desirous of remedying the scourge of violence in Western Australia. The comments made by all speakers in this debate so far further exemplify that.

The McGowan Labor government is also committed to tackling the scourge of domestic violence, and I have already touched upon what the minister has done in her role. The reason I make that point is that this legislation fits into what I would describe as a comprehensive wraparound approach to tackling this issue. The first thing that the McGowan Labor government did when it was elected to office was appoint the very first Minister for Prevention of Family and Domestic Violence, thereby elevating this issue to a cabinet level position so that it attracted the necessary attention to become a proper part of the public discourse. As I have done in the past and when we spoke about domestic violence restraining orders, I congratulate the minister both on her appointment and on her setting the precedent as the first Minister for Prevention of Family and Domestic Violence, a portfolio that I am sure will persist.

In that role, as the minister responsible for the prevention of family and domestic violence, this minister has been assiduous in making sure that this issue is raised and victims of domestic violence have been supported. We need only look at some of the initiatives that have been put in place and some of the public comments made in order to provide that necessary support. One of the McGowan government's first acts was to introduce domestic violence leave for public sector employees. On 5 December last year, the minister issued another media statement in which she stated that employers have a critical role to play in helping the community tackle domestic violence. I commend the minister for elevating that issue and also calling on the private sector to do its part. I commend employers, such as Rio Tinto, that have done their part by incorporating domestic violence leave into their regime. In addition, this minister has also hosted Rosie Batty in Western Australia; she has publicised and prioritised the all-women emergency response team in February this year; on 8 June the minister boosted funding for domestic violence services in Perth's south east; on 19 June, funding was announced to boost sexual assault services; and, for the member for Dawesville, whom I have already mentioned, and the member for Mandurah, on 1 December last year, $1 million was funded for domestic violence services in Peel. We can see straightaway the benefit that is yielded and that the community receives, the benefit that the victims of domestic violence receive as a result of having a dedicated hardworking minister in this portfolio who is focused on this scourge on our society. All of that is important precisely because of what the member for Hillarys said, which was that in order to get these reforms through Parliament and to make sure that the community as a whole tackles this issue, we need to make sure that we have community participation. Raising the profile of this issue and then tackling it appropriately is imperative. I just wanted to talk about those measures at the outset, and they are just from the Minister for Prevention of Family and Domestic Violence.

I turn now to the Attorney General and the work that he has done for the national system of domestic violence orders and restraining orders, and legislation that we spoke on and passed in the Legislative Assembly in August last year. This is one of the recommendations that came out of the WA Law Reform Commission inquiry into legislative reform that would assist in tackling family and domestic violence as a scourge on our community.

Again, the response from members of this chamber to those reforms was unanimous; everyone agreed that it was the right reform to put through. I took great pride in being able to speak to those reforms, because I saw that they were a necessary amendment to the structure of the domestic violence and restraining order regime in Western Australia.

Debate interrupted, pursuant to standing orders.

[Continued on page 4049.]

McGOWAN GOVERNMENT — COST OF LIVING, EDUCATION BUDGET AND INFRASTRUCTURE PROJECTS

Motion

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

> That this house calls on the McGowan government to listen to the loud message sent by the people of Darling Range, including a commitment to lower the cost of living for struggling households, reinstate its cuts to regional education and commit to funding its infrastructure commitments, including Tonkin Highway extension and the Byford rail line.

Point of Order

Mr B.S. WYATT: I need some clarification on just one main point there—that is, the actual motion being debated. The Leader of the Opposition, again, just read out his motion —

The ACTING SPEAKER (Mr T.J. Healy): Is there a point of order, Treasurer?

Mr B.S. WYATT: Yes. I just need to understand what the motion is. The Leader of the Opposition read out his motion, including —

> … a commitment to lower the cost of living for struggling households, reinstate its cuts to regional education and commit to funding its infrastructure commitments, including Tonkin Highway —

The ACTING SPEAKER: Treasurer, I understand.

Mr B.S. WYATT: I want to understand why there is a difference —

The ACTING SPEAKER: Treasurer, different wording, I think, is the point of your point of order. I will just seek advice on that.

Members, this will probably address that point. The Leader of the Opposition yesterday gave a notice of motion. In it the word "reinstate" the cuts was used. The staff in preparing the notice paper queried this with the Leader of the Opposition. The Leader of the Opposition advised that the word "reverse" the cuts should be used instead to best convey his intention, and, accordingly, this phrase appears on the notice paper. I hope that clarifies the matter. This should have been read a little bit earlier. That was part of the transition at four o'clock. Does that address your point of order, Treasurer?

Mr B.S. WYATT: Thank you. Just further to that, I note that the draft *Hansard*—so I am not quoting, if you like—confirms the motion as read out by the Leader of the Opposition and signed by the Leader of the Opposition with "reinstate". Of course, once you change "reinstate" to "reverse", that changes the entire motion. Every time I have tried to amend *Hansard* in any way that changes fundamentally what I have said, Hansard does not allow me. So, I am just curious as to what Hansard will do in respect of this, because if it means we can change our meaning, then that is a new dialogue we have with Hansard. It is fundamentally different.

The ACTING SPEAKER: I have been advised that it does not change the intent of the motion, but I certainly acknowledge what you said. This could have been read a little earlier. We apologise to the house in that regard. On the point of order, it is acknowledged—I take the point of order—but it does not change the intent of this is my advice. Is that correct, Clerk?

Mr D.A. TEMPLEMAN: Point of order: "reinstate" versus "reverse" is fundamentally different. The point of the point of order is the definition of those two words and creating a different motion. That is the argument. If so —

Mr B.S. Wyatt: It's fundamentally different.

Mr D.A. TEMPLEMAN: That is right. I would have thought that there would have been as part of the procedures of the house when the Leader of the Opposition stood to move his motion that he actually should have moved to amend the motion, notice of which was given yesterday in this house. That I would have thought would have been a more appropriate procedure. I understand that that is the case previously on other occasions. Where wording is sought to be changed, it is done by a substantive motion through the mover seeking to amend the original motion.

The ACTING SPEAKER: The advice I have is that we look at the statement as a whole in this regard.

Debate Resumed

Dr M.D. NAHAN: Darling Range was an interesting by-election and it is a very interesting electorate. It is not the Darling Range of old. It is, if you wish, a microcosm of Western Australia. It is a very large peri-urban electorate that includes a great diversity of communities across it. It extends from the hills, with the hill-change people and orchards, agriculture, tourism and large spaces, and takes over 70 minutes to drive from one end of the electorate to the next. It is a big one. It is space. Therefore, transport is an essential issue in the electorate. Of course, more recently, the electorate has had very rapid infill development in Byford, around Kelmscott a little bit, and Baldivis, Wellard and Whitby. It also includes the very rapidly growing suburbs that have come to characterise Perth over the last 15 years, particularly during the mining boom. Indeed, for a while some of the shires that make up the electorate had been some of the fastest growing shires in terms of population in the country. Many of the houses in those new suburbs are brand-new and owned by first home buyers who have very high levels of mortgage debt and are experiencing mortgage stress, like many households around Western Australia. Also, many of those households are new to Western Australia, whether from interstate or overseas. They came to Western Australia during the boom times and are experiencing job stress, if you wish. They are not only experiencing difficulty getting jobs relative to what it was like when they first came, and had motivated them to come, but also falling income levels. Incomes levels have been cut. If members want to distil an electorate to represent Western Australia as a whole, at least south of Geraldton perhaps, Darling Range would be the one. So it is extremely interesting.

Even though the electorate had been held by the Liberals for most of the time, it had changed fundamentally. It is also an electorate, just like many other electorates, in the last state election that swung massively to Labor. People sent a message en masse to the previous Liberal–National government that they were unhappy, and they elected their first Labor member of Parliament in a long time, if ever. Again, this illustrates the outcome of the last election writ large. The electorate of Darling Range responded very positively to the McGowan Labor Party at the last state election, and it got way over 40 per cent of the primary vote, which was a very good percentage for it. The swing to Labor was large and the vote mainly went directly to Labor. Therefore, there was a statement of great support in the electorate of Darling Range for the McGowan government at the last general state election, as there was in many electorates across Western Australia—indeed, almost all. Given the composition of this house, that is obvious.

Now, 15 months later, there was a substantial swing away from Labor. Indeed, I think it was about a 14 per cent drop in the primary vote, and overall a very large swing against Labor on the two-party preferred vote. The electorate went from about a 5.9 or six per cent Labor seat to a three or four per cent Liberal seat in just 15 months. It was a substantial outcome. I have to ask first: what does this mean for the Liberal Party? We are not crowing. The Liberal Party has a lot to learn and adjust to from the message the people of Western Australia sent us in the 2017 state election. We have a long way to go. We are listening. We have made some adjustments, but we are not there yet. We achieved 34 per cent of the primary vote in the Darling Range by-election, and that is low. We need to improve. A large amount of the swing against Labor went to minor parties and, in the main, back to the Liberal Party. We need to improve our primary vote. We took that as an indication of, not a reason to crow about, the outcome. The Liberal Party rejoiced but it was nothing to crow about because we have a lot of work to do to improve the brand and responsiveness to the Liberal Party of the people of Darling Range and, indeed, all Western Australians. We concede that we are on the right track, but that track is long and we have a way to go.

There is no doubt that Barry Urban was an issue. Why would he not be? It was unprecedented for this chamber to throw out a member of Parliament. We sat and watched a long, painful process of self-destruction. On this side, we took no joy from it and nor did members opposite. I think the man needs help. However, was he an issue? As we found out, he was known in some areas because he had been a policeman in that area, he had sat on one of the councils for at least a term and he lived there. He was well known and highly respected among some. Some did not know who he was. He was not a dominant issue. I was surprised that the issue of Barry Urban was not a dominant issue. It was for some but not for most. It was not the major factor that determined the outcome of the by-election. Miss Yates, Labor's first Darling Range candidate for the by-election came and went so quickly no-one knew who she was. She was not from the area; she disappeared very quickly. Labor's other candidate, Ms Lawrence, what little I know of her, was an excellent candidate. She was not very vocal but from all I saw, she appeared to be an excellent candidate, so Labor finally got the right person. It took three goes, but Labor got a good person. Labor had a good candidate and Barry Urban was not the major issue. What was? There was a great deal of disappointment because at the last election, the Labor Party had a very good plan to win government. It was very effective indeed. People listened to it. Members opposite were systematically developing and articulating their plan for years before the election. They were a very vigorous and, I might add, energetic and aggressive opposition, which laid out a plan to win, and won—and won big.

People wanted a whole lot of things that members opposite had promised or at least said they were against and, therefore, would not do, and that is why people voted for the Labor Party in large numbers. Equally, the Darling Range signal is that people are not pleased with what the Labor Party said it would do compared to what it has actually done. I will start with some. Frontline services is one. As we on this side know, particularly people like me who represent what I would declare a marginal seat, during the 2013–2017 term of the Barnett government, the Labor Party campaigned very, very hard on cuts to frontline services. Education was the most highlighted, and there were police and child protection; you name it. People from United Voice and the State School Teachers' Union of WA protested outside my electorate door at least monthly—sometimes more often—against funding cuts to education. We all heard them. It was not just about educational assistants but all areas. In fact, they put fliers around in all the newspapers quantifying the cuts to each primary school and high school. They were not really funding cuts; they were reductions in growth; that is, we reduced the growth in expenditure against the forward estimates in education. We did not cut or reduce. In fact, it is very strange that, at a macro level—the Labor Party got away with this, but it will not get away with it in the future—Labor complained about our macro overspending. But on the micro level in specific areas, particularly frontline services, Labor condemned us for spending too little. Anyway, people listened to and believed members opposite; they acted on it and voted for them, particularly based on frontline services. They also listened to the Labor Party say—particularly in rural and regional areas, and voted for them in large numbers on it—that it would be equitable and be a government that supported everyone. That is what members opposite said. Electors were therefore shocked, particularly after the previous budget, not the one this year, when the government started systematically cutting frontline services. No-one has been complaining about the government trimming wage rates for public servants or capping Salaries and Allowances Tribunal determined officers and Parliamentarians. I have not heard them complain about that, but they have complained about cuts to frontline services, particularly since some of them appear to be not only cutting essential services but doing so in a petty and inequitable manner. When people see this they say, "That's not what you promised, but that is what you're doing." They also saw that the government was attempting to hide it, to get around it and not be open about it and saying there are no cuts, when there are.

Probably the most focal series of cuts that the Minister for Education announced totalled, I think, $64 million. That was enunciated last calendar year, right after Parliament rose. The government backed down on some of them—for instance, on Schools of the Air and the gifted and talented programs—and that was appropriate. That highlights that the government was planning to make these cuts. However, the ones the government left on a range of other fronts, the community resource centres, school camps, Moora Residential College and others were not what Labor promised, and that, quite rightly, appear to be inequitable and, indeed, small, with not much savings. As a result, the people who were impacted by those cuts, Moora Residential College, the CRC people, Lansdale Farm School

and the school camps all came out in support of our campaign in Darling Range, because that is what the political process allows us to do. If a government breaks promises and harms something essential and necessary for our children, the political process allows the electorate to express that in an election that the Labor Party, essentially, provided us in the Darling Range by-election. They came out in large numbers. We welcomed them and thanked them. I would like to thank some of them. Tracy Errington and Vicky Longman, who are with the Central Midlands Senior High School; Julie Walsh, a business owner and member of the Moora Chamber of Commerce; Lyn Hamilton, shire councillor and retired teacher, also from Central Midlands Senior High School; Jo Matthewson—a dynamo—and friends, and her three young children from Landsdale Farm School; and Sharon Williams and friends. Sharon was a convener of the save Perth Mod campaign. The decision to reduce funding to Perth Mod was reversed. Why was she involved in Darling Range? She saw what happened with Perth Mod, which she is very passionate about and saw the government's same approach to other schools—schools that needed her help—and she stood up. I also thank, Lana Kelly and Sarah Stribley, both young, Moora residents; Sue Carpenter, an ex-education department staff recruitment officer for rural schools, who was really angry. She, of course, had left the Department of Education, otherwise she would probably be in trouble. I also thank Colin Gardiner, the former shire president of Moora.

Those are just the people I would like to thank on education. There were many more—some whose names I cannot remember and some whose names I cannot mention for fear of retribution and victimisation. I remember knocking on doors in Byford with five ladies from Moora Residential College. We split up somewhat so that we did not look like a horde at the front. The reception we got was profound—even in Byford, Moora is a microcosm—and that area has a large peri-urban and rural contingent to it, so they understand. A community resource centre in the area has had its budget reduced by 40 to 50 per cent, and quite a few children from the area go to Landsdale Farm School, so there was some direct relevance. What really got their attention was thinking, "For the love of God, there goes my school!" and the slogans "We are all Western Australians!" and "That is not what they promised!" The people stood up and good on them. I thank them and, hopefully, their message has been heard by the government of the day as it has been by the Liberal Party and other parties.

Cuts to frontline services are not insignificant; they are real. When they were mentioned in debates on various appropriations in the budget, the government denied that they exist. The reality is that if the state appropriations for 2017–18 are compared with those for 2018–19 over the forward estimates, education spending goes down by $282 million and health spending goes down by $202 million. Appropriations for communities is distorted by the National Disability Insurance Scheme, which I have not pulled out, but it goes down by $228 million. The police budget does not go down by much—$520 000. Voters see this and listen. Their interest groups listen and read *Hansard*. They think they can go through the budget, but the budget is, I might say, quite dishonest, which I will go through in a minute. They say that this is not what the government promised. The government promised to do the opposite of what it is doing on frontline services and it got whacked. If the government does not adjust that microcosm, the outcome will spread.

Increases to fees and charges was always the big issue, which is not surprising. Increasing household fees and charges by $700 in 18 months impacts people, and it was adjusted so that people could not avoid it. For electricity, at least, the increase was put in the fixed charge so people cannot turn down the heat or install solar. They will have to cop it sweet no matter what. Some large water users are in that electorate, as there are across the Perth area and bores are limited in some areas. Over the forward estimates the government has put in an increase of $1 241. When it was in opposition, Labor made it clear to everybody that it was on the side of low fees and charges. It criticised the government of the day for every fee increase above inflation that it made. When we put it at 4.5 per cent, Labor screamed and campaigned. When it was three per cent, Labor screamed and campaigned. People legitimately heard that message—it was very widely advertised—and believed it. They thought: that is what those people are saying and if we elect them, they will not extensively increase fees and charges. That is what the government said. It criticised us and promised not to do it, and voters believed it. The government has done the opposite—and at a time when household budgets are struggling!

I know that the Treasurer and others like to say that we are in another boom era in our economy and that everything is going well—jobs are plenty, house prices are increasing, and wages might go up in the future. In fact, that is predicted in the economic forecast. But people know what they know. They know what their home budget is and that is not what they are feeling. They are struggling to meet these payments, particularly in new suburbs where household mortgages are very high, both in aggregate and in the share of the value of the home. In virtually every urban area of the electorate of Darling Range, house prices declined over the last few years and are still going down. The rate of negative equity is very high; the value of properties, if they can be sold, is less than the mortgage. Mortgage stress levels are very high; that is—people spend all their income and, indeed, are borrowing at times to pay the mortgage. That is the reality. Members opposite might not like to believe it but it is. The government promised to do otherwise and broke its promises. It might say that it has to do that and try to blame the previous government or raise that 10 years ago the first Barnett government increased electricity prices very highly. Again, it was at the rate of the forward estimates, but very highly. It is true that the previous government raised electricity prices above inflation. But voters do not care. They elected Labor. Labor is in government, not us. One thing we

knew about the by-election was that Labor was still going to be in government, the member for Rockingham was going to be the Premier, the member for Victoria Park was going to be the Treasurer, and I was going to be the Leader of the Opposition. That was the issue. This by-election was not to change the government, it was to send a message to Labor. The message was, "Do what you said you were going to do!"

I could not believe it, and I do not think the Treasurer could believe it, when the then Leader of the Opposition, the member for Rockingham, said over and again that there would be no new tax increases or taxes on his watch. During debates I remember the Treasurer saying that no Labor Treasurer could possibly say that—and he was right. It should not have been said and was not possible. It was not going to be done; he just misled people.

Small businesses have been impacted the most. Just like everywhere in Western Australia, a large number of people work in small businesses. In Darling Range it is mainly tourism, retail, and hospitality, but also agriculture and transport links. A good number of smaller businesses provide services to the mining sector. Again, it is a microcosm. Those businesses particularly felt the heat of various increases to taxes and charges. But even if the changes did not impact them directly, they impacted on their customers, particularly in the mining sector. The increase in payroll tax did not impact them, except for cuts to assistance with training, which impacted a few small businesses, but mostly big payroll taxpayers from the high end of town. Most business owners said that Labor said the opposite. They heard the Premier promise over and again and he broke that promise.

Governments do not really create jobs. They create the environment for the private sector to create jobs and the private sector does not see the environment as being conducive to creating jobs. The sector does not see what Labor is doing to create jobs. It hears the talk, but small businesses see a flat-as-a-tack housing market, retail trade, and hospitality. They see a very difficult economic environment. Neither we nor they expect the government to give them business directly from the government, but they hear the government rhetoric about jobs and see nothing coming from it.

The government made a large amount of activity around transparency. It said the word over and over again, and the media picked it up quite extensively. The previous government was secretive and hidden. The Langoulant inquiry said that the previous government did not provide adequate business cases, and there was lack of planning, and as a result it spent too much and spent carelessly. That is the claim. The present government has virtually no business cases for anything. When asked about the subsidy for Qantas—not Virgin, which flies to the same place—to fly to Broome, it is a secret. Why is it a secret? That is a secret. Did the present government not say when in opposition that it would apply a gold standard of transparency? Why was the contract given to Qantas rather than Virgin? That is a secret. The funding for Roe 8 was reallocated without tenders. It was just redirected. Contrary to what it said, the government has committed to the lowest standard of transparency. That was not a dominant issue, but it was an issue for some.

Another issue is the leader. Our leader in the past was quite a strong-willed character. We all recognise that on this side. He had a vision, and he was pursuing it almost no matter what, and he did it his way. He was very forceful. The electorate went against that, but now people look at the present Premier and see basically the same thing. Why, they ask, does the member for Rockingham look and act like the former member for Cottesloe? We got a lot of that, and there is some substance to it. This is reinforced by his response to the by-election in Darling Range.

There are a large number of agricultural operations in the electorate, including fruit of various types, and a large number of people have relatives, or have spent time living, in rural Western Australia. It abuts areas that are part of royalties for regions coverage. The people recognise that the government during the election and subsequently promised that it would retain royalties for regions in full. Indeed, the Treasurer brags that only the Labor Party will retain royalties for regions. Then they look at the reality, and they had been well informed about this. You cannot fool country people when it comes to royalties for regions, and they can see, as is transparent in the budget in this case, that the government is pulling out one project after another that it inherited from the previous government, redirecting the money for a couple of years to some projects in Labor marginal seats, and taking most of it back into the consolidated account to fund various other things. In other words, the government is cutting royalties for regions, contrary to what it promised and what it is claiming, and it is bloody obvious—excuse me, it is obvious. People see this, and that was one reason the National Party and others came and handed out "Put Labor Last" signs. They can see it. This is for us all. This is our opportunity to send a message to the McGowan government to be honest, to do what it says, and to not try to hide when it makes a policy commitment to redirect money from royalties for regions while saying it is saving royalties for regions. It is just an accounting trick; we all know that, and they know it. The government is not reforming royalties for regions; it is destroying it. It will not get away with that trick. That message was sent to the government.

The government campaigned very vigorously and successfully at the last election against privatisation. In fact, some of the wrap this time had a picture of Colin Barnett fading away and me—a bad picture, I might add, with my moustache still there—replacing him and negative words about debt and privatisation. We had a privatisation agenda at the last election. We went for it openly and honestly, and we had it detailed. We were honest, but people voted against it. Honesty, openness and transparency, that is what we did. The government has come in with a surrogate privatisation agenda—one that it argued against vigorously. The government said that it would sell the

TAB if it worked out. That is fair enough. That is honesty, and we will support that pursuit when we see the details. The Premier made the caveat all the time that the exception to his anti-privatisation campaign was the TAB. That policy is on the government's plate. But we are seeing massive land sales, and there is no transparency about those.

Mr D.C. Nalder: Energy.

Dr M.D. NAHAN: Yes, energy—that is right. The Minister for Energy found in our in-tray that Synergy had proposed a fund to meet the large-scale renewable energy target requirements, and to get them off the balance sheet. The problem was, that was in our out-tray, not our in-tray, because we had considered it in cabinet and decided against it for a variety of reasons. We looked at it carefully, and Treasury told us it would come back onto the balance sheet, and it was a high-cost solution because the borrowing rate for that fund is higher than the borrowing rate for the state. It was a high-cost solution. It potentially gets it off the balance sheet, but Treasury and other advice said that it would come back onto the balance sheet. However, the government decided to do it, and that is fair enough, but it is exactly the opposite of what the government said it was going to do in the privatisation of electricity assets. People saw the government selling the Albany windfarm. It is telling people that it will be leasing it back, but it is not. It is selling the Greenough River Solar Farm and another windfarm. It is selling assets. The government might try to explain it as an attempt to reduce debt or the requirement to borrow. That is what we said, but the difference is that we went to the election with a program to sell assets to reduce debt and fund infrastructure. The government went into the election to do the opposite—that is, not to sell assets, especially and specifically electricity assets. The government broke its promises. No wonder people changed their vote en masse, and no wonder people are highly cynical about politics, politicians and the political process given all these broken promises. These criticisms are real.

If we look at the government's policies and listen and respond to the material as an opposition, we see that the government has a plan in Metronet. It is trying to figure out exactly what Metronet is. Right now, it is everything under the sun, but the government will come up with something. It is definitely building new rail lines, train stations, and perhaps trying to get infill around the stations. We are watching that, but other than that, the government does not have a plan, except bumbling through. There is no vision here. Where are we going as a state? Lithium is a major potential, but voters see that the present government really had nothing to do with that. Most of the processes that led to the development of lithium were generated in China and elsewhere around the world, and were facilitated under the previous government. Maybe down the track the government will make decisions that lead to the growth of the lithium industry—fair enough. The government's $5 million for a cooperative research centre on lithium was a good idea, to give it credit where credit is due, but lithium is not the government's idea. Where is its vision, other than Metronet? It is not there.

Another issue that comes up over and again is: where is the demand for housing, retail, services and hospitality going to come from? Most of these are people services. Where is the demand for people services from the population? One area the government has talked a lot about is tourism. The Premier says that the government has one of the most energetic Ministers for Tourism. He is very energetic, but energy and hopping up and down are not outcomes and productivity. We are watching tourism and the numbers are not improving. The minister is going out and announcing things here and there that make no sense. To give an example, when the Labor Party was in opposition there was an issue about expanding the domestic terminal to facilitate Qantas flying directly to London. The reaction of the then opposition was negative. Indeed, initially the tourism minister—he subsequently changed his tune—bagged the idea. However, once he and the Premier got on the first flight and had a sojourn to Europe, he changed his tune. It is erratic. Of course, one of the biggest issues is that the government's tourism strategy starts and ends on the borders of the metropolitan area. The draft strategy included Margaret River, but the final one excluded it. In other words, the government has a very urban-centric approach to tourism.

The people of Darling Range to a great extent perceive themselves, at least in terms of tourism, as rural, and they have seen no tourism strategy. Then again, they gave the government the benefit of the doubt on tourism and they like what they see in lithium—although they are not going to give the government total credit—but they see no strategy as a government. Other than building railway lines and whatnot, it is limping through. They also see—the data backs this up completely—that the government's infrastructure budget is skewed towards Metronet; everything else is basically being cut back, including schools and hospitals. Everything is being cut back because of the government's very large commitment to Metronet, and that is even after the commonwealth government provided it with huge amounts of income.

Another issue, as I mentioned, is the seat of Darling Range, and it is a big one. It is one of the largest metropolitan seats in terms of dimensions and scale. The people who live there commute and travel a lot, particularly those in the newer suburbs. They are often tradies who have to work all around and outside the metro area, so transport links, particularly for vehicles, are absolutely essential. After the issues of fees and charges and general difficulties with household budgets, transport—particularly road transport—was the top issue.

The Byford rail extension, which I will talk about in a minute, was important, but the Tonkin Highway extension and related investments was the dominant issue. It was not so much seen as creating jobs; it was basically seen as a transport link. The people of Darling Range took the government at its word that it was committed to it. There

was $253 million in commonwealth money coming in for it, and they knew about that because Andrew Hastie had made it clear to them that the Turnbull government had committed money for it and was committed to it. But they were also told by Andrew Hastie and us that the government had not taken the $253 million and put it in the budget, and it had put in none of its own money. They understand that no money equals no commitment. Words are cheap. They were puzzled by that: why would the government not put the provisioned money at least somewhere in the forward estimates for the Tonkin Highway extension? It had the $253 million from the commonwealth and it had made its own commitment, so why did it not put it in there? Where is it? If the government had the commonwealth money and its own money, it could have provisioned for it. It did that for the Byford rail extension, although it was just commonwealth money, none of its own money; it left that out. It provisioned it over a period of time, somewhat, for Byford and Ellenbrook. It also had some money for that. It was not clear what it had provisioned for, but it put some of the money from the commonwealth in the budget, but none for Tonkin Highway.

Of course, during the campaign the government went around and said, "We're committed to Tonkin", and people asked, "Where's the money?" It was not there, and for good reason—the government was not going to commit to it unless it got more money. This is an important issue of transparency. If the government says to the public, "We're committed to it; we're doing work on it", and it signs an agreement with the commonwealth for it to fund 50 per cent, then does not put the money in there, it is understating its debt levels quite significantly. We were criticised by the government for putting money into MAX light rail. I will be honest: MAX light rail was a fiasco decision, but we made it and we provisioned money for it, and when we decided not to do it, we pulled the money out. That gave the Labor Party a great thing to campaign on, which it did with vigour. But that is how the government should do it. If it is committed to something, put the money up, especially when it has money from the commonwealth. If it does not, it is not committed to it and it cannot commit to it.

We had the same thing with Roe 8. I remember that in the first budget we brought down in 2009–10, we put in more than $500 million for Roe 8. The problem we had subsequently was that when we first put it in, we did not have a statement from the Rudd government, and then the Rudd government told us that it would not commit to any funding for Roe 8, so we had to take it back out. Therefore, we said, "Until we get commonwealth money committed for Roe 8, we will not commit to it." In 2013, the Labor Party campaigned on us changing our mind on Roe 8. We wanted to do it, but we needed commonwealth money and without commonwealth money, we could not commit to it. The government said it was committed to Tonkin. It got the money from the commonwealth and it put none of it in there.

As we have discussed repeatedly in this place, the government has voiced to the electorate $2.8 billion in commitments from the commonwealth for roads and other infrastructure that the state government has not put into its budget. Coincidentally, that $2.8 billion over the forward estimates is the equivalent of the government's claimed reduction in debt. Its debt reduction strategy is just to leave out expenditure that it has committed to. That is a strange way of budgeting. I do not think the people of Darling Range understood the budgetary process that much, but they were aware of that.

The lessons are, for us, to continue what we have been doing, which is holding the government to account. We listen to the public, particularly when we go into the process of developing policies for the next government, we make sure we are honest, and we put together policies that we can deliver and do not over-promise. We will not promise things that we cannot or will not do, or else we will have the same problems that this government has. Another lesson is to stay away from hubris. We have also learnt that people are, as I mentioned before, highly cynical about the political process. The average voter turnout in the Darling Range by-election was above the average turnout across all electorates in the last state election. Despite what the Premier said, the Labor Party's campaign to get people out to vote was effective. It was higher than the turnout in the Cottesloe by-election, which surprised us somewhat. The Labor Party's campaign to get people to vote was very effective. The trouble is that they did not vote for it. Many people came out and voted for minor parties so the preferences went to us, in the main. That was the Labor Party's problem. The actions of government members, both before the election and since then, reinforced a pervasive cynicism towards government at state and other levels, including: the broken promises, the hubris, the cuts to frontline services, excessive fees and charges, the attempts at privatisation when it promised not to do that, the gutting of royalties for regions when it promised not to do that and the lack of transparency. That is a very dangerous thing because it will rebound on us all. It is giving birth to minor parties with strange preference flows. I think that is why Clive Palmer is back—I think he is back; he is trying to come back. It is undermining the whole political process. That was one of the major messages from this by-election. People are trying to send the government a message: "It's not what you said you were going to do. We don't like what you're doing. We're not going to change government because we can't change government in this by-election, but I tell you, if you don't change, you will."

I do not really like the ReachTEL poll after the one that was published in *The West Australian* on 16 June that indicated the Labor Party had a 54–46 per cent lead. It was obviously not very accurate. I knew that. Our polling showed four weeks out that we were ahead. The Labor Party's might not have; I do not know. We did not use ReachTEL, of course. ReachTEL has a long history of questionable polling. I can remember that two to three

weeks outside the last state election, *The West Australian* published a ReachTEL poll—I do not know who paid for it—that showed Labor and Liberal were 50–50. I can tell members that I wanted to believe that. I acted like I believed it but I knew that it was not true. It was a pretty lousy poll. Joe Spagnolo from *The Sunday Times*, who watches the political operations and activities in Western Australia with a good eye, came out with a ReachTEL poll on 6 May 2018. I think it was published by somebody in the *Herald Sun*, for some reason. It was a survey of 4 400 people, which is a pretty good survey. I think we have debated in this house that the poll showed a swing of 9.9 per cent against Labor in Belmont, 12.2 per cent against Labor in Jandakot, a 10.8 per cent swing in Southern River, and an 11.6 per cent swing in Swan Hills. That would have meant a change in government if this was accurate. In other words, this poll—I have to say that I have a lot of caveats on a ReachTEL poll—illustrates that the outcome in Darling Range and the concerns expressed by people in the electorate are pervasive across many of the electorates that Labor won in the landslide 15 months ago. Understandably, Darling Range is a microcosm of Western Australia as a whole.

From a political perspective, we represent the public and our task is to keep government members honest to their promises, transparent, and make sure that the public know what they are doing. The public's message to us was, "Do exactly that." We are going to continue to pursue government members under the first caveat, "Do what you promise and don't break promises, and don't hurt the electorate" and we expect members opposite to respond. A good government would look at the result in this by-election and say, "We need to change things." The message is that things have to change. Peter Beattie, a former Premier in Queensland, would not. The real task for Mark McGowan is whether he will change and whether he recognises that change is needed. Does he have it in him to change and what will he change to?

Another question that we will debate, no doubt tomorrow, is the proposed privatisation of parts of Landgate. I will highlight that with the few minutes that I have left. It shows the hypocrisy of members opposite. Our privatisation program was for long-term leases. We had plans to lease out parts of the port of Fremantle. We were going to part-lease the Utah Point Multi-User Bulk Handling Facility, which was part of the port of Port Hedland, so we were going to take an income-earning asset and lease it out on a long-term basis. We were open and honest enough to say, "That's privatisation." That is what it is and members opposite agreed with us that it is privatisation. Let us put aside the rhetoric and say it is privatisation. We are waiting to see what will happen. The government's very important asset—Landgate—governs the collection, distribution and safeguarding of all land transactions and land titles in the state. It is one of the most important databases in the state. The government is going to do something with it. We have a press release that states the government is going to commercialise it—that could mean many things. It also states that a third party—we do not know if it will be private or public—will run part of it. We will see tomorrow what that means. If it is what I think it is; that is, the government is going to take the profitable part of Landgate and go into a long-term operating lease, that is privatisation. The responsible minister, the Minister for Lands, stood up today and said that it is not privatisation and therefore the government is not doing it. We will see, but I tell members that if they are, with rhetoric like that and without copping it sweet for their decisions, it will reinforce the widespread cynicism in the electorate towards government members and politics in general in the state. Everyone knows that it is privatisation. We know why the government is going to do it; it needs the money. After all, the Liberal Party went to the last election promising long-term leases of certain assets to reduce debt and fund infrastructure. That is exactly what the Labor Party is doing. The problem is that members opposite knew there was a need to do something. Treasury told us and told members opposite that the next government had to do something about the debt levels. Members opposite said they had a plan. We knew that plan was vacuous. They won government and now they are struggling. In government, members get hit with new needs.

Before, we had a suspension of standing orders on prison-related issues and the Minister for Corrective Services said that the previous Liberal government had committed to building the prison but did not fund it. In the run-up to the state election, what really happened was that Treasury said, "There will need to be a new prison." To communicate that to the next government, Treasury put forward its own estimates of the budget for that, which it appropriately does, and it provisioned for a new prison. We did not commit to it. We undertook a study into it, which was ongoing. Treasury said that the next government—Liberal or Labor—would have to build a new prison. Members opposite have chosen not to. They can distort that by saying that we committed to building it, but we did not. That is just an illustration. As the population grows and as we go on, demand for the infrastructure of schools, prisons and hospitals will grow. That is what happens in government but we move on. Members opposite came up with issues of the redress scheme, which we support, and I think a good deal has been negotiated with the commonwealth. We support that. I have not seen the details, but of what I understand, I think members opposite did a good job. But these things happen and more will happen. The government has been lucky that it has been successful in getting money for Metronet for the commonwealth—good on it. The government has got a lot of money from Roe 8, which it has not allocated—bad on it. The redress scheme is one of the things that governments have to deal with and the question always comes of how it is going to be funded. The government's problem is that it went to the last election promising not to sell profit-making assets, but that is exactly what it is going to do with Landgate. It promised not to sell it. We heard the Premier say it over and over—he saturated the airwaves—but now the government is going to do exactly that and it is trying to hide it behind the redress scheme. Ninety-nine

per cent of Western Australians support the redress scheme. The government agreed to it. It was correct to do so; it got a good deal and good on it. The government now has to worry about how it will fund that. The government's problem is that it ruled out the funding source it appeared to be choosing. That is the government's problem. There are some problems with that funding source.

As I indicated before, we very quickly looked at the sale of Landgate, in full or in part, and whatnot, but we decided not to pursue it to the extent that the government is because there are real problems with it. Indeed, does it save money at all? What would the government get for it? Why would the private sector be willing to pay $600 million or $2 billion for it when in government hands, if we include profits, dividends and income tax payments less the community service orders, it loses money to the state? Is the government going to sell the income, but keep the subsidies? All these things are really important, but we decided we were not going to look at the sale because it was not worthwhile. How the government is going to get $600 million-plus from the long-term lease of part of Landgate with it doing exactly what it does now is beyond me, but we look forward to that debate. The central issue with Landgate, the redress scheme and other privatisations is that the government promised not to privatise, but it has done so in a haphazard manner. The government is trying to hide from the fact that it is doing what it is doing—proposing the long-term lease of electricity assets or Landgate—which is privatising all those assets. The government promised not to do that. The government told the public of Western Australia that privatisation is bad and it would not do it, but that is exactly what it is doing. The government should not look for support on this side. It is not going to be forthcoming because of what the government promised. The government should not look for support here because there are real problems with the transfer of ownership and control of essential parts of Landgate to the private sector. We look forward to that debate. I refer to the tactics of the Minister for Transport in question time when she was asked about whether the government would privatise and she said there would not be privatisation. That was being evasive to the point of excess, and that is one of the major reasons that the people of Darling Range voted against the government.

DR D.J. HONEY (Cottesloe) [5.04 pm]: I rise to speak for this motion. I have quite some empathy for the seat of Darling Range. I hear various comments across the chamber from time to time about associations with the electorate and whether we are part of it, but I thought it might assist the house to understand why I care so much about it. My nanna lived in Kelmscott; in fact, she lived up on a little block on the corner of Railway Avenue and Centre Road in Kelmscott. When I was little boy living in the deep dark bush down in the south west, one of the pleasures of my life was to come up to Kelmscott for my summer holidays on the Western Australian Government Railways buses. I do not mean this in any sexist way, but at the time there were hostesses on the buses; that is what they were. We used to get a beautiful little packed lunch and a bottle of cool drink served to us and it was a delight. These days it would not be allowed to happen, but as a young boy, my brothers and I, being very small, would walk down to the excellent swimming pool in Kelmscott unattended. Being little kids from a little farm in the deep bush, we were pretty impressed by the swimming pool.

Mr W.R. Marmion: How old were you?

Dr D.J. HONEY: I was probably about four when I started doing it. We also used to put our heads on the railway tracks to listen to the trains down there!

I boarded away at school, and I will talk about that a bit later on, and I had the pleasure of going down to the Manjedal scout camp in Byford and enjoying that. Indeed, my own children have also enjoyed going on camp at Byford. As I was going around the electorate, I thought the election might be heading our way when I went to Roleystone and saw Honey's Bakehouse. That is almost certainly a relative for a variety of reasons, none less than the fact that my great-grandfather cleared most of the timber through that area through Honey's mill, Lion Mill, up in Mundaring. He cleared timber all through that area. I certainly have some strong affinity for that area, and I now have a stronger affinity, having spent some significant time in that electorate doorknocking over the last month.

I find it a little interesting that when members on this side talk about disadvantage and the impact of government charges on people, we get a lot of derision. We get pejorative comments and we get the comments about Struggle Street and the like. I guess at one level it is interesting that it comes from members of the government, because I know that a great many of members of the government are principled people and they do not like stereotypes. Stereotypes are bad. All stereotypes are bad, including stereotyping members on this side of the house. One thing I know is that all my fellow members on this side of the house care deeply about the members in their electorate, but more generally they care about people in the state, and in particular people who suffer disadvantage. We heard today about a group of people who suffered dreadful disadvantage and the government has made significant moves to help those people and at least help restore some balance to their lives, and I certainly support that initiative.

As I say, members on this side of the house care especially about those members of our communities and the state who suffer disadvantage and who are struggling. I know that the member-elect for Darling Range, Alyssa Hayden, has a particular empathy, being someone who left school in year 12 and who started her own business. In fact, her first business failed and she went through all the anguish and pain of that, but she eventually went on to establish her own career without the advantage of a tertiary education. She is certainly someone who very much cares.

I know what it is like to balance priorities. I went through a bit of this in my inaugural speech and I do not intend to repeat it, because I am sure it would bore all members; however, I came from very humble circumstances as a child. I know what it is like for parents to agonise at the end of the week and the end of the month about how they are going to pay their basic bills and how they are going to afford food—not just for the higher things in life such as going on holidays and the like. I can say from the time I spent in the electorate that I saw a lot of that.

I want to focus a little bit on the election result. The election result was decisive. Although I am a novice in this house, and I admit that, hopefully, I am learning, I have been involved intimately in politics for about 30 years and I have been to many, many elections. I really like elections. I like them for a number of reasons. Firstly, they are obviously the democratic opportunity for people to have their say, but at a very personal level I like them because they are an opportunity to get a quantitative measure of our judgement by being at the polling booth and assessing the mood of the booth. Once the election has been held, there is the opportunity to test whether our assessment or intuition was correct. To me, this by-election was very unusual. It was clear to me early on that people had made up their mind. In most elections I participate in, I would say that 90 per cent of people would take a how-to-vote card. That trend has been going down a little, and in my by-election that dropped a bit. In this by-election I was really astounded while handing out how-to-vote cards. People were polite, but they were determined, and probably one in three to one in four people coming into the booth did not take a how-to-vote card. They just very fixedly went charging through. I knew one thing for sure: that if those people were voting for the Labor Party, then the Labor Party was safe in the seat. I knew that if they were voting for us or the minor parties that preferenced us, we would clearly win the seat. I had a pretty clear view in Kelmscott that it was a strong, traditional Labor seat and some people were not polite in refusing the Liberal how-to-vote card. It turned out to be about 400 Liberal and 700 Labor; it is a very strong Labor seat and that was very clear from people's intentions. But when I went to Byford, I must say overwhelmingly I got a good feeling from the people who were taking the how-to-vote cards. I got a much stronger view there. When I went to West Byford Primary School and Woodland Grove Primary School, I observed the outstanding primary schools that the Liberal–National government had delivered. I can say genuinely to members of the house that they are absolutely fabulous. The quality of the educational institutions I visited throughout the whole electorate was superb. For all our foibles and for all the toing and froing we had across this house, the quality of education in those seats and the quality of facilities is really outstanding.

As I said, Kelmscott is a very strong Labor area and I got the feeling that Mundaring is also pretty well a typical Labor vote. It had excellent representation from the Labor Party and there was strong representation across all the booths, certainly up at Mundaring, with strong representation from the Liberal Party. Certainly, I did not get the same strength of feeling there. The by-election was unusual for another thing, which my leader has already touched on, and that is the third party endorsement. I have never been part of an election in which the overwhelming majority of the third party endorsement was for the Liberal side of politics, or for the Liberal–National side in this case. That should send a very powerful message to the government. I am sure that sometimes some members opposite might think these debates are a bit of stocking filler and that it is not important, but just as the Labor Party likes to send a strong message to our side on behalf of the people it represents, it is equally important that the Liberal Party sends a strong message to the Labor side for the people who we think need support and help. It should be a moment of reflection for the government that so many third party people, who nominally had no skin in this game, were prepared to come out and send such a clear and strong message to the government. If I were in the government's shoes, I would be really concerned about that. My observation across the electorate is that people who already own their houses, or who have established mortgages that are largely paid off and do not have substantial debt, if we look at the analysis across the booths, did not change their votes so much. If we look at Mundaring, where we would have expected perhaps a stronger swing based on traditional votes, we did not see that stronger swing there. We saw the strong swing in those areas where people have mortgages and are under stress. That is a substantial issue and I will talk a little about that in the remainder of my speech.

People are feeling enormous pain. That was really evident; I was really struck by that. I am sure the Treasurer spent time in that seat as well. People are really hurting. The latest numbers were stark: 93 000 people in the state are unemployed. House prices have dropped. If we look across Western Australia, median house prices have dropped from $455 000 to $397 000—a 12.7 per cent reduction—and 35 per cent of families with mortgages are under mortgage stress; that is, 121 000 families are living in households in which more than 30 per cent of their family income is committed to paying off the mortgage. That is an enormous pressure on them. The real thing that certainly hit a lot of people is that most families have not seen any real wage growth for a couple of years. I am certain that a number of members opposite would be very aware of this. In fact, that area, particularly in the newer suburbs, has a very large fly in, fly out population; a large number of people travel to other parts of the state for income. Anyone who has been involved in the mining industry will know that income for many, if not most, FIFO workers has dropped. Their shifts have changed, they are spending more time at work and they are getting less money. Those families who bought houses on a higher wage are now struggling on a lower wage.

Household mortgages have not increased for some time, as many members know. Food prices have not gone up. Many members would have seen the brand spanking new Aldi supermarket. Maybe they have had some relief on food prices—at least there is competition on food prices—so that has been quite steady and stable. Two things are

hitting them. One that needs further reflection is rates. Rates have doubled in Byford and that is a phenomenal increase. The other thing that has increased is government fees and charges for utilities. It is not a trivial thing. It may be trivial for some people but for those people who are now living in a house that is worth less than the mortgage, who have likely had at least no income rise, or an income reduction, are making real and difficult choices. I doorknocked a significant amount of the electorate, and I met several hundred people face to face. The stress for those people is quite tangible, particularly in the new suburbs. The other thing that I thought was quite profound when I was going around the electorate was the number of unoccupied houses. A certain number of houses were for sale. A large number of houses that had no letterbox were clearly unoccupied. They clearly had no-one in them. I was genuinely surprised by that, because by and large the new areas have quite lovely houses. It is a beautiful setting, yet a large number of those houses were unoccupied. Either people have had to move out or, I suspect, there are many more houses for sale in that area than is otherwise indicated. Of the families who are there, I can say that I have never seen more babies or kids at polling booths or when I visited them at home. There was an enormously large number in the new areas—I am not talking about Kelmscott, although Kelmscott has some renewal, but the suburbs that have sprung up in the last 10 years. They are typically young families with both parents working—no-one is home during the daytime in most houses—and kids in child care. Those families are really struggling; they do not have flexibility. That struggle has been made worse. Many members would be aware of the banking changes. Banks are trying to reduce their exposure to loans. Many of those families would have had no-interest loans on the presumption that the value of houses would increase, so they would automatically get increased equity in houses with the inflation of the houses.

Of course, it has gone exactly the other way; the value of the houses has dropped and those families, as I said before, have mortgages higher than the value of their houses. Now, the bank is coming to them and saying that they have to not only pay the interest on their loan, but also start paying off some of the principal of their loan. That is an outgoing that they have no control over.

I could not get figures for that electorate directly, but Moody's September 2017 analysis of mortgage stress showed that Gosnells, which members would know is immediately opposite Darling Range, was in the top 20 locations in Australia for weighted average current loan-to-value ratio of the house, with 67.9 per cent. Looking at Gosnells, 68 per cent of the value of that whole suburb is in loans.

[Member's time extended.]

Dr D.J. HONEY: Again, I would anticipate that that would be more the case as we get down to the newer suburbs where families have moved in.

I think the real point is—this is a genuine reflection for the government—that the government knows that it is over-recovering on fees and charges. I refer to budget paper No 3, appendix 8, which summarises the total income in dividends and the so-called tax equivalents, which is really just another dividend, and the local government rate equivalents, which is just another dividend, and subtract from that the operating subsidy. In 2017, the Water Corporation delivered to government $422 million net in cold hard cash. In 2018–19, again we are looking at the net to government of cold hard cash—anyway you put it, it is the net cash flow into government coffers—it is $510.6 million. So, the government is over-recovering. I find some of the arguments put in defence of this really spurious—in particular, the argument that, "Well, the previous government increased charges; therefore, we need to increase charges, too." I am just dumbfounded by the logic of that argument. It is like saying, "Don't worry that I am robbing you. The last person robbed you, too. But I am going to rob you a little bit less than the last person, so what I am doing is not bad." Members opposite know, and the Treasurer in particular knows because he is a very learned person, the truth is that the previous government had to increase power charges because the Carpenter government fixed charges for a period of time and there was massive under-recovery for those government charges. The Treasurer also knows that there was net under-recovery for water charges, which had to be increased. That is the reason that the government had to increase those charges. But the Treasurer also knows, and members opposite would know—the Leader of the Opposition knew, because he was the Treasurer at that stage—that at the end of the previous government we were heading towards over-recovery, and the then Treasurer commissioned an Economic Regulation Authority report to look into that so that it could make changes. Continuing to repeat the argument, "Well, they said they were going to do this", and to continue the position of over-recovery clearly was not the intention of the last government.

The truth is that the government has priorities. I am indebted to the member for North West Central, who is good at mental arithmetic and pointed out that the government has probably made a full commitment of around $10 billion to Metronet. Disturbingly, we cannot get an estimate of the forecast patronage figures. Again, that is for a reason that I do not understand. There is nothing commercial-in-confidence about how many people will use public transport or how many people the government estimates will use public transport, which must be part of the business case. Nevertheless, Metronet will probably add around $1 billion a year in annual subsidies on top of the almost $1 billion a year now. That is a massive drain. That is the choice the government is making. That is a massive increase in expenditure whilst the government is dramatically increasing its expenditure and has increased the expenditure of households in that electorate. It is not a question of whether that should be done; it is

a question of whether it should be done at this time. It is patently clear that people in the electorate of Darling Range have sent a message to the government, because the government's primary vote went down by nine per cent. The opposition's primary vote went up by about only four per cent, so the opposition is not pretending that this is some dramatic endorsement of the opposition and that people in the electorate have seen the light. People in Darling Range have seen the light, but the light they have seen and the message they are sending to the government is that they do not like what it is doing, Madam Deputy Speaker.

I want to dwell for a few moments on Moora Residential College. I am not going to bore members, as I said this in my inaugural speech; however, I do have a special empathy for the closure of Moora college, because I boarded away as a student. Boarding is really tough. In my family, my two brothers, two sisters and I all boarded away to school. It is really, really tough and it has a variable impact on kids. It is interesting the number of people who mentioned Moora college in my own by-election and in this by-election. It resonates with people as a decision that the government has to make. Again, I want to go to a core argument around that because I think it is very important that we get it on record. I have heard a lot said about the $9 million needed to upgrade the college, but I worked in industry for 24 years before I joined this place —

Mr M.P. Murray: And you sent most of the jobs offshore!

Dr D.J. HONEY: I can say that that is completely untrue, member. In fact, I will not take the member up on that at the moment, but I am happy to discuss it with him later.

The $9 million upgrade to that hostel is not required to keep that hostel open. It is untrue. The community has made it very clear that it would like that hostel upgraded. There is no doubt that the people who use that college would like it upgraded, but what they want more is for the college be kept open. For $500 000 that college could be kept open. It is simply untrue to say that the government has to spend $9 million to keep it open. I mentioned my experience in industry because I have had exactly this discussion many, many times with managers talking about the need to upgrade their particular area or facility.

Moving students to Perth or to the larger towns is not the same as being in a small country community. Again, I know a number of members in this chamber are from smaller communities and that they understand that. Those children are part of the Moora community. People in Darling Range understand that, they empathise with it, they do not like that the government is closing Moora college and they are sending the government a clear message. People in the Cottesloe electorate sent that very same message.

I really urge the government to take heed from this. As an opposition, we would be negligent if we did not try to pursue this issue. I hear lots of various issues repeated across the chamber and I am sure that members opposite think that this is banging the drum; however, it is important that we bring the message to the government that what it is doing is really hurting people. The people of Darling Range have sent the government that message loud and clear. The government is ascendant; it has 40 members versus 14 plus five members on this side of the chamber. It has absolute control over the agenda in this house and a good probability of support in the upper house for what it wants to do. It would be negligent of the Liberal Party if it did not advocate the cause that those people are concerned about and advocate for all those families. The member-elect, Alyssa Hayden—I know many members know Alyssa—will certainly be advocating for the people in Darling Range. I said at the outset when I joined this place that I have great respect for everyone who serves in this Parliament, and that is true. I have great respect for the difficulty of being in government. It is really tough. It is really hard being in government. Government wants to pursue its own agenda. It was dealt a set of circumstances from the previous government that it did not have control over and it has to deal with it. I respect the fact that the job of government is hard. I respect the fact the government had particular initiatives that it wanted to pursue, but it does have a choice. It has an opportunity to look at what it is doing and to reset and say, "No; the hardship is too great. The hurt to people is too great." That was certainly the message that was sent very clearly by the people of Darling Range.

I really urge the government to look at the impact of its increases in charges and fees, and also its prospective increases in charges and fees because it does not stop there; if members look at the forward estimates, those increases continue. People say there are some green shoots, but I think for other reasons we are unlikely to see circumstances change very dramatically for the people of Darling Range or the rest of the people of Western Australia. I urge the government to reverse those unfair increases in utility fees and charges. I also urge the government to have a more nuanced look at its ability to keep Moora Residential College open. It should really evaluate not what people thought they could get when times were good and they thought that money was more freely available, but upon a more mature reflection, it should look at what it takes to keep Moora Residential College open. I believe the people in the community when they say that it would cost something around $500 000. I know it is within the capacity of government to find that sum of money to keep Moora Residential College open.

In closing, I urge the government to reverse the decision on the cuts to education, especially Moora Residential College. I also urge the government to heed the decision of the people of Darling Range and cease its unfair increases in utility fees and charges.

MR B.S. WYATT (Victoria Park — Treasurer) [5.33 pm]: I rise to say a few words. Can I point out that I am not the lead speaker. I want to make some comments in respect of this motion. I note the first part of the motion states —

> That this house calls on the McGowan government to listen to the loud message sent by the people of Darling Range —

I accept—I think all members of government accept—that that is a message from the people of Darling Range. I do not think for a minute anyone on this side of the chamber is ignoring that message. I think most people who have spoken on the Darling Range by-election reflected on the fact that by-elections are indeed funny beasts. Like the member for Cottesloe, I was elected in a by-election. In terms of timings and swings et cetera, the result will often reflect how parties are read by the public, by the media and by people in this place. When I was elected in 2006, from memory we had about a six per cent swing against the incumbent. A six per cent swing was decried as a great victory for the government. It was seen as such a success by the government of the day that it led to the immediate sacking of Matt Birney as Leader of the Liberal Party and he was replaced by Paul Omodei. A nine per cent swing against the government in Darling Range has of course been written up and described as a great and historic defeat. I am not pretending for a minute that it is not. It is a significant defeat for the incumbent in that electorate. Everyone will have their views about why that is the case. In this scenario, the opposition is putting it to a range of different reasons including the Byford rail line, which is interesting of course because the opposition opposes the Byford rail line. It will have to work out its position now that the Liberal Party's member for Darling Range is a member of a political party that opposes the extension of the rail line to Byford. It will have to work out with Alyssa Hayden how she explains that to her electorate. There is no question that there is a range of things. People get an opportunity to express a view on the government of the day and are unhappy. It might have been the member for Cottesloe who mentioned this—I was surprised as well—there are lots of empty houses in places around Byford. Some of them looked as though they had been empty for some time. They were quite nice, big properties; not old, abandoned properties that one would expect.

I think it was the Leader of the Opposition who was reflecting upon this: politics is now going through a volatile time. I guess that is highlighted by the fact that the story of this by-election is, yes, it was a swing against the incumbent government, but where did those votes go in respect of the smaller parties that ran? From memory, there were 10 candidates. In my by-election, there were 13; so just slightly fewer than that. Most of mine were independent candidates as opposed to smaller political parties that have arisen for whatever reason, whether it be the Greens or the Western Australia Party, I think it calls itself. Clive Palmer apparently is wanting to re-engage in the political debate in due course. Perhaps I am a bit oldschool on this, but I have always been of the view that it is better for the government of the day to be elected with a good majority, preferably in both houses of Parliament—it does not tend to happen either here or in Canberra these days—as opposed to a hodgepodge of minor parties. Ultimately governments can do what they do and they are held accountable for the decisions they make, as opposed to having to negotiate with smaller political parties that actually are not interested in negotiating or do not have the infrastructure or the depth of history to negotiate in a sensible manner with the government of the day. I suspect I will always be of that view.

The people of Darling Range, quite rightly, are angry at the Labor Party for what happened with the former member who was elected in 2017. It is one of, I suspect, the more unusual things we will see in respect of the end of a political career. I do not think we will see again something quite so dramatic as what we saw with Mr Urban. It was unfortunate for him and unfortunate, I think, for the Parliament and democracy more broadly. Collectively, this profession is already held in a reasonably dim view; I do not think we are held individually in that view. I think in our electorates people generally like to engage with us, but we are collectively held in a dim view. That does not help things—absolutely not. But I do not think for a minute that that swing is the broader view across WA of the performance of the government.

I spend a lot of time moving around WA, both in regional WA and around the metropolitan area. If I were to summarise the general view, it would be that people think we are doing a pretty good job, understanding the tough circumstances we inherited. Almost every time I go somewhere, someone says, "Gee, you inherited the proverbial sandwich." We are trying to do things in that environment, and people understand that. That is my general view. As I said, of course there are issues along the way. I was chatting with Chris Hatton, the former member for Balcatta, on my booth. He was actually leading the Moora campaign on my booth. He was in the Moora gear. He was the Moora guy on the West Byford Primary School booth. I had a chat with Chris. It was always very good. We were reflecting on the fact that many people coming through the gate were taking nothing off anybody at all, and almost with great glee were pointing out, "We've had enough in the letterbox; I don't want anything." That sense of disengagement or anger worries me, whether it is with the government of the day, the Labor Party, or just generally with the institution of government. I have been thinking a lot, and I will think a lot over the next while, about how we as a party engage with those outer suburbs that clearly are not happy with "government". I am not saying the government, but I think generally with government. That is why we see huge swings in very short periods, not just in WA but generally around the country.

It is clear that the Western Australian economy is now picking up, but I say that in the full knowledge that many Western Australians are not yet feeling that. Absolutely. I do not say for a minute that everything is all milk and honey for every Western Australian. There are great challenges, a lot of which are the result of coming off that commodity super-cycle. People took on too much debt and as a result are feeling the pinch. The shadow Treasurer critiques me all the time about the negative equity people have in their properties, but at the same time he wants me to pump-prime the construction sector to build more properties. I suspect I cannot win with the shadow Treasurer, but I get that. I suspect that large areas of Western Australia still need a couple of years of better economic growth before people feel more confident about job prospects and, therefore, spending, borrowing and investing, which is the sort of thing we want to see people do. Generally, the data about the Western Australia economy is pretty good compared with that of the last five years—and I say "generally". When I came in as Treasurer, the economy was in a recession. For the first time on record, in 2016–17, the state economy shrank. The domestic economy has been shrinking for five years. In the March quarter, we saw a small increase of 0.2 per cent. It is very small but it is not contracting anymore. The number of job advertisements is increasing at a huge rate. It is the highest rate of growth in the country. That is from a low base, but these are very good early indicators of employment intentions and employment rates. That can be seen from the increase in the number of full-time jobs in the latest national accounts. Private sector capital investment is an early indicator of jobs. All the confidence data—from whoever puts it out—highlights strong returns to confidence. That is all good data, but I say that with the knowledge that a lot of people do not feel that at all. They blame the government for that, which I understand.

I want to deal with a couple of specific points that the Leader of the Opposition raised. Ultimately, it is very difficult to debate with the Leader of the Opposition because he says whatever he wants to say at that point in time, regardless of the position he took 20 minutes before on whatever he is saying. He just critiqued the government for increases in taxes on small business, but in our time in government we have not increased any taxes on small business at all. I think the economy is still feeling the effects of those three increases in land tax that were made by the Leader of the Opposition when he was Treasurer. Introducing the third and largest increase in land tax into an investment environment that was already contracting significantly is still flowing through. That had an impact on small business! If members speak to small businesses and ask about rents, they will see that they know all about those increases in land tax.

The Leader of the Opposition takes no responsibility for the fiscal mess he created and that we are trying to deal with. He does not feel at all obliged to assist in repairing that, whether it be through his activity in the upper house or his public commentary. He is willing to say whatever he wants to say. I will deal with a couple of those points. He said again that during the election campaign we said that fees and charges would not rise. That is rubbish! Both I and the Premier made it clear in a range of interviews that, of course, fees and charges would rise—and they have risen. For me, that is the stark message I will take from the Darling Range by-election. Fees and charges have risen in line with what the Leader of the Opposition left us in the *Pre-election Financial Projections Statement*. The Leader of the Opposition says that that is not his party's policy. However, if the revenue base assumes that to be the case, then it is. If I had been left a $2.5 billion operating surplus, as Labor left the former government, I would probably be in a stronger position to say that we would not increase it at a higher rate or that we would even increase it at a lower rate. But I was left with the largest operating deficit on record, which did not give me that opportunity. If we were to do what the Leader of the Opposition argues we should do right now and not increase fees and charges in 2018–19, it would cost about $250 million in that year alone and about $1 billion across the forward estimates—and with the next breath he draws, the Leader of the Opposition will critique me about debt.

Ms J.M. Freeman: And he stopped the mining levy increase.

Mr B.S. WYATT: Correct.

Regardless of who is in power, the reality is that we are here as a collective of the broader population. If those fees and charges do not increase, they will be paid. Western Australians will be paying one way or the other. That is something that we have had to deal with and understand that has hurt some people, which is why we have significantly increased our investment in financial counsellors. They were axed under the former government. We have significantly increased our budget for the hardship utility grant scheme. HUGS needs a bit of work and we have done a lot of work on that because we had a scenario in which I could get HUGS and the Premier could get HUGS just by making a call. We have stopped that and I think that most people in this room would, hopefully, consider it to be a fair thing to do.

The Leader of the Opposition made a very broad contribution. He spent some time on the Minister for Tourism. He asked why Qantas and not Virgin. He could have asked the Minister for Tourism that very question during question time and the minister would happily have dealt with that. I find I am critiqued by the member for Bateman and the Leader of the Opposition about a lack of transparency, yet I do not get a single question in this place on the very topic. It is very rare that I get a question on any issue. But then I get critiqued for not answering questions on them, which I find somewhat bizarre. When the former Premier Colin Barnett became the Minister for Tourism, he made it clear in this place and the media that the best tourism strategy was not to talk about regional WA; it

was to focus on Perth because Perth was the centre to which people came. The government did not talk about anywhere else; it focused on the destination of Perth. I am stunned that the effervescent Minister for Tourism is being critiqued for delivering things that the member for North West Central could only dream about. We are actually making some inroads into airfares in regional Western Australia. The former government did nothing for eight and a half years—nothing!—but we have managed to do that. It is at the point where every other regional centre is demanding the same. It has been a huge success and the Minister for Tourism should be congratulated for that.

Similarly, I was critiqued by the member for Bateman and the Leader of the Opposition over the Synergy renewable fund. As the Leader of the Opposition pointed out, when I became the Minister for Energy, the previous government had worked on the renewable fund, which was a way to bring private sector investment in to meet our renewable energy target obligations, which, ironically, were set by Tony Abbott when he was Prime Minister. The Leader of the Opposition has made the point a couple of times that he took it to cabinet but Treasury opposed it. Every minister is familiar with the feeling of going to cabinet with something that Treasury opposes. However, this was somewhat unusual because the Leader of the Opposition was both the Treasurer and the Minister for Energy. As Minister for Energy, he brought something to cabinet that he supported and made a submission accordingly and, I assume, after he finished that, he then made a submission opposing his very submission. I found that scenario bizarre, so I told Synergy and Treasury to go away and try to make it work and both agree—because I was not going to bring two submissions to cabinet that oppose each other—and come back to me, which they did. There is nothing stealthy here; I put this in a media statement and the budget. It has been declared. It allows private sector investment to build a very significant wind farm—one of the most significant in the country—without us tapping the debt markets again. Those days when we could simply borrow more and more to match increasing spending are over. I did that, but the member for Bateman critiqued me because it is much cheaper for the state to borrow. Lastly, he critiqued me for Horizon Power potentially crowding out private sector investment. We are in a bizarre situation. I would have thought the Liberal Party, in particular, would support private sector investment in services traditionally delivered in Western Australia by government-owned utilities.

[Member's time extended.]

Mr B.S. WYATT: That critique from the member for Bateman about crowding out private sector investment was about Horizon Power pitching for some work. Western Power called for tenders around some microgrid activity. Horizon Power is very good at this, and it pitched for the work. It will not get any particular benefit, but it will pitch for the work and it will be awarded accordingly by Western Power. The critique I received from the member for Bateman, who hates the idea of the private sector investing in renewables in WA, is that I am now crowding out private sector investment. The Leader of the Opposition, who does not stand for anything consistently, echoes that critique. The Leader of the Opposition, when he was Minister for Energy, allowed Synergy to get into the space of residential solar panels. It is very difficult in government when the Liberal Party does not stand for anything anymore. The Leader of the Opposition in particular, despite decades of working for the Institute of Public Affairs, has abandoned all of that. I would have thought he would support, at least in trying to restore his reputation after the fiscal wreckage that he left behind, at least trying to be involved with the government in fixing some of the issues that he created.

In the last few minutes I have, I want to remind people that I get it—we are the government and we are responsible for the decisions that we make, but the impact of the decisions of the previous government on ours will be longstanding. Treasurers well past me will have to deal with the time in government of the Liberal Party, between 2008 and 2017. The point I used to make in opposition is that Mr Barnett and Mr Nahan—the former government—had the arrogance to take up the fiscal capacity of not just their government but future governments as well. This is why we have to make decisions and prioritise, and find a revenue source for a particular spend. These are the sorts of things that the previous Liberal government did not do. One of the first things we had to do, as every minister in this place knows, was deliver on the global assumptions in Mike Nahan's last budget. They were global assumptions. He came into this place just saying anything, forgetting that we have records called budgets about these things. I want to quote from the Leader of the Opposition during his budget contribution —

> The agency expenditure review was a detailed assessment, department by department … We did not leave it up to a global figure.

I want to again put on the record what his final budget actually said, in the statement of risks —

> The 2016–17 Budget includes a savings provision of $461 million over the period 2017–18 to 2019–20 …

It goes on to make the point that if that global provision is not met, that is a risk to the budget. They were global; they were not allocated to various agencies. The savings assumed in those global provisions were—these were cuts to these agencies as global provisions, without any allocation to a particular project—a $95 million cut to education; a $237 million cut to health; a $63 million cut to police; a $35 million cut to training; a $14.5 million cut to agriculture and food; $56 million cut to communities and child protection; and a nearly $100 million cut to corrective services. All were global provisions. When I became Treasurer, the forward estimates, which also

assumed the exact fee increases that we have done, assumed these global savings that we had to deliver, standing still before we did anything else to repair the budget. That is what we inherited from the Liberal Party.

I get that people are disappointed—I hear it every day—about decisions of the government to not fund something or other, or to withdraw funding from something. I get that disappointment, but unfortunately this is the lot that we have been delivered. The days of spending without restraint are over, and we highlighted that again today. The national redress, in my view, was non-optional for a government, regardless of who is in power. It happens to be Labor over here at the moment, but it was not optional. Of course, we are going to sign up for national redress; we announced that today. We could do what the Leader of the Opposition has been saying on the radio today—it does not matter what the source of funding is, you just do it. That is what he said on the radio today, and I will probably refer to that again tomorrow. That is exactly what the Liberal Party did for eight years and that got us into the trouble that we are in. We announced our decision on the commercialisation of the automated title system of Landgate. I think that is a sensible decision to find a funding source for that national redress. Those of us who have been around a while remember what happened under Redress WA, when Mr Barnett and the Liberal Party said that we could not afford it, and cut it in half. Can anyone imagine if, two years from now, that is the position of the state government? Those people who suffered that humiliation under the Barnett Liberal government, having their payments cut in half, are still angry. We have found a funding source for the national redress so that the government does not have to do that, and I think that is a sensible outcome.

We as a government have to deal with a range of fiscal pressures left to us by the former government, and a range of fiscal pressures that just emerge when we are in government—stuff that just happens. My main critique of the former government is that it did not leave any fiscal capacity for future governments to respond to the issues of the day. It had the arrogance to assume that future governments would not have any issues they would have to resolve, face or deal with. That is unlike us in 2008, when we lost, and we left a strong balance sheet for the incoming Liberal government. It is my determination to leave a better balance sheet for the next government than the one I inherited. I get that we will have these critiques from the Liberal Party, from the cheap seats, from the people who created the mess that we are trying to fix, but I want to assure the people of Darling Range that the message has been heard. Governments always listen to by-election defeats—generally they are defeats, or at the very least there are generally very large swings against the incumbent government. As I think I said in the media, the people of Darling Range have given the government a clip, and we will take note of that. However, I do not think that any one issue provided the reason for the defeat. Everyone will have their own views, along with particular campaign groups. Chris Hatton will have a view about what it was. It was good to see Chris.

Dr A.D. Buti: I saw him here today.

Mr B.S. WYATT: Yes, he was the Moora guy at the West Byford Primary School.

Dr A.D. Buti: He then put on a Liberal shirt.

Mr B.S. WYATT: Most of the time I was there, he was in the Moora shirt.

I do not think there is any one issue. There is a general anger, perhaps, at the government or the economy. I get that, and that is why we will continue to work hard on the economics of the things that we can do in this role. I still think that the people of Western Australia want to see the finances restored. They want to see the things we have committed to, in particular Metronet, delivered. We are moving through those, and we will deliver those but, as I said, we will not as a government be rattled, introspective or indecisive, because that is the worst thing we could possibly be. When I move around Western Australia I get the distinct impression that people understand the situation we inherited and think, by and large, that we are doing a pretty good job delivering on election commitments, of which there are many, in the tight fiscal circumstances we face. That means reprioritisation will continue, because we cannot continue to layer spend on top of spend. In my view, the government is on the right track but, as the first sentence of the motion demands, we will pay keen attention to what the people of Darling Range have said to us in the by-election last weekend. That is what governments do. We listen most starkly when votes go against us, and the real story of this, and the story that all major parties need to pay attention to, is the fact that so many of those votes went to the smaller political parties, as opposed to a transfer from Labor to Liberal. That will probably rectify itself come the general election. I think a lot of those votes will come back to Labor or Liberal, and I hope so, because I always prefer to see a government of the day with a workable effective majority, because otherwise it spirals into a scenario where people see a government unable to govern, a Parliament that is dysfunctional, and vote against the best interests in respect of how those smaller parties often work.

Sitting suspended from 6.00 to 7.00 pm

MR I.C. BLAYNEY (Geraldton) [7.00 pm]: First of all, I will address the fascinating subject of the Darling Range by-election.

[Quorum formed.]

Mr I.C. BLAYNEY: For political junkies, like most of us, by-elections are fascinating things. They are very different from general elections. There are always lots of lessons there, but of course they have to be tempered by

the circumstances. I remember in my home seat of Geraldton the resignation of the long-serving member Jeff Carr, who was also a government minister. It was the second biggest by-election swing in Western Australian history. I think it was 32 per cent. That underlined a huge swing, because the person who got elected got re-elected, and then of course the seat changed hands again. We can take lessons out of some by-elections, but others we cannot. People will see what they want to see.

It is interesting that the turnout in Darling Range was quite respectable. That was one of the predictions. The really interesting thing is that by-elections tend to be graveyards for predictions, and one of the predictions that did not come about was for a very low turnout in Darling Range. There was quite a respectable turnout. Certainly, it was quite an intense learning period for our party. We learnt that we can do quite a lot with a much more limited budget. Of course, those people who have been in business—for example, in my case in farming—learn that when there is a drought, they can manage on a helluva lot less money than they did when times were good. That is a process that we are learning at the moment. I will make a prediction. Here is another prediction for the graveyard of predictions! I think that if Darling Range had been a regional seat, the swing would have been 15 or 20 per cent. However, that will never be proven one way or the other.

There is no doubt that some green shoots are starting to appear in our economy. It is all due to better commodity prices, but, as others have said, including the Treasurer, it is not really evident yet on the ground. There is something out there that is really worrying a lot of people and it will really upset the applecart if it happens—that is, a serious trade war between the United States and China. I have not read any predictions about the likelihood of that, but if the tit for tat gets really serious, it could have serious ramifications for our minerals and farming sectors. We already have a few headaches in that area that we do not need.

Our party is very happy; we have gained another member and increased the number from 13 to 14. I worked out the percentage. A drop from 41 to 40 is a little drop of 2.5 per cent or whatever, but an increase from 13 to 14 has an impact on us of about two or three times that.

A member interjected.

The ACTING SPEAKER: Member, you are not in your seat.

Mr I.C. BLAYNEY: The member must not interject from another seat. As an Acting Speaker, he should know that.

I woke up horribly early this morning. It was quarter to four and I could not get back to sleep, so I grabbed my phone. As a subscriber to *The Economist*, I get sent an email every morning.

Mr W.J. Johnston: We all get that, don't we?

Mr I.C. BLAYNEY: Minister, I would love to think that all members of this house have a subscription to *The Economist*, but I suspect it is not true. There was a really interesting story about a worldwide trend in the drop in public transport usage. I know it is happening here as well, but the three cities that were quoted—there were others—were London, New York and Los Angeles. The authors looked at it and asked what was causing this trend. They put it down to things like videoconferencing; online shopping; Uber; dockless bicycles, the next phase of which will be electric dockless bicycles; and driverless cars and taxis, which I am following with a lot of interest because this is real breakthrough technology but there are all sorts of issues with it such as exactly when they will come and whether they will be allowed in all places. The impact that they will have on the economy could be quite profound. Another cause of the drop was a simple thing—that is, interest rates are low so car loans are much cheaper and more people are buying new cars or second-hand cars. It would be interesting to know the assumptions that the government is making in the business cases for our new railway lines. Indeed, if down the track we have a system with a body called Infrastructure Western Australia and there is a business case for things like that and it becomes a public document, whatever side of politics is in government, it would be fantastic. It would be interesting to know the patronage projections for our public transport system down the track, because buses will also be affected. Of course, it feeds on itself, because there would be fewer passengers and so fewer buses or trains would run and then there would be even fewer passengers. We will be interested to see—I suppose in five or 10 years it will be clear to us—how much this will add to the losses in the system.

In my area in the regions, there are always education issues. I still do not have confidence that the case for closing Moora Residential College is clear. The loss of 12 full-time jobs will have quite a profound economic impact in a small town like Moora. Once a town the size of Moora loses an institution like that, it will never get it back. I saw this in my region with the closure of St Mary's agricultural college at Tardun. Once it has gone, it is gone forever. I remember saying to the people who were involved in it, "Fight like hell to keep it because once it's gone, you'll never get it back." It was quite interesting out there. I think St Mary's agricultural college has been sold, but it is not really being used. There are some quite significant old buildings out there that were designed by Monsignor John Hawes. The thing about old buildings is that if we stop using them, they start going to rack and ruin. Just up the road there is the Pallottine mission, which was sold to the Sun City Christian Centre in Geraldton, which is doing quite a lot of work there. They are much newer buildings that were very well built by the Pallottine brothers. If these things are not used, they deteriorate.

Dr M.D. Nahan: What are they using that Pallottine mission for?

Mr I.C. BLAYNEY: They have programs for people who have, in the main, drug issues. It is a very isolated environment. People in drug treatment programs can go out there and they are removed entirely from their problems. There is enough room for them to shift their whole family there, so they are not being taken away from their family.

Dr M.D. Nahan: They are nice old buildings.

Mr I.C. BLAYNEY: It is very well built. I went out there on a Sunday for their first church service. You have to love the Germans: when they build things, they tend to build them very well. It was immediately obvious to me from the design of the chapel that it is acoustically almost perfect. They have these very unusual shapes in the roof so, no doubt, they found a gifted architect to build it for them. If anybody is in the area, it is worth having a look at it.

I also have an issue with the Geraldton Residential College. We have an unusual situation with the college. When Nagle Catholic College decided to close its boarding facilities and put its boarders into the residential college, it built additional rooms onto the existing residential college, which it gets access to for the same price as people using the government school. However, students who go to Geraldton Grammar School or Strathalbyn Christian College have to pay considerably more to go there because of a capital charge. This is a real dilemma because the residential college is only half full at the moment. It really needs extra bodies there, but the grammar school and Strathalbyn Christian College are telling me that they cannot pay the excess fees—it is about $10 000—and parents are choosing to send their kids elsewhere. That is a real dilemma, and I am dealing with it and the Department of Education at the moment. I am not that hopeful, but it is a pity to see these buildings half full when we have the education facilities for the students. We would rather see those students in Geraldton because it is more business for the town.

The other thing that is hanging over the town of Moora is the projection to build quite a large piggery there; I mean a "big" piggery. However, the pork market in Western Australia is in such a mess that the company has pulled the pin on that piggery, which is a real pity because that was another job generator that Moora was hoping to get. It has lost that as well for the time being. The company has not said that it is never going to build it, but it has definitely put it off for quite some time until the pork market recovers. The other issue in Geraldton is the camp school, which the government has put out for tender. Philosophically, I do not particularly care one way or the other whether it is run by a not-for-profit organisation or by the Department of Education. I suspect that a not-for-profit organisation would be more efficient. However, I wish the government would hurry up and make up its mind on what it is going to do with it because it is quite important. It is situated literally across an oval from the School of the Air and used by the children from the School of the Air when they come to do their week-long in-service courses.

I welcome the government's decision to set up the rural fire service. Although it is a good decision, as always the devil is in the detail. This is an issue that we were obviously looking at in the last year or so of the Barnett government. I think Colin Barnett announced that he thought the best place to locate the rural fire service headquarters was in the town of Collie. I would really like the government to give that serious consideration. It makes logical sense to put the rural fire service in the region where it will have to fight the worst fires—absolutely no doubt about it! Like everybody else from the regions, we are a bit tired of being told that the only place headquarters can be located and the only place people want to live is Perth. I do not accept that, and it is time that Western Australians got more serious about basing institutions outside Perth. It is not the centre of the universe and people, quite frankly, are happy to move out into the regions, especially if it is done over a long time. I remind the government that in 2013 it made a commitment saying that it was prepared to shift the Department of Local Government to Albany. At another stage, we were building headquarters to shift what was then the Department of Parks and Wildlife to Bunbury. To most people in the regions, Bunbury is just a hop, step and a jump from Perth. I do not think that that is a draconian shift, but if a couple of hundred people move into a regional town or a city, it makes an enormous difference. I do not think anyone would notice whether they were no longer in Perth. One of the interesting things about Western Australia is that we have not developed our regional cities like those developed in other parts of Australia because we are such an unbelievably Perth-centric state.

I was really disappointed that Qantas abandoned its proposal to service Johannesburg from Perth, and I understand it may lie within the agreements that were signed by the previous government. I have forgotten what the multiplier figure is, but the Minister for Tourism might know. The multiplier tells us the number of jobs generated for every 100 passengers brought into Western Australia as tourists. I cannot remember the figure. We talked about it when we started the service from China. It is quite profound. It is a real pity that Qantas, for whatever reason—it was a stand-off—did what it said it was going to do: if it was not able to use its terminal for that international service, it was not going to run the route. It is a real pity that that came to pass.

That is about all I have to say. As I said earlier, if the seat of Darling Range had been a regional seat, there would have been a much larger swing. The Treasurer said that he has moved all around Western Australia and people are not telling him that they are very grumpy with the government. It is a known fact that they will not. Believe me,

most people who the Treasurer of the state meets out in the regions are probably involved in some organisation that is hoping to get a bit of money off him, so the last thing they are going to do is have a go at him. As a rule, people are not nasty anyway. They tend to be quite polite to people even if they have made up their mind that they are not going to vote for them. As I move around the regions, I am detecting a lot of disquiet about the government. A lot of it is to do with not only the education business, but also agriculture. There are concerns in agriculture about a number of things, but I suspect that the government will listen hard and hopefully correct those.

MR W.J. JOHNSTON (Cannington — Minister for Mines and Petroleum) [7.18 pm]: I am pleased to make a contribution to this debate. I want to say how pleasant it is as always to follow the member for Geraldton in these debates because he often makes a serious contribution to debate in this chamber. Of course, it comes from his perspective of the world, but it is a stand-out on his side of the chamber that he actually thinks about the things that he says. That marks him out as being very different from most members on the other side of the chamber. I want to draw the member's attention to the question he raised about Qantas flying to Johannesburg. I just note that that is not an unserved route. South African Airlines already runs a flight on that route, and it has been flying it for 30 years I think.

Mr I.C. Blayney: It was the first international service into Perth.

Mr W.J. JOHNSTON: It must be more than 30 years. When the ambassador from South Africa was here recently, I had the duty to represent the government at the lunch. I think the member for Carine was the representative for the opposition in his shadow capacity. One of the guests there was the general manager for South African Airlines. I think they call it the "Wallaby Route" through South Africa rather than the "Kangaroo Route" through Asia. That route is not like the Shanghai route, which we were not being serviced from at all. Having an additional service would not have the same impact as a service on an unserved route.

I understand from media reports that Qantas decided not to serve the route because it could not come to a commercial arrangement with the airport. I understand also that the airport wanted it to operate out of T1, and Qantas wanted to operate out of, I think, T3. I understand why Qantas wants to do that. It would mean more international flights out of the international gate it built at T3, and therefore higher capital utilisation. But the point there is that it is not a matter for government; it is a matter for the commercial parties, and it is not an unserved group. The service would obviously be welcome, but it is not as critical as some of the other services we need in this state that I know the Minister for Tourism is working so hard on obtaining. I note, of course, that Garuda Indonesia has agreed, following approaches from the government including my own work in Jakarta last year, to increase its service from four to five days a week. On Friday night I had a chat to Puk Feuderman, regional manager for Garuda in Western Australia, about how the service is going. He notes that it has had some impact on the Thursday service, because it is a Friday service, but if they could perhaps market the service better in north Asia as a gateway to Australia, that would be good. We have also talked to Garuda about how it might link better with its other services to grow the demand out of Perth so that we could get that up to weekdays and perhaps onto a wide body. Obviously, a wide body has the underbelly freight capacity that is so critical to particularly rural industries.

I note the member for Geraldton's comments about agriculture. I draw his attention to the investment in agricultural grants research that has been so championed by Hon Alannah MacTiernan in her regional development; agriculture and food portfolios. The member knows how critical that investment is.

Mr I.C. Blayney: Oh, it is.

Mr W.J. JOHNSTON: The member and I have talked outside the chamber about Ukraine. The productivity of its grains has, I think, doubled. There has been a 200 per cent increase in productivity out of Ukraine.

Mr I.C. Blayney: Production has gone up five times.

Mr W.J. JOHNSTON: Yes. I was going to go on to say the area under modern cropping has expanded dramatically, so there has been a massive increase in not only volume, but also quality. When I was in Makassar in eastern Indonesia recently, in my Asian engagement role, I visited Eastern Pearl Flour Mills—a joint venture with Co-operative Bulk Handling Ltd. At the flour mill we visited the labs, and they made a presentation on the quality of the wheat. Although Western Australian wheat still enjoys a quality advantage and there are products that can be made using only Australian wheat, the quality gap with Ukraine and Russia is narrowing. That is a great challenge to the Western Australian agricultural sector that is coming at us very strongly. On the cost curve, we are in the middle, Ukraine and Russia is to our left—that means they are on a lower cost—and, fortunately for us, Canada and the United States are to the right; that is, they are at a higher cost. However, as the quality and volumes out of Ukraine and Russia increase, it will be a massive challenge for Western Australia's $6 billion grains industry. That is why it is so critical to invest in grains research. That is why as an incoming Labor government, we never understood why that was not committed to by the former Liberal–National government. It is a massive challenge. I have had a presentation from CBH in my Asian engagement capacity on this very challenge, and it sees it as being the number one challenge for it. CBH tells me that there is a possibility of falling volumes from out of the wheatbelt in 20 years because of this massive challenge out of this re-emerging market. Let us

understand, Ukraine has been the principal food production place in the world since the dawn of history. That is an incredible fact. The rich soils in that place give it a natural advantage that nowhere else in the world can match. Because it is now applying western technology—the technology that has advantaged Western Australian farmers so strongly in the past—it is catching up on the quality gap. That is a massive challenge for us, and there is only one way forward: to apply technology to our future. I am sure the member well knows many grain farmers who are moving into using greater technology in their harvesting and planting. I note the potential for driverless vehicles in the large-scale grains industry in Western Australia. Given that we are already at the leading edge of driverless vehicles in industrial uses in Western Australia, that is another obvious application for them. That will be part of lifting productivity. But we also have to examine how we can lift the productivity of Western Australian soils, because we do not have that rich soil they have in Ukraine and western Russia, and how we can lift the yields of the varieties of grains we grow here in Western Australia. That technology challenge is why the McGowan Labor government is investing so heavily in the ideas space in the agricultural sector. I just do not understand why that was not done by the former government.

Having answered a couple of the comments made during the interesting contribution of the member for Geraldton, I will directly address the specific words of this motion. The first thing I want to say is that, like the Premier, I apologise to the people of Darling Range for the failure of the Labor Party to select a better candidate than Barry Urban in the seat at the 2017 election. Some people say that the Labor Party should have done "due diligence" on Mr Urban. With all due respect to those people, I must say that I think the Labor Party did due diligence. The fact that when this matter was investigated by the Procedure and Privileges Committee, it had to go to such incredible lengths to find out information about Mr Urban demonstrates the complications in dealing with people's backgrounds. As a former state secretary of the Labor Party, I know the sorts of things that happen in assessing candidates, but clearly we were not successful in properly assessing Mr Urban. Therefore, like the Premier, I apologise to the people of Darling Range for that.

Next, the Labor Party acknowledges that the Liberal Party had a victory in this election. It got 53 per cent of the two-party preferred result, and therefore it won and its candidate was elected. Soon, once the technicalities of the election process—the return of the writ and all those other things—are completed, the new member will take up her seat in this chamber as member for Darling Range. We fully acknowledge that. That occurred because the Liberal Party's campaign was successful, and ours was not. We did not enter the contest to lose. We entered the contest to provide an opportunity for the people of Darling Range to support a quality candidate; in Tania Lawrence we believed we had a quality candidate. Notwithstanding that, the people of Darling Range made their decision.

In respect of the 1975 election, I once said in this chamber that the people of Australia got that election right. That was interpreted by a journalist as me saying that it was appropriate that the Liberal Party won the 1975 election. I just make this point: this is a democracy, and on every occasion that a democracy makes a decision, it is by definition the correct decision. The idea that somehow or another a party loses and says the people got it wrong is not a tenable position to take. The point I make again about this by-election—and about every other election—is that the community always gets the election result right because it is a democracy. Only the people get to decide who should be elected. The idea that somehow it was a trick of the campaign, or something like that, is not a reasonable position to take. The Labor Party completely accepts that the people of Darling Range made an informed decision about the election and chose the candidate they wanted. Of course, then we hear the question: why did they make that decision? There can be many, many observations about that. The Labor government has its own views and we will continue to talk to people about that.

I want to also make a couple of comments about the Byford rail line. I am not quite sure whether the Liberal Party is saying that it supports the Byford rail line or is opposed to it. We support the building of the Byford rail line. Once we have a complete project definition and negotiations are completed with the commonwealth regarding funding, it will be included in the budget in the same way as all other projects are included in the budget when the planning and final decision is made to proceed. That would seem to be something the Liberal Party is opposed to; it is opposed to the idea of a proper planning process. I want to make something clear here. In 2000, Hon Alannah MacTiernan was the member for Armadale, and she held the seat by 2.4 per cent, interestingly, from the 1996 election. The Liberal Party did not run a candidate against Hon Alannah MacTiernan at that election. A local independent ran against her, a former Mayor of the City of Armadale. We all know that the election resulted in a massive swing to Hon Alannah MacTiernan; she won with a double-digit margin. Again, the people got it right. The point I was going to make was that in the lead-up to that election, I was the assistant state secretary of the Australian Labor Party and my responsibilities included the seat of Armadale. The then mayor was Roger Stubbs, but he was not the candidate running against Alannah, but he supported —

Dr A.D. Buti: Linton Reynolds.

Mr W.J. JOHNSTON: Linton came to see me at the time and he put a number of proposals to the Labor opposition to respond to. One of those was that he wanted the Byford rail extension built. This was in 2000 in the lead-up to the February election. The local community in that region had been calling for the construction of the

Byford rail line for a very long time—almost 20 years. That project has been around for a long time. I know that Hon Alannah MacTiernan looked at whether it could have been done when she was Minister for Planning and Infrastructure during the Gallop and Carpenter governments, but at that time there was not the capacity to do it. That is why we made a commitment in 2017 to do that extension as part of the first phase of Metronet. Remember, the first phase of Metronet is a six-year project. It is not a one-year project; it is a six-year project. Members can see that we are just as committed today as we have ever been to the construction of the Byford rail line. That is a different question from whether it is in the budget. Given that the former Liberal government used to run around talking about all sorts of projects that were never in the budget and not part of any planning process, members opposite are now criticising the Labor government for being determined to do a planning process. It is just strange. I accept that the Liberal Party was able to use that issue effectively in the election campaign and that it will be something the Labor government has to take account of. But that is not to say that the Liberal Party's criticism is valid. That is a very different issue from the one the Liberal Party raised in its debate on this issue.

As I say, I am always interested in the member for Geraldton's contributions because even though he comes from a different perspective and therefore I do not always agree with what he says, I respect that he analyses the things he says.

Mr J.N. Carey: Unlike the member for Dawesville.

Mr W.J. JOHNSTON: You may very well say that, but I would not want to speculate! It is a line out of a book. I am sure all the political aficionados will know the book.

The member for Geraldton talked about world-wide declining traffic on public transport. That is a particular issue around the world but one of the things we need to think about —

Ms R. Saffioti: Is it?

Mr W.J. JOHNSTON: It is in many cities. It is about the particular cities we are talking about. We do not have a city that looks like the three the member for Geraldton talked about. We have suboptimal use of public transport partly because of our city's format. It is very spread out. One of the things we need to do is use the opportunity of Metronet to do the planning to support more development close to rail stations. That is the point that my good friend the Minister for Transport makes all the time. It is not about building train lines; it is about changing the nature of the city. I want to compare that to the former government's plan for the Forrestfield train station, which of course, was not in Forrestfield.

An opposition member: It was called Forrestfield.

Mr W.J. JOHNSTON: It was called Forrestfield for political reasons. It was the first time a bill came to Parliament that did not name the rail line based on its origin and destination. During the debate on that, I read out every single rail line act that had ever been passed by the Parliament of Western Australia, and every single one was described by origin and destination until the Railway (Forrestfield–Airport Link) Bill. It was the first occasion a station was not named in that way. Bayswater—High Wycombe should have been in the name of the bill.

Ms R. Saffioti: Redcliffe station on Belmont.

Mr W.J. JOHNSTON: Yes. Also, the Liberal government's plan was to have a massive car park around the rail station and to have the rail station backing onto the airport land where there is no possibility of development. That was an error. Of course, we cannot move the rail station because the box is built; it is already under construction. But we could deal with the planning issues around the rail station. I am proud that the high-quality Minister for Transport we have now has dealt with that issue because Metronet is not about just building rail lines. My own community of Cannington is an ideal opportunity. It has been a development node of government planning for 30 years and, finally, because of the Minister for Transport, we are able to unlock the opportunities for that.

Many other members in this chamber in metropolitan seats have the same opportunities because the government is trying to say that it is not about just setting density targets or building rail lines; it is about getting sensible outcomes. The Minister for Housing calls it "sensible density". That is what it is about. It is amusing to see the fighting in the western suburbs where the Liberal government set density targets and now the Liberal councils are rejecting the density targets.

Mr J.N. Carey: A Liberal member rejected it.

Mr W.J. JOHNSTON: It is often bizarre to see these things. It is a challenge to make sure people use the transport infrastructure we build. Given the member for Bateman keeps telling us it was his idea to build the Byford rail line —

Ms R. Saffioti: Metronet was their idea. They switched from saying we shouldn't do it.

Mr W.J. JOHNSTON: Yes; it was their idea first. It is unbelievable that members opposite keep running to the community saying things that simply are not correct.

Then there is the Tonkin Highway extension. The Liberal Party is saying that the taxpayers of Western Australia should carry most of the burden, but we are saying that the commonwealth government, given it is short-changing us on GST, should carry more of the burden. The Tonkin Highway extension is an important part of plans for that region and, of course, for Westport. The extension has to be done at some time. The question is: does the commonwealth pay its fair share or does it get away with not paying its fair share? We are saying the commonwealth needs to pay its fair share. Western Australia is being dudded by the federal Liberal Party. Why is it not stumping up for this important piece of infrastructure out in that south eastern corridor? It does not make any sense. Therefore, we are very keen for the commonwealth government to step up to the mark, carry its fair burden and help fund the essential infrastructure needs of this state. I once again apologise to the people of Darling Range if we did not properly explain our position to them. If we have disappointed the people of Darling Range because of our approach, we apologise. We have listened to what they are saying and we will do better in the future. There is no question about that.

I now go to the question of regional education. I am always baffled about how we can increase funding for schools in regional Western Australia but then be accused of making cuts to regional education. I accept that the community, particularly in the wheatbelt, has been energised by a campaign that has convinced them that there have been cuts to regional education spending. I want to assure people in the wheatbelt and across regional Western Australia that we are increasing expenditure on education in the regions. I draw members' attention to the additional Aboriginal education officers that we are putting into schools right across regional Western Australia. Aboriginal education officers are critical to a successful education for a very important cohort in this state. I make that point, because, as it happens, my community of Cannington has one of the highest percentages of Indigenous people in Western Australia outside the Kimberley and Pilbara. It has a very large Aboriginal population. We all know that particularly Aboriginal children who live in regional Western Australia often have multiple disadvantages. If we do not invest in their education, we are denying them the opportunity to participate in our society and our economy. That is not in the interests of those children and the communities they come from, and it is not in the interests of Western Australians in other communities across this state. Investing in Aboriginal education officers is an essential part of regional education. I do not know why the National Party does not support that. That is absolutely essential for the future of our state. It is a fundamental question of equity.

It is like the question of remote Aboriginal housing. For the first time, today we saw the National Party raise the question of remote Aboriginal housing. However, it raised it in an interesting context. The federal Liberal government has made a decision of its own about funding-specific infrastructure projects in Western Australia. Let me make it clear. It simply is not possible to spend federal government money on a project other than the one that it has specifically funded. If the federal government allocates money to road X, we have to spend that money on that road; we cannot spend it on road Y, because the federal government does not permit that. The fact that the commonwealth government chose to invest in Metronet was a decision of the federal Liberal government. I welcome that decision, because, after all, the federal Liberal government continues to dud us on infrastructure spending, health spending and the GST. That was the federal government's decision. That means we cannot spend that money on remote Aboriginal housing. It is simply not possible to do that. I do not understand why the federal Liberal and National Parties are withdrawing money from remote Aboriginal housing.

The Clerk seems to be talking to the Acting Speaker. I am sorry, but I am getting distracted.

The ACTING SPEAKER (Ms J.M. Freeman): She is just assisting me to bring the house to order.

Mr W.J. JOHNSTON: Excellent. I am sure she was. It was just distracting. My apologies.

Remember what the Premier said in question time today: ever since John Gorton was Prime Minister of Australia, the federal government has been investing in remote Indigenous housing. Do members know why? It arose out of the 1967 referendum. It is not a surprise. The commonwealth government accepted, after the 1967 referendum, that it had a responsibility to Indigenous Australians, and of course it does. I do not understand why Hon Malcolm Turnbull, the Prime Minister of Australia, wants to walk away from supporting the most disadvantaged Australians. It does not make sense. Again, if we have not properly explained that issue to the people of Darling Range, I apologise, because clearly we have to do better to make sure that the people of this state understand the impact this will have on the most disadvantaged Western Australians. I am no expert on remote communities. I have not regularly visited those places. However, I know from talking to people who live in those communities, in the few visits that I have made to those places, that they need massive investment. It is only justice that people who live in remote Aboriginal communities are given the same access to services as people in the wheatbelt. They are not asking for anything more than that. They are just asking for the same access. That is only justice, and we need to make sure that that happens. That does not mean that we should try to set up some fight between people in the wheatbelt and remote Indigenous communities. We are still investing in the wheatbelt. We are still increasing expenditure on regional education in those communities. That is not what I am saying. I am just saying that I cannot believe that the Liberal and National Parties think, for the first time since the 1967 referendum, that the commonwealth government should be forgiven for reneging on its obligations to those communities. It is bizarre to me that the commonwealth government will not support us in that task.

I also want to talk to the people of Darling Range about the cost of living. There is not one person on this side of the house who does not understand the challenges for cost of living in this state. Being in this chamber makes us privileged people. However, we talk to people constantly in the communities we represent about the struggles of making ends meet on an ordinary salary or wage, with perhaps part-time work and those sorts of things. We get that. It is no joy to the Labor Party that we have had to continue with the increases in electricity charges that were set by the former Liberal government in 2016. If we are able to reduce the glide path that was left to us by the former Liberal government, we will do our best to do that. I contrast that with the commentary of the Liberal Party when it was in government. It said that the Labor Party had left it a glide path of a 10 per cent increase in electricity charges over seven years—that is, a 70 per cent increase. Actually, the former Liberal government increased electricity charges by over twice as much in its first year in government.

Several members interjected.

The ACTING SPEAKER: Leader of the House, would you like to take a seat back here?

Several members interjected.

The ACTING SPEAKER: Members! Stop! I am on my feet. Leader of the House, that was unnecessary, and I call you for the first time.

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

We get the problem of energy costs. If there is any way in which we can reduce the glide path left to us by the former Liberal government, we will do that. However, it is very difficult when the former Liberal government built into the forward estimates the increases that we unfortunately have had to deliver. Let me make it clear: had a different government been elected in 2017, the price of electricity would have followed the exact same glide path. I want to point out to the people of Darling Range that we reduced the glide path for water charges. We were able to find a way to reduce that glide path for ordinary Western Australians living in the seat of Darling Range. Again, I apologise if we were not good at explaining that to the people of Darling Range because clearly we were not. I am proud that the Minister for Water was able to come up with a plan that was implemented in the budget that will see the rate of increase of water charges reduced compared with what it would have been had the Liberal Party been re-elected. If we can find a way to bring down the cost-of-living pressures, we will do that because that is what the Labor Party does all the time. We know how hard it is for ordinary people.

During the recent debate on income taxes, federal Liberals have been pointing out that, I think, 42 per cent of Australians do not pay any income tax. Therefore, they say this is justification for giving income tax cuts to the most wealthy in our community. I point out that income tax cuts do not benefit people who do not pay income tax, so the 42 per cent of Australians who do not pay income tax will not benefit one cent from the reduction in income tax for very wealthy people that has been proposed by the Liberal Party. I also point out that an increase in the minimum wage will help ordinary folk. The Labor Party continues to support responsible levels of increases in the minimum wage. We are always surprised at the Liberal Party's opposition to those increases. The Liberal Party does not seem to understand the evidence around the world that shows responsible modest increases in the minimum wage benefits employment, benefits the economy and benefits people on low incomes. Of course, increasing the minimum wage does not help anybody in this chamber and it does not help the wealthy people who pay the highest rate of income tax but it does help the 42 per cent of Australians who do not pay income tax and it certainly helps ordinary working people in this country. That is why we are always very proud to support continued modest increases in the minimum wage for workers in this state. We welcome the Liberal opposition joining us in that commitment because that would remove one of the big debates that has occurred in Australia over the last 50 or 60 years. We could return to a position that existed when Bob Menzies was the leader of the federal Liberal Party. He regularly supported increases to the minimum wage. That is a bipartisan position that has been abandoned by the modern Liberal Party.

I recognise and understand the issues that are raised by people about higher electricity and water prices and the higher cost of living. I also make the point that we need a plan to deal with these issues. It is easy to say, "We have a plan." We all remember what happened at the 2013 election. The former Premier went on TV for the debate and said that he would increase electricity prices only at the rate of inflation. That was not true. He reinterpreted that after the election. That was one of the reasons people were so bitter with him. I make the point that we made specific and sensible commitments to the people of the state. Every time the current Premier was asked to make a commitment that was unrealistic in respect of electricity prices, he did not do that. It was a bit rich for the Liberal Party to call him a liar. It is completely and utterly wrong, reprehensible and disgraceful. The Liberal Party owes the people of Darling Range an apology for having clearly lied to them. I can accept that that was its campaign tactic but that does not make it a proper thing to do.

I also want to point out that the wording in our motion is not the wording that was moved by the opposition yesterday. If we look at *Hansard*, we see that the words have been changed. It was quite amusing that the Leader of the Opposition abandoned his motion from yesterday and instead moved the one that we are dealing with today. I suppose that says a lot of things about the Leader of the Opposition.

I also want to make some comments about the important work that the government is doing on behalf of the people of Darling Range. I want to let the people of Darling Range know that from 1 July this year benefits for deceased workers on workers' compensation in Western Australia will nearly double. Benefits for children of deceased workers—people killed at work—will be massively increased, and those increased benefits will be indexed for the future to protect those values going forward. I also want to let the people of Darling Range know that we fixed up an anomaly in the definition of a spouse for deceased workers. Sadly, if there is another case when an employer allows workers to be killed, the family will be more protected than they were in the past. It is disgraceful that two workers were killed in East Perth. They were both Irishmen. One of them had a partner who was less than a week away from the definition provided by the Workers' Compensation and Injury Management Act 1981. Therefore, the surviving spouse received no benefit from the workers' compensation system after that tragedy. It is particularly disappointing that that accident occurred after the former Liberal government reviewed this matter and decided that there was justification to increase the benefits for working people. I was very disappointed that that occurred. I wanted to let the people of Darling Range know that we have fixed that problem.

I also want to let the people of Darling Range know that very soon we will have passed new liquor laws for Western Australians that will improve the opportunity for tourism and therefore jobs in this state but at the same time deal with the number of issues relating to the unfettered spread of liquor barns. We will make sure that communities are not forced to accept more liquor stores than a particular location can handle. I know that the people of Darling Range will be pleased to see that legislation pass the Parliament.

I know that the people of Darling Range will be very pleased to know that because of the careful stewardship of the resource sector in this state, employment is growing again. I point out that last year the opposition came into this chamber and spent three hours of the Parliament's time saying that I was not supporting the resources sector and that would lead to fewer jobs and projects. I want to let people know that the first half of this year has been the best year for the resources sector ever in the history of the state. I want to let members know that employment in this state in the resource sector is almost at a record high. Indeed, the onshore oil and gas sector has more employees now than it has ever had in the history of the state. That is creating opportunities for the people of Darling Range and elsewhere in this state.

Dr M.D. Nahan interjected.

The ACTING SPEAKER (Ms J.M. Freeman): Leader of the Opposition, you are on three.

Dr M.D. Nahan: Am I? I lost count. Sorry.

The ACTING SPEAKER: I would think that you might be a bit judicious in your dealings.

Mr W.J. JOHNSTON: The Labor government is working with the private sector. I am giving examples in my portfolio areas, but I know that every other minister in this chamber can tell the same stories. We know that it is tough for working people in this state. That is why we came in with a number one focus on jobs. That is why we are proud we are delivering on that important work of creating jobs in this state.

Debate adjourned, pursuant to standing orders.

RESIDENTIAL TENANCIES LEGISLATION AMENDMENT (FAMILY VIOLENCE) BILL 2018

Second Reading

Resumed from an earlier stage of the sitting.

MR S.A. MILLMAN (Mount Lawley) [8.01 pm]: In the comments that I was making previously, I was alluding to some of the terrific work that had been done by the inaugural Minister for Prevention of Family and Domestic Violence in tackling the scourge of domestic violence that affects our community. I had moved through all of those issues and all of the initiatives that had been put in place. I was about to move on to some of the work that had been done by the Attorney General in law reform to tackle this issue on behalf of the McGowan government. The first thing of note that the Attorney General did was the national recognition scheme for dealing with domestic violence and family violence orders. I was very pleased to speak in August last year on that legislation as part of its passage through Parliament. It was assented to in December last year. If members are interested, a lot of the statistics and information relating to this issue is contained in the comments that I made at that time.

In addition to the work that the Attorney General did in that area, I also commend the Attorney General for the work that was done in funding our community legal centres. As we heard from the member for Mirrabooka, community legal centres play an incredibly important role in providing the necessary support and assistance to people who are afflicted by family and domestic violence. I refer to the media release from the Attorney General dated 12 April 2018 in which the Attorney General announced another $2 million funding rescue package to ensure that our community legal centres continue to provide important legal services across Western Australia. Some of the community legal centres that have already been referenced in this debate include Sussex Street Community Law Services Inc, which is adjacent to the member for South Perth's electorate, and the Northern Suburbs Community Legal Centre located in the area represented by the member for Mirrabooka. What was particularly

pleasing about this announcement is something that the Attorney General said at the time. I quote from the media release. It states —

> "Access to justice for all citizens is a critical issue, particularly for those who are less fortunate, live in remote areas or are not eligible for Legal Aid.
>
> "Funding for community legal centres from a range of State and Federal sources has fallen in recent years but demand has continued to rise, leaving many centres facing uncertainty or imminent closure.
>
> "Our community legal centres need certainty in their funding to allow them to effectively plan and run their services, now and into the future.

The Attorney General also said this —

> "I find it particularly fitting that money and other assets the State has seized from convicted criminals are used to fund key services which benefit the community, including victims of crime."

I want to highlight that last point because it references something that I have said on a number of occasions during debate in this house on some of the legislation that we have introduced. It seems as though the McGowan government has established a reputation for introducing legislation that has as its centrepiece justice for victims of crime and putting the victims of crime at the centre of legislative amendments. We can see that with the no body, no parole legislation, we can see that with increased jail sentences for meth dealers, and we can see that with funding for community legal centres. Once again, that recurring theme is captured in this legislation.

The first point I want to make is this: domestic violence is a scourge on our society and it requires a whole-of-government approach to tackle it. We can see that in what the Attorney General has done, in what the Minister for Prevention of Family and Domestic Violence has done and now in what the Minister for Commerce and Industrial Relations has done. We can see that whole-of-government approach. That is because it is an issue for the whole community.

The second point I want to make is this: it is about the effect of the Residential Tenancies Act and how it operates. The Residential Tenancies Act sets up what I would describe as quite a heavily regulated market. I will just address a couple of provisions in the Residential Tenancies Act that highlight that. The long title of the Residential Tenancies Act states, in part —

> **An Act to regulate the relationship of lessors and tenants under residential tenancy agreements, —**

That is a statutory infringement on freedom of contract. That is how it is designed to operate.

Section 5, "Application of Act", states —

> (1) Subject to this section and sections 6 and 7, this Act applies to any residential tenancy agreement entered into, renewed, extended, assigned or otherwise transferred after the commencement of this Act.

That is a wideranging application. It is almost impossible to enter into a residential tenancy agreement in Western Australia without strict adherence to the provisions of the Residential Tenancies Act. We do not see that level of regulation in the law of contract and in the freedom of markets.

The next section that I would like to draw members' attention to is section 27A of the act, "Written residential tenancy agreement to be in prescribed form". The section states —

> A lessor must not enter into a written residential tenancy agreement except in the prescribed form.

Not only are we regulating the way in which the contract operates, but also we are regulating the terms of the contract. We are prescribing the form that the residential tenancy agreement needs to be in.

Finally, and this relates to property law and the statutory influence on property law that the Residential Tenancies Act has, the Residential Tenancies Act elevates the rights of lessees through the operation of section 44(2), which provides, in part —

> It is a term of every residential tenancy agreement —
>
> (a) that the tenant is to have quiet enjoyment —

"Quiet enjoyment" is a term of art. It has been referenced in all of the case law and it is a well-known term in property law and in residential tenancy law. It continues —

> of the premises without interruption by the lessor or any person claiming by, through or under the lessor or having superior title to that of the lessor; and

The Residential Tenancies Act establishes quite a regulated market. In that context, we can see that this provides a perfect opportunity to address a particular scourge on our society—domestic violence. The instrument that brought these two things together—the Residential Tenancies Act and the scourge of domestic violence—is the

2014 Law Reform Commission of Western Australia report that was referenced by the shadow minister, the member for Hillarys, who said —

> We are fully supportive of the principles behind this bill.

He also said —

> … this is a societal problem that needs support, including support for victims … and perhaps legislative change to enable them to achieve a break, …

I agree entirely with the member for Hillarys' comments.

I commend the minister for applying that legislative change. The Law Reform Commission of Western Australia report said at recommendation 33 that the Department of Commerce should investigate whether or not there was any potential for reforming the Residential Tenancies Act to make it more sympathetic to the circumstances of victims of domestic violence.

I again refer to the member for Hillarys' comments. What happened thereafter was that the department of commerce picked up that recommendation by the Law Reform Commission of Western Australia and, by October 2016, we had options for reform in this legislative framework.

[Member's time extended.]

Mr S.A. MILLMAN: When the Minister for Prevention of Family and Domestic Violence, Hon Simone McGurk, was the shadow minister during the election campaign, she gave a commitment that if the McGowan Labor government was elected in March 2017, it would implement these reforms, and that is precisely the stage we have arrived at now. The issue was identified by the Law Reform Commission, it was acted on by the Department of Commerce and the process was set in train, and now before us in the Legislative Assembly we have the most up-to-date, well-researched and well-reasoned legislative package to tackle this issue in this particular regulated marketplace.

I commend the Minister for Commerce and Industrial Relations. In his second reading speech—this refers to the point I made earlier—he said, "This bill is unashamedly victim focused." As I said before, this is a recurring theme. Perhaps by reference to classical rhetorical argument, the minister anticipated some of the criticisms that might be made of this bill. He said also —

> Some may ask what protections there are against using the provisions of this bill for vexatious purposes. I repeat: our priority in these reforms is victim safety. Having said that, full procedural fairness is preserved for all parties—victim and perpetrator, and tenants and landlords. A tenant cannot simply claim on their word to have been a victim of family violence in order to end a tenancy agreement. They will need to provide some form of independent evidence of family violence.

This is victim focused and evidence based, and an election commitment has been delivered.

In the time that remains, I will go through three key clauses and articulate to members why I think they will operate effectively, couched in the context of what the member for Hillarys said; that is, this is a societal problem that needs legislative change. We have a regulated market and we are introducing legislative change into that regulated market to achieve a just, fair and equitable resolution.

I will start with clause 10, which amends section 45 of the legislation, and states —

> (2) It is a term of every residential tenancy agreement —
>
> (a) that a tenant may alter or add any lock or other means of securing the residential premises —
>
> (i) after the termination of a person's interest in a residential tenancy agreement … or
>
> (ii) in any event, if it is necessary to prevent the commission of family violence that the tenant suspects, on reasonable grounds, is likely to be committed against the tenant or a dependant of the tenant;

That is, a child. The balance of the amendment to section 45 describes the particular checks and balances and facts and circumstances that will be relevant at the time that that right is exercised. The point is that if a person is going to exercise that right, they will do so at a time when they need to act with expedition, when they need to act quickly, and when they need to act in a way to protect themselves and their children. That is a principle that everyone can agree with. I have absolutely no problem with amending section 45 and the way in which it will operate.

Similarly, clause 12 amends section 47 and states that it is a term of every residential tenancy agreement that a tenant may affix any prescribed fixture, or make any prescribed renovation, alteration or addition to the premises, to militate against the prospect of further family or domestic violence being committed. What is more fundamental to our community than the right to make sure that you are safe? There is nothing more fundamental than preserving your personal safety and security. That is precisely what this provision is directed towards. It will allow people who are victims to take the necessary steps to protect themselves. This is an excellent provision that will have the desired effect of making sure that these people can take the necessary steps to protect themselves.

Clause 18 carries a number of new provisions. It inserts into part V of the Residential Tenancies Act new division 2A in and new sections 71AA, 71AB, 71AC, 71AD and 71AE. They apply irrespective of whether the tenancy is a periodic tenancy or a fixed-term tenancy. Clause 18 elevates the rights of victims of family and domestic violence in the residential tenancy context. This clause puts victims at the centre of what this amending bill is trying to achieve and makes sure that those rights are protected and preserved in the residential tenancy context.

We can see from those three clauses that I have alluded to that this will be a very effective bill that will continue to regulate what is probably one of the most highly regulated markets operating in Western Australia, but it will do so in a way that addresses the universally accepted scourge in our society that is family and domestic violence and picks up the recommendations of both the Law Reform Commission and the Department of Commerce.

The McGowan government has done an outstanding job of bringing to Parliament best practice legislation. We are not simply picking up legislation that might have been introduced in other jurisdictions and replicating it; the government is critically and responsibly examining all the facts and circumstances and bringing forward well thought out, well-reasoned legislation that is designed to achieve a particular result. In this case, one of the objectives that it is designed to achieve is to put victims at the centre of the scheme, which is a recurring feature in the legislation that has been brought before the house. Secondly, it fulfils an election commitment, which, again, is a recurring feature of legislation that we bring before the house.

Before I finish, I want to make one more point. I commend all members of the house for their attitude to tackling family and domestic violence. I note that every time this issue has been raised in this place, there has been a unanimity of responses. That is in contrast to what might be transpiring in the commonwealth Parliament. At the moment under commonwealth law, if a person who is resident in Australia on a spousal visa is the victim of family and domestic violence, the spousal visa will be cancelled and the victim will be sent out of the country. Perhaps the message for the commonwealth Parliament is to take a leaf out of the Western Australian Parliament's book and ask, "How can we set aside our partisan differences and do everything we can not to beat the drum or to bang on about border protection, but to say that victims of family and domestic violence need our support and protection and they need to be placed at the centre of a legislative framework that looks after their interests?" Perhaps one thing that the commonwealth Parliament might learn from the Western Australian Parliament is how we look after the interests of these people. Perhaps the commonwealth Parliament would like to look at whether or not victims of domestic violence who are resident in this country on spousal visas may be entitled to a greater suite of rights.

I commend the Minister for Commerce and Industrial Relations for the work he has done, I commend the Minister for Prevention of Family and Domestic Violence for all the work she has done, and I commend the Attorney General. I commend this bill to all members.

MR W.J. JOHNSTON (Cannington — Minister for Commerce and Industrial Relations) [8.18 pm] — in reply: I rise to close the second reading debate on the Residential Tenancies Legislation Amendment (Family Violence) Bill 2018. I thank all members for their valuable contributions. I thank my colleagues the member for Mirrabooka and the member for Mount Lawley for the on-the-ground experience that they have contributed to the debate. I want to thank the member for South Perth for his observations. I will address some of the questions he raised. I note that many of those questions are similar to those raised by the member for Hillarys, so I might address those together. I also want to thank the member for Warren–Blackwood who gave some observations from his years of experience as a local member of Parliament and how he has come into contact with people who have been victims of family and domestic violence, as did the member for South Perth—I am not excluding him from that—and the member for Hillarys. I want to thank all members for their strong commitment to the Residential Tenancies Legislation Amendment (Family Violence) Bill 2018. I note that the member for Hillarys has indicated that it is possible that the Liberal Party could refer this matter to a committee in the upper house. That would be disappointing.

Mr P.A. Katsambanis: I said that I did not want to prejudge what it might do.

Mr W.J. JOHNSTON: Yes, I understand, but I am just saying that the member foreshadowed that that may occur. The point I am making is that this legislation arises from a review done by the former government. That was the point that the member for Mount Lawley made. If the shadow Minister for Commerce reflected on the fact that he was Minister for Commerce when these recommendations were made to him, he would not need to seek to send the bill to a committee.

I want to specifically address two issues raised by the member for Warren–Blackwood. The first is a question of a statutory review. As I told the member yesterday, it is not my intention to move an amendment to the legislation in this chamber, but we have drafted a potential clause to allow for that. I have spoken to the Minister for Prevention of Family and Domestic Violence about the fact that we might do that, and we do not see any reason that that cannot be done. Yesterday we discussed a five-year review or something like that. Certainly we are favourably disposed to that idea. Obviously, we will have to discuss it a little further and we would seek to have that clause inserted in the other place.

The other question raised by the member for Warren-Blackwood was whether there could be an arrangement to require in clauses 18 and 29 that there be two persons in the categories listed there—police officers, doctors,

psychologists et cetera. We are considering that. As the member rightly said in *Hansard* yesterday, I did not make a specific commitment to that but I said we would look at that. The question about that is: imagine if a person is subject to domestic violence and they flee the family home to go to a women's refuge; do we really want them then to have to be taken from the women's refuge to another place to get a second person to sign a document? There is a genuine issue there, but if we can accommodate the issues the member raised, we will certainly do that. Again, I have some draft amendments. I will also draw the member's attention to the fact that I am meeting with the Real Estate Institute of Western Australia on 26 July and I am going to discuss further some of the issues that it has raised, and it may arise out of that meeting that we can come to some amendments that might be acceptable to the Parliament and that, again, will be considered by the other house. But we acknowledge the issue raised by the member and if we can work out a way of dealing with it, we certainly want to try to do that. That deals with one of the issues raised by the member for Hillarys.

I want to get onto the issues raised today. The first one was about stakeholder concerns in respect of clause 18, which inserts in part V of the act new division 2A. I am not quoting the member, but his words were to the effect that it was too loose a process, and why is it that those people had been chosen to be available for a victim of domestic violence? I will let members know that it is important for victims of family domestic violence to have a way to deal with a tenancy at short notice so that they can be confident that they are able to move safely away from a violent relationship. It could take up to 12 weeks for a matter to be listed in the Magistrates Court. Therefore, if it was only the Magistrates Court that could make the determination, we would be allowing people to be subject to potential violence for another 12 weeks. That would obviously be unsatisfactory.

Mr P.A. Katsambanis: That is not actually what I said. I said that we do not have to restrict it to the Magistrates Court. We could look at either a tribunal or even just the registrar of a court.

Mr W.J. JOHNSTON: As I say, the list of people provided all have particular obligations on them through their positions in society as medical practitioners, as practitioners registered under the Health Practitioner Regulation National Law (WA) Act in the psychology profession, as social workers, police officers, a person in charge of a women's refuge or other people who might be prescribed by regulation. The point is that whilst the Magistrates Court and other court officers are one option, we do not want to require victims to be burdened by unnecessary administration, because this legislation is focused on victims and not on other people involved in the tenancy relationship. We do not want to have unnecessary delays for people escaping violence. I also note that if we went down that pathway, we could potentially create additional work for the courts, which is not necessarily what we want to do. All the professionals in this area are not being asked to do a "tick and flick". They are being asked to properly fulfil their obligations under their registration in the system. We can find on the Department of Communities' website the "Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework", which sets out the types of issues that need to be dealt with in making determinations on family and domestic violence. People listed in this clause are familiar with this risk management framework and they know how to work through the issues required under that publicly available assessment and risk management framework. It is not a "tick and flick" obligation. The member might like to know that the list of approved practitioners has been modelled on the commonwealth's Migration Act, which provides for a range of professionals including doctors, psychologists, social workers, police officers, and child protection workers to provide a letter or a statement to state that the alleged victim has made a claim of family and domestic violence in the course of their work or contact with that person. The list is drawn from the same framework that applies federally. Again, I am sure that we could explore this further if the member wants to in consideration in detail.

I want to raise the fact that at that time, the member particularly said that there was—in fact, I wrote the words—some consternation in respect of some stakeholders. I am aware of a letter from the Real Estate Institute of Western Australia, because, of course, the letter was sent to me, dated 6 June 2018. I note that I received the letter in my office on 12 June 2018, which was unfortunately quite some time after it had apparently been signed such that at a briefing provided by my agency and my office to the Liberal Party, the Liberal Party was telling the agency that REIWA had altered its position on this legislation. I want to let members know that the Minister for Prevention of Family and Domestic Violence and I held our joint media conference on 17 December at the premises of the Real Estate Institute of Western Australia. In fact, we were joined at the press conference by Mr Hayden Groves, the president of the Real Estate Institute of Western Australia. I will briefly quote from www.thewest.com.au, which states —

> Real Estate Institute of WA president Hayden Groves said domestic violence was a community problem and predicted few landlords would begrudge someone terminating a lease early to escape it.
>
> Similarly, being left out of pocket to shield victims from unpaid rent or damage bills was something landlords already dealt with.
>
> "Tenants flee and abscond all the time, tenants will damage and leave a property and the landlord will find themselves out of pocket," he said. "Landlords and property investors very sensibly have landlord protection insurance.

> "In circumstances where there is a genuine victim of domestic violence and that person is able to not have a black mark against their name for future tenancies because of their obligations under the lease otherwise, I think, will be a positive result for the community overall."

So I was quite surprised by the letter from REIWA dated 6 June, which was copied to the shadow minister—I take no exception that it was copied to the shadow minister—and a letter in similar terms sent to every member of Parliament. I wrote a letter dated 25 June to REIWA, and I am pleased that it wrote a letter dated 26 June back to me. It was signed by Hayden Groves, because I understand Mr Pozzi is on leave. I take no umbrage at that. I will table copies of all that correspondence for the record.

[See paper 1447.]

Mr W.J. JOHNSTON: One of the things I bring to the attention of the chamber is that attached to my letter was a summary document that set out the consultation with REIWA. I think this is quite important. Members should have a look at this. In July 2017, consumer protection sent an email to REIWA outlining the model that would allow a victim of family and domestic violence to terminate their own interests in a tenancy agreement. REIWA did not present any feedback on that notice to it of July 2017. On 28 July 2017, officers of the department met with two officers of REIWA, gave them a detailed overview of the amendment bill model and discussed the policy justifications for the proposed approach. Consumer protection staff understood from that meeting that REIWA had given its in-principle support to the approach that the government is implementing. In addition, consumer protection consulted with REIWA individually on the amendment bill model, and it was discussed at the Property Industry Advisory Committee in June and August 2017, with representatives of REIWA present. Consumer protection has confirmed to me that the minutes of those meetings do not indicate any concerns about the amendment bill model being raised by REIWA. Towards the end of last year, REIWA reviewed the draft 2018 compulsory professional development module for property managers, which outlined the amendment bill model for terminating a victim's interest in tenancy agreements. REIWA did not express a view that a tenancy interest should be terminated only by a magistrate, or demur from the model presented. Of course, on 19 December 2017—I am not sure if that is the right date; I think it might have been 18 December—REIWA participated with me and my good friend the Minister for Prevention of Family and Domestic Violence at the media conference. Prior to the media conference, REIWA was provided a draft of the media release that we were intending to release the next day. That media release specifically directed itself at the method of termination of a tenancy proposed to be included in the legislation. We provided that draft media release to it because of course we did not want any surprises for it the next day because it was good enough to host us in its premises for the media conference, and it never raised a single objection to this.

I want to also say that I accept that it has issues, and I am very pleased to look at how we can accommodate the issues it is raising with us. As it happens, I will meet with REIWA on 26 July, and I look forward to having that discussion. I outlined in reply to the member for Warren–Blackwood that we are considering how we can accommodate the issues raised. But I make the point that I am very surprised at the way REIWA has handled itself in this situation. There is of course nothing wrong with it expressing a view in public, and I make no negative remarks about the position it is taking. It is reasonable for it to take that position. What I am surprised about is, firstly, that it has changed its mind only now, after the legislation was introduced; whereas it did not raise objection during the consultation process that led to the legislation, when nothing in respect of the termination arrangements was hidden from it. In fact, it was presented to it in clear and simple terms. I have said that I am not concerned—it is not a criticism—that it has raised these objections. I do not criticise it in any way for raising the objections, but I am surprised that it has.

The other thing I am surprised at is that it did not express its view to me prior to expressing its view to others. That is simply a matter of courtesy. I would have expected that it would have done that. That would have been a better way to go, because we could have in fact then started to respond in the way we are doing now to develop possible amendments, if required, because we do not want an argument with landlords in Western Australia about these important protections for the victims of violence. But I make clear that the government's position is that we are centred on victims of violence. That is the important issue that we are looking at here. Of course the rights of landlords are not unimportant and we need to respect those rights, but I just say that this legislation does not ignore the rights of landlords.

The member might also be interested to know that in Alberta there is a very similar process to that proposed in this legislation for the termination of tenancies in respect of family and domestic violence. It is true that legislation in other states does not currently have this arrangement; however, that is because we are moving first. This is actually a matter that is being considered as part of the "National Plan to Reduce Violence against Women and their Children 2010—2022". The national plan is divided into a series of actions, and the third action plan is currently being implemented. One of the strategies identified in the third action plan is to develop national principles for tenancy legislation, to ensure consistency for women who are experiencing violence. The proposal we have here is entirely consistent with the process being developed by the commonwealth, allowing for termination of a tenancy agreement without having to have a restraining order, limited liability for the victim for

damage caused by the perpetrator, prohibition of a victim's information being listed on a database, and an ability for a victim to leave the premises and no longer be liable. All we are doing is getting to the standard being created through the commonwealth process now, which I think is to be commended. It is to be commended also that the government has been able to progress this matter so quickly. I am sure the Liberal opposition will join with me in celebrating this achievement, because I know it would be determined, as is the Labor Party, to support victims of violence.

The member also raised the question about the matters contained in clause 12, which amends section 47. I must say, I thank the member for Mount Lawley for his remarks about the purpose of the tenancy legislation in any case; that is, the Residential Tenancies Act 1987. But I make the point: this is a very narrow right given to a person to make alterations to a premises to protect themselves against a perpetrator of violence. I draw the member's attention to proposed subclause 5, which states —

> For the purposes of subsection (4) —

That being the right to do these things —

> (a) the cost of making the prescribed alterations must be borne by the tenant; and
>
> (b) work on the prescribed alterations must be undertaken by a qualified tradesperson; and
>
> (c) the prescribed alterations must be effected having regard to the age and character of the property and any applicable strata company by-laws; and
>
> (d) the tenant must restore the premises to their original condition at the end of the residential tenancy agreement if the lessor requires the tenant to do so.

There are very extensive protections and the sorts of issues the member raised are dealt with in the legislation.

Likewise, I want to go on to clause 13. The member makes no objection to proposed section 56A, but raised the question of proposed section 56A(b); that is, a person convicted of a charge relating to family violence cannot be discriminated against in respect of a tenancy agreement. There is a policy rationale for this. If we allow perpetrators of violence to be discriminated against in finding a home after they have left the house where the victim is, that will leave them homeless. It is not in society's interests to have homeless people. That would then cause further problems, so this provides for when a perpetrator has exited the home where the violence occurred. Obviously, they would still be subject to the laws of the state. If they have been charged by police, they will have to face the full consequences of the laws of Western Australia. Otherwise, do not leave them homeless. That is not an unreasonable position. I draw the member's attention to the services of Communicare Inc in my electorate of Cannington and in Kwinana where there is a Communicare Breathing Space service. Breathing Space is aimed at perpetrators of violence. The Liberal government funded the original one and our government has extended that funding to enable a second facility. Nobody should say that it is wasted government money. It is not, because getting perpetrators out of violent situations is important to the victim, so there has to be somewhere for these people to go. It is not to forgive them. They must be held accountable at law. That needs to happen. That is not what this legislation is about. This legislation is about providing an equitable way forward for both parties. There can be no suggestion that perpetrators of violence in any form, whether it is family or other violence, need not be held to account for their behaviour, but they should not be left homeless. That is a separate issue and that is the reason for the proposed provision.

Some technical questions were asked regarding property condition reports for a change in tenancy name. For example, where a victim has the perpetrator's name removed from the tenancy agreement so that only the victim's name remains, it is important there be a property condition report. Otherwise, at the end of the tenancy, the victim may be held responsible for the damage to the house. Think about it. If a victim and a perpetrator are co-tenants in the premises and the perpetrator damages the house and harms the victim, and the victim uses this legislation to have the perpetrator's name removed from the tenancy agreement, surely we would want to draw a line at that point to say whatever the condition of the property is, we know what it is, and the perpetrator is responsible for their actions. The landlord can hold them to account through the courts, as they can at the end of any other tenancy, and the victim can draw a line under that matter and move forward, not being responsible for the condition of the house. It is plain and simple.

Mr J.E. McGrath: Very reasonable.

Mr W.J. JOHNSTON: It is not seeking to create additional red tape or any other matter like that.

The last clause raised—there might be some others the member might want to raise in consideration in detail, and I look forward to that—was clause 5, which inserts section 17B. This is about recovering damages. Of course, there might be problems whereby recovery is impossible. There is no question that may be the case and that is not what we are trying to achieve. However, at the moment, a lessor already has the right to take civil action against a tenant for damage to premises even when there is no criminal conviction in relation to that matter. I do not think there is a lawyer in the house at the moment, but I think that is a —

Dr A.D. Buti: There is.

Mr W.J. JOHNSTON: Of course, Dr Buti; sorry about that.

In a normal arrangement at common law, a person has the right to take action for damage. The point here is that this Residential Tenancies Legislation Amendment (Family Violence) Bill focuses on the lessor so they can recover the damages from the perpetrator rather than have the victim equally held responsible for the damage of another. I use the example of somebody walking past a house now and throwing a brick through a window. It is not the tenant's fault if someone randomly throws a brick through a front window. Equally, if a perpetrator of violence damages property that is jointly tenanted by a victim, we would not want to hold the victim responsible for that damage. It is therefore important to give landlords the right to pursue the perpetrator of the damage. If it is unable to be recovered, the landlord will be in no different a position after the passage of this legislation than they are in today. We all have friends and relatives or others who have rental properties they have invested in. We often hear them tell stories about tenants who damage property. It is not a new right; it is about making sure that the perpetrator and not the victim is held responsible.

I want to finish by, firstly, thanking the Minister for Prevention of Family and Domestic Violence for the excellent work she has done over this short period in helping get this legislation to this point, particularly for doing the second reading of this important legislation. I think the minister can be very proud of the work she has done to this date and I thank her very much for that. I thank also her personal staff in her office for the excellent work that has been done to get us to this point. This is another example of the cooperative way the McGowan Labor government goes about its work. We are able to work very closely and cooperatively on important law reform for our state. I want to next thank my own personal staff who have helped get the bill to this place. I also want to particularly thank and congratulate the staff of the Department of Mines, Industry Regulation and Safety, consumer protection division, who have done the work over a number of years. As I have said, this is work that was completed under the former government but not implemented. I want to congratulate the departmental staff for the work they have done to bring forward this important legislation, even just in providing notes to me so that I can answer all the commentary from members.

I thank members for their contribution and look forward to the speedy passage of this legislation through both houses.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

Consideration in Detail

Clause 1: Short title —

Mr P.A. KATSAMBANIS: At the outset, I thank the minister for his very informative wrapping-up. We will possibly agree to disagree on certain points, but at least the minister has provided a relatively detailed explanation of the issues that I raised during the second reading debate, and I thank the minister for that.

I believe the short title of the bill is the best place on which to ask this question. I do not want to be accused of asking how long is a piece of string, but how many cases are anticipated to take advantage of this legislation once it is introduced, on, say, an annual basis or over a three-year period?

Mr W.J. JOHNSTON: Yes, how long is a piece of string? It is just not possible to say. Sadly, family and domestic violence is surprisingly common, and it is not limited to any particular social demographic. Therefore, it is simply not possible to say.

Mr P.A. Katsambanis: If the minister cannot answer, he cannot answer. I am happy to move on.

Clause put and passed.

Clauses 2 to 4 put and passed.

Clause 5: Section 17B inserted —

Mr P.A. KATSAMBANIS: This proposed new section will allow a lessor or landlord to make an application to recover from the perpetrator of family violence any losses or damages suffered throughout this process. I did note the minister's answer that effectively we cannot hold the victim responsible. I agree with that. I am trying not to overly paraphrase what the minister said, but he effectively implied that landlords take damage and loss as one of the risks that they ought to mitigate against when investing in residential property. I accept that. However, because of the provisions of this bill, and because the landlord may have an existing claim against a perpetrator but no practical way of implementing it because the perpetrator is not around, has absconded and cannot be found, or has no money, could there be a circumstance in which an insurance policy might be voided because the insurance company could say to the landlord that they have an action against the perpetrator; go and chase them?

Mr W.J. JOHNSTON: No. It does not change the circumstances of a landlord's rights.

Mr P.A. KATSAMBANIS: I guess we will see how that works in practice. The Real Estate Institute of Western Australia has suggested that one way of dealing with a situation in which damages under this proposed section cannot be paid out and the landlord is left to carry the cost, without an effective ability to recover, would be to utilise the rental accommodation fund to fund a compensation scheme, in extremely limited circumstances. Has that been considered, or is that considered to be worthwhile?

Mr W.J. JOHNSTON: This is not to do with the government. This is a private matter between contracting parties. If it were not for this legislation, a landlord would be in no different a position if damage were caused to their property. There is no reason for the government to intervene in the relationship between two commercial parties. It is not a relevant consideration. Let us assume that this law was not in place. The landlord would still have to sue somebody to recover damages. It is just a question of who they sue, not what are their rights. Their rights are exactly the same. It is just that we are protecting a victim who is not the guilty party and saying to the landlord that they have to sue the guilty party and not the victim. It is not at all onerous. As the member for Mount Lawley so eloquently explained, it is not about trying to set aside any legal obligations or rights. It is simply setting out the terms that apply in these matters. That is why the government does not have a role in this.

Mr P.A. KATSAMBANIS: But, minister, it is impinging on rights, perhaps for the right reasons, and it is a legislative intervention, because, without this legislation, in these sorts of circumstances the landlord would be able to take action against either the perpetrator and the victim, or just the victim, or just the perpetrator, depending on the arrangements. No-one is suggesting that the costs be passed to the victim—not at all. We are very supportive of ensuring that the victim does not have to bear the costs of a guilty party in this case. But there is a change to the fundamental basis of the law of contract and the lease itself imposed by this legislation. I am just trying to get a handle on whether any consideration has been given to the compensation of a last resort–type claim so at the end of the day the landlord is not left out of pocket, especially given that the landlord is not guilty either. The victim is definitely not guilty but neither is the landlord in these cases.

Mr W.J. JOHNSTON: I understand the position that the member is taking but we are very much victim focused. We are worried about what happens to the victim. We are not setting aside the rights of the landlord in any way other than that he cannot sue the victim. His rights remain identical to the situation that is in place today. The only difference will be that he cannot sue the victim.

Mr D.T. REDMAN: I refer the minister to clause 5(5), which sets out a number of principles that have to be taken into account when making a determination or order. I understand all the points made in those principles but could the minister explain the practical impact of having them in the legislation as distinct from them not being there?

Mr W.J. JOHNSTON: The Chief Magistrate has asked for guidance about when to apply these provisions, and that is what that subclause seeks to do.

Clause put and passed.

Clauses 6 to 9 put and passed.

Clause 10: Section 45 amended —

Mr P.A. KATSAMBANIS: Clause 10 seeks to allow a tenant who is the subject of family violence to make some alterations to the tenanted property, particularly allowing them to change locks. During my second reading contribution, I raised the issue of master locks or locks that might be in a strata title situation when the landlord does not own the door and does not own the lock. What would happen in those circumstances, in practice, if the tenant wanted to make changes to strata-titled property—property that is owned by the body corporate rather than by the landlord that they have a lease with?

Mr W.J. JOHNSTON: I want to assuage the member's concern because there is no term in the bill that would allow a tenant to change the common area locks. This is about the locks to the premises itself. As occurs when a person rents a property with a strata title, they have the use of the private part and use of the common areas but they do not have exclusive use of the common areas. This legislation does not change that person's rights. Let us assume there was a situation of domestic violence and the landlord agreed to a request by a tenant to change the barrel of a lock. He would not have the capacity to authorise the tenant to change the barrel of a lock in the common area because he is not responsible for that. This provision does not change that circumstance. It is about the private rental area, not the common areas.

Mr P.A. KATSAMBANIS: That is my point. There are elements of a property that a perpetrator could still access without some regime. I believe a regime of sorts does exist in Victoria to deal with common property. In practice, if a perpetrator wanted to continue their nasty activity, they could try to target a victim who may regularly use a common area, such as a swimming pool, a gymnasium or a meeting room, depending on the type of strata title property. Providing the opportunity to change the lock on the unit may not necessarily provide a wraparound protection. Again, I raise it in the context that, in practice, a victim may feel far more secure if the lock on their unit was changed, but also if the perpetrator was able to be physically excluded through changing the locks on common property to provide better protection for the tenant.

Mr W.J. JOHNSTON: There is no question that it would be good to give tenants the right to change the common area locks as well but that would exceed what we are trying to achieve. That would probably be better for the victim but it would then impact people other than the tenant of that unit. We are trying to restrict the protections to provide as little inconvenience to people who are third parties to the violence as possible. Obviously, that would be great but it would be too complicated. It is true that the department is talking to strata companies about how to improve protections. I also draw the member's attention to clause 18, which will insert part V, division 2A, which is the provision that allows a victim to leave a tenancy early, which is the other alternative. If a victim changed the locks but the perpetrator continued the violence, clearly, they could leave the tenancy completely and extract themselves from the violence in that way. Our view is that this is a reasonable attempt. Further work may be done in the future but I think it is a great improvement on the current situation.

Clause put and passed.

Clause 11 put and passed.

Clause 12: Section 47 amended —

Mr P.A. KATSAMBANIS: Clause 12 seeks to allow a tenant to make prescribed alterations to a property that goes beyond changing the lock. Clearly, it is calibrated to allow a victim of family violence to install the type of security measures that may make them feel more comfortable living in their property. It could take many forms: it could be a security door, an alarm system or shutters. I imagine it could be anything that a tenant would want in those circumstances. Again, in the strata title circumstance, the external facade of a building in a lot of strata title properties may not necessarily be owned by the landlord, so even if a tenant wanted to put bars on their windows, that would ordinarily require authorisation from the strata company and it would have the ability to refuse it on any grounds. Has it been contemplated that that type of protection in strata title circumstances may not be practically available to a tenant in many cases?

Mr W.J. JOHNSTON: The answer to the final question is yes. I point out that proposed subsection (5)(c) states —

> the prescribed alterations must be effected having regard to the age and character of the property and any applicable strata company by-laws;

Yes, it may well be the case that strata company by-laws prevent a victim from upgrading the premises to provide sufficient security, in which case, again, they have the options available to them under clause 18. This is again victim focused so they can make decisions for themselves that they think are in their own best interests. I also want to point out to the member that proposed section 47(4) refers to prescribed alterations. The extent of the capacity to make modifications will be in accordance with that prescription. It is the government's intention to consult with the Real Estate Institute of Western Australia and other bodies to work out exactly what sort of modifications that will allow so that landlords and others have a say in how far we regulate in respect of this clause. But again, it is a victim-focused clause to allow them to make decisions for themselves that they think are best for them.

Mr P.A. KATSAMBANIS: The minister foreshadowed my next question on this clause: what is the intention around prescribed alterations at this stage? The minister indicated he would consult, and I would encourage him to go down that path; it would be a good path to consult widely with industry and with all the other stakeholder groups, including victims' rights groups. At the moment, what would the minister be foreseeing as the likely inclusions in the list of prescribed alterations?

Mr W.J. JOHNSTON: Thank you for the question. I point out that the Victorian royal commission found that lessors can refuse to allow security improvements to their premises regardless of the need and recommended that lessors not be allowed to withhold consent to a tenant needing to make security adjustments to the premises to prevent further occurrences of family and domestic violence. That is clearly what is guiding us in this amendment. Our intention is that these amendments will allow potentially quite important alterations to premises, such as installing closed-circuit televisions, security screens and external lighting. Western Australia, like many other states, has a Safe at Home program. This program supports victims of family and domestic violence and their children to remain safely in their home. This was an opportunity to conduct safety audits and assist with installing security measures. Under this clause, we expect the Safe at Home program to be of great assistance to victims.

Mr P.A. KATSAMBANIS: I raised this issue in my second reading contribution: none of this work can be conducted overnight; that is, a tenant cannot get up in the morning and decide work needs to be done and it is done by the end of the day. Proposed section 47(5)(b) requires that the work is undertaken by a qualified tradesperson. A tradesperson needs to be found after the tenant decides what their needs are. Why would a notification system to the landlord not be able to be run in conjunction with the process so that when a tenant decides they need to do this, they notify the landlord or the managing agent by email—in writing would be best, so by email would be the easiest way, or even a text message in the modern environment—and let them know they are going down this pathway? It does not even require a circumstance in which a landlord would be able to refuse approval. I would suggest that a notification would enhance not only the communication but also the relationship between the landlord and the tenant.

Mr W.J. JOHNSTON: I understand that the member is not satisfied with the clause. The clause is focused on victims; it is not focused on other people. We want to give rights to victims so that they can protect themselves. Unfortunately, on some occasions victims cannot get the protection they want quickly. That is unfortunate; I wish that was not the case. This is about giving rights to victims. Other issues are of course important but they are not the focus of this legislation.

Clause put and passed.

Clause 13: Section 56A inserted —

Mr P.A. KATSAMBANIS: This is the anti-discrimination clause so that people will not be put on a blacklist. Obviously, I have no issue at all with ensuring that the victim of family violence is not listed on some form of bad tenants list and is not discriminated against in any way when accessing housing. I think we are all on the same page on that. I heard the minister's explanation in his summing up of the second reading debate around why he thought that people convicted of family violence ought not be discriminated against and should be afforded this sort of protection. I am not necessarily sure that that strikes the right balance, especially in circumstances in which a perpetrator could have left a trail of destruction of the sort that would give rise to the claims we discussed earlier under clause 5 of this bill. I think it would be better for landlords and for the community if their actions were better known. From a societal point of view of not tolerating domestic and family violence, would it not make more sense that those perpetrators who have been known to do this in the past ought to be identified so that everyone in the community, including landlords, knows the person that they are dealing with?

Mr W.J. JOHNSTON: I understand the issue the member is raising, but I want to make a few points. Firstly, it is not that a perpetrator cannot be put on a blacklist—they can be. Of course, if they have damaged property or anything else like that, just like any other member of the community, they will be listed on a tenancy database and the landlord can take note of that. What they cannot take note of is their conviction on a charge related to family violence. That is a very narrow and specific issue. As I explained to the member, this is important to allow the separation of violent people from their victims. We would not want a situation in which a perpetrator becomes homeless. We cannot separate them from their victim. I also point out to the member that it is not the job of ordinary citizens to discriminate in relation to these matters. We already have courts to hand down punishment in respect of family and domestic violence. If courts are not taking all the opportunities available under the laws of the state, clearly the Attorney General will need to appeal more court decisions. But that is a separate issue from the question we are dealing with here. We do not tar and feather people anymore. We do not publicly humiliate them. Of course, the name of a person who has been convicted of family violence will be public; their name is not suppressed. Of course, they have to live with the consequences of their behaviour. We are not in any way seeking to forgive them for that. We are saying there is actually a good public policy reason we want to allow victims and perpetrators to live their separate lives as quickly as possible because we do not want to have the situation in which a perpetrator stays with the victim because they would otherwise be homeless. That would not make any sense. We need to have these matters dealt with rapidly. We do not want artificial barriers put in the way of solving the problems for victims.

Clause put and passed.

Clauses 14 to 17 put and passed.

Clause 18: Part V Division 2A inserted —

Mr P.A. KATSAMBANIS: The minister indicated in his summing up of the second reading debate that he was considering some alterations to this clause.

Mr W.J. Johnston: Yes.

Mr P.A. KATSAMBANIS: I do not want to put words in the minister's mouth. Is the minister able at this stage to give us an indication of his thinking about the nature of the amendments that might take place?

Mr W.J. JOHNSTON: We are considering the amendments that we could make. As I said to the member in my summing up, I will meet with the Real Estate Institute of Western Australia on 26 July. I will also have the opportunity during the recess, because I am not leaving the state, to discuss this with victims, representative groups and others. I made the point to the member for Warren–Blackwood that there is a challenge in having, for example, a provision requiring a victim to see two of these people. That would not necessarily be good. The example I gave in my summation was a woman who was subject to violence going to a women's refuge. Would we want them to also have to see a psychologist before they were able to take action to protect their interests in the tenancy? Fifty years ago, domestic violence was not discussed. Then perhaps 40 years ago, we started getting women's refuges and the expectation was that the woman would run away. Now that we are going to a victim-centred focus, we want the victim to be protected rather than the perpetrator. We do not want to create too much red tape for the victim to get their rights looked at. This is really a question of red tape. If we go beyond the list provided in the legislation and require it to be two people, we would just be creating red tape for the victim. It may be that we can come to some understanding with landlord representatives on how to deal with this issue, but it is quite important to victims that we not make them run through too many hoops.

Mr D.T. REDMAN: I do not think anyone wants to argue with what is trying to be achieved by having a number of prescribed people who can cite the validity of a particular claim. If there is anything in this bill that could bring it undone, it is fake claims under this particular clause. The intent is to try to achieve some sort of definition of validity without having it exposed. I note that all six of the prescribed people listed are defined. The first is a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession. The second is a person in the psychology profession. The third is a social worker with a particular definition. The next is a police officer. We know what a police officer is; they are a sworn officer. The next is a person in charge of a women's refuge. I do not know whether women's refuges are registered; perhaps they are. Perhaps there should be some sort of reference to the validity of a particular facility—in this case, a women's refuge—and the person who is cited to be a person in charge. Those definitions might give rise to fake claims and therefore might have unintended consequences. Perhaps the minister can comment on that and also give me some indication of what "a prescribed person or class of persons" means in proposed subparagraph (vi). Presumably that is a regulatory focus on those people.

Mr W.J. JOHNSTON: In respect of the prescribed person outlined in proposed subparagraph (vi), that would be disallowable by Parliament. We are not trying to hoodwink people. An example might be an officer of the child protection division of the Department of Communities. Another thing that people need to think about is that it is not just partners who are subject to family and domestic violence. Sadly, we all know that there is elder abuse in the community. It might be that the only professional person an elderly person who lives alone comes into contact with regularly is their family doctor. If the family doctor discovers that they are a victim of family violence, it would seem reasonable to allow the doctor on their own to certify that they are a victim of that violence and therefore get the rights that we are trying to provide victims. It could be quite complicated for a victim in that example to create a relationship with another person to get a second opinion, if you like. This is a complicated area. There are reasonable expectations by landlords that people will not misuse the system. The government's position at the moment is that we do not think these rights will be misused. However, as I have said to the member, we have looked at this and we have a draft amendment. We will discuss it specifically with REIWA on 26 July to see whether there is something we can do to accommodate its interests.

I note that all the people listed in this provision have codes of conduct and regulatory bodies that supervise their work. We are satisfied with those definitions. We cannot refer to a CEO of a women's refuge because they do not all describe their senior person in the same form. It is important to give a broader definition of that, because it would obviously be complicated if we tried to narrow the definition. There is a reason for each of these definitions. As I say, I have committed to the member that we are seeking to see whether there is any way we can accommodate the interests of landlords, but, again, we are very much focused on the needs of victims.

Mr D.T. REDMAN: I absolutely accept that. I can appreciate trying to prescribe two and the difficulty of pulling that together in certain circumstances. I do not know what my upper house colleagues might think, but if the minister thinks it might be too difficult to prescribe two for the reasons that he just described, being slightly more prescriptive about these particular positions may be a satisfactory response. The minister talked about persons in charge of women's refuges being subject to codes of conduct and a whole range of regulatory positions. That is not defined in the bill. Tightening up the definition in that area might give us some comfort that those circumstances will be covered. I am giving the minister a fair bit of scope to look at it. This clause will be an issue if it has some adverse consequences.

Mr W.J. JOHNSTON: I acknowledge the member's good faith in the position he has put. I draw his attention to the "Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework", which is available on the website of the child protection and family support section of the Department of Communities. It lists the sorts of issues that need to be considered. I am happy to table for the information of the chamber a document from the Alberta government. It is titled "Certified Professional Statement—*Residential Tenancies Act*".

[See paper 1448.]

Mr W.J. JOHNSTON: Members will be very interested to read this. As I explained in my reply, Alberta has a very similar provision to the one we are proposing. This document contains the sort of information that is required to be provided. Remember, the person has to provide a notice and this is the sort of information that we are seeking to have included in the notice.

I also point out to the member that proposed section 71AB(2)(d) states —

> a report of family violence, in a form approved by the Commissioner, —

That is why I have tabled the document from Alberta —

> completed by a person who has worked with the tenant …

They cannot just randomly deal with the person; they have to have actually worked with them on the issue of family and domestic violence. The final thing I want to remark on is a person abandoning a tenancy now without giving notice. It could take up to almost two months before a landlord could re-let the place anyway. It is not as if

there are no risks involved for the landlord today. In fact, the department's position is that the landlord would be able to get their premises back and re-let much faster under this provision than if a tenant simply walked away. One of the most common causes of homelessness, and the member referred to this himself, is when a victim goes to a refuge but they still have to pay for the tenancy that they have abandoned. They end up homeless but they are still paying rent. We are really trying to avoid something very important. As I say, yes, there is potentially a loss for a landlord, but the loss may well be less than if a tenant simply abandoned the tenancy.

Mr D.T. Redman: The concern I had was someone faking a claim through this process to actively get out of a tenancy agreement that they did not want to be a part of for a range of reasons, including the rise and fall of markets and terms of contracts.

Mr W.J. JOHNSTON: I am not quite sure how a person would fake the opinion of a medical professional.

Mr D.T. Redman: No, they cannot, I agree with that.

Mr W.J. JOHNSTON: That is what this provision says. It is not dependent on the opinion of the victim, but rather the opinion of those other people.

Mr D.T. Redman: Then there is the scope to have it reviewed by a court under page 16 of the bill, which states it can only determine —

Mr W.J. JOHNSTON: How about I sit down, member, because there is only 40 seconds on the clock.

Mr D.T. REDMAN: Someone might use this provision and get a certified form by a person in charge of a women's refuge, which is the only definition I have in front of me here, and then the landlord could appeal that. It states on the following page of the bill under proposed section 71AC that the court must examine whether the terminating tenant has complied with that proposed section. I would not have thought a high threshold of proof would be required to show that it is a person in charge of a women's refuge, albeit someone who may have even worked with the tenant.

Mr W.J. JOHNSTON: I understand and I do not doubt the bona fides of the issues the member has raised, but again we have to go back and think about the position the victim is in. I know I am returning the same story, but it is a critical story that we need to consider the victim. We do not want to have so much red tape that it is too hard for the victim to crawl through otherwise they may not choose to do it. If a victim has a good landlord, they may well want to keep the tenancy and the other provisions of the act might be the ones with which they are most concerned. Laws do not create good behaviour—we all know that. But this is a very narrow provision that very few people will ever come into contact with. I do not think the risk is high that people are going to misuse it because it is not the victim who has to provide the report, it is the people who are listed in this provision.

I will finally make a comment about the length of time that it takes to get court action. It could be much longer if it is being done by only court action. It could be months perhaps before a resolution is achieved. We cannot make this too hard for victims, otherwise they will not access the rights that we are trying to create. I acknowledge the interests of landlords, but this legislation is victim-centred.

Mr P.A. KATSAMBANIS: I take it in good faith that the minister, as he indicated, will undertake consultation on perhaps a draft amendment that the government might consider introducing in the other place rather than here. Is he able to enlighten us on what that draft amendment is about or what areas it may cover?

Mr W.J. JOHNSTON: I actually said that in my summary. I said that it will look at whether there is another arrangement because at the moment the provision states, "comprising 1 of the following", and we are looking to see whether, in certain circumstances, that might be more than one. But as I say, the problem is that it would have to be quite a simple procedure because we would not want to have all this red tape getting in the way of the victim protecting themselves.

Mr P.A. KATSAMBANIS: I understand that and obviously if the circumstances listed in proposed section 71AB(2)(a), (b) and (c) apply, then a person does not need to go down that path in the first place. Anyway, the minister has made that commitment in good faith. He will consult during the winter recess and we will look forward to whatever the outcome of that consultation is. I daresay that it will be something that our colleagues in the other place will also look forward to finding out about in due course.

Mr W.J. JOHNSTON: I make the point that proposed paragraphs (a), (b) and (c) are the result of many months of processing. Proposed paragraph (d) is the instantaneous response. We have to have an instantaneous response otherwise the legislation would be moot.

Mr P.A. Katsambanis: I understand.

Mr W.J. JOHNSTON: Yes, but that is very important because the member just said that we accept proposed paragraphs (a), (b) and (c), but (d) is the one with the problem.

Mr P.A. Katsambanis: No, I did not say that. I said that we accept that if proposed paragraphs (a), (b) and (c) exist, we do not need to look at (d).

Mr W.J. JOHNSTON: Yes, but the point I am making is that proposed paragraph (d) is actually the core of the provision. Without (d) the provision is of no effect because the others all take months to arrive at. That is the only one that is instantaneous. I am happy to look at how we do this, but it has to be an instantaneous response otherwise it is not victim-focused.

Mr D.T. REDMAN: I note that on the back of the form that the minister gave me titled, "Certified Professional Statement" it states "Who can complete this form?"

Given that the minister has obviously researched this area and got options from overseas organisations, even the definition on that form is slightly more prescriptive than what is contained in this legislation. In the case of the bill before us, that person is a medical professional, a psychologist or a police officer and so on, and then we come down to a person in charge of a woman's refuge. The similar dot point on this form states that it can be —

> an individual employed and authorized by an agency or organization that provides accommodation in an emergency or transitional shelter because of homelessness or abuse or support initiatives for victims of crime.

Even that gives a level of clarity, if you like, to someone who in my view would be generally authorised to sign a form like that.

Mr W.J. JOHNSTON: I appreciate the point raised by the member, but in that last dot point he has raised, it states —

> an individual employed and authorized by an agency or organization …

The point is that is our provision is actually narrower. We say that it is a person in charge of a similar organisation. That form says that they are "employed and authorised". They could authorise any person who is employed by them, so their definition is actually much broader than the one that we have provided. We are providing a narrower scope for the person who can provide it from the organisation, rather than a broader scope, but I do genuinely appreciate the points raised by the member.

Clause put and passed.

Clauses 19 to 37 put and passed.

Title put and passed.

Leave granted to proceed forthwith to third reading.

Third Reading

MR W.J. JOHNSTON (Cannington — Minister for Commerce and Industrial Relations) [9.40 pm]: I move —

> That the bill be now read a third time.

MR P.A. KATSAMBANIS (Hillarys) [9.40 pm]: I thank the minister for the information he provided during consideration in detail. I indicated that we look forward to seeing the product of any further consultation with stakeholders. Hopefully, as I outlined in my second reading contribution, we can get to broad community acceptance that what we are doing through this sort of legislation is important and good reform that places the rights and interests of victims and their families at top priority, and that everyone understands that having this legislation in operation will provide better outcomes for the victims of family violence.

MR W.J. JOHNSTON (Cannington — Minister for Commerce and Industrial Relations) [9.41 pm] — in reply: I appreciate the comments of the member for Hillarys. This is a genuine attempt to improve the circumstance for victims of domestic violence. I am pleased it has passed through our chamber so quickly. I thank the opposition and the National Party for engaging in a genuine debate on the provisions. I hope we have demonstrated that they are sensibly victim-focused. I look forward to further discussions with the Real Estate Institute of Western Australia and other interested groups between now and when the bill comes back from the other place. I certainly urge the opposition not to refer the matter to a committee. This is important legislation, and every day it is not in force means a victim does not have access to its provisions. I remind everybody, as the members for Hillarys and Mount Lawley pointed out, that this bill arises from the work of the former government. We are very proud to have brought it forward, but I would hate to think of it being opposed by the opposition because it is government legislation. Its delay means that victims suffer, nobody else. Given the extensive consultation that occurred to get the bill to this stage, with representatives of victims and representative landlords and others, I think it deserves speedy passage through the other house. Having said that, I am very happy to accommodate the question of a review, and we will seek to do that.

In respect of the other matters, we look forward to further discussions. I would be pleased to catch up with any representatives of the National and Liberal Parties during the winter recess to seek offline feedback on the matter, but we are very determined to get this victim-focused legislation through.

Question put and passed.

Bill read a third time and transmitted to the Council.

House adjourned at 9.43 pm