Parliamentary Debates
(HANSARD)

FORTIETH PARLIAMENT
FIRST SESSION
2018

LEGISLATIVE COUNCIL

Tuesday, 11 September 2018

Legislative Council

Tuesday, 11 September 2018

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

MEMBERS OF PARLIAMENT (FINANCIAL INTERESTS) ACT

Statement by President

THE PRESIDENT (Hon Kate Doust): I remind any members who have not already done so to lodge their annual returns for the 2017–18 financial year with the Deputy Clerk under the Members of Parliament (Financial Interests) Act 1992. I note that Thursday, 20 September, which is next week, is the last sitting day before the 30 September statutory deadline for the lodgement of returns. If you have not already completed and handed yours in, I encourage you to do so by the end of next week.

BILLS

Assent

Message from the Governor received and read notifying assent to the following bills —

1. Occupational Safety and Health Amendment Bill 2017.
2. Mines Safety and Inspection Amendment Bill 2017.
3. Education and Care Services National Law (WA) Amendment Bill 2018.
4. Road Traffic Amendment (Driving Offences) Bill 2018.

DAMPIER ARCHIPELAGO AND BURRUP PENINSULA — INDUSTRIALISATION

Petition

HON ROBIN CHAPPLE (Mining and Pastoral) [2.03 pm]: I present a petition containing 196 signatures couched in the following terms —

> To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned ask the Legislative Council to oppose the plans for the continued industrialisation of the Burrup Peninsula and Dampier Archipelago (Murujuga) reported in recent media. This is of great concern to our community, as there are alternative sites available for industry which won't infringe on heritage values of the region, in particular the Maitland Industrial Estate, located in close proximity to Murujuga.
>
> The petitioners reiterate the call for the World Heritage Listing of the Dampier Archipelago at the earliest opportunity available to the State Government.
>
> The petitioners oppose further development of heavy industry on Murujuga, and request that the State Government commit to review the following two documents: 30 August 2002 'Report into the Maitland Industrial Precinct' prepared for Hon Eric Ripper MLA (Deputy Premier), Hon Clive Brown MLA (Minister for State Development), Hon Alana MacTiernan MLA (Minister for Planning and Infrastructure), and Hon Tom Stephen MLC (Minister for the Pilbara), by the City of Karratha and the District Chamber of Commerce and Industries; and December 2002 'Maitland Heavy Industry Estate: Assessment and Comparison with the Burrup Peninsula Industrial Estate' prepared for the Shire of Roebourne.
>
> The petitioners call on the Government to evaluate the cumulative airshed of pollutants and emissions of current industry on rock art in the Burrup Peninsula (Murujuga), and quantify the increase in emission loads from known projected industries for the Burrup Peninsula (Murujuga).
>
> And your petitioners as in duty bound, will ever pray.

[See paper 1738.]

BRIDGETOWN CAMP SCHOOL — CLOSURE

Petition

HON COLIN HOLT (South West) [2.05 pm]: I present a petition containing 200 signatures couched in the following terms —

> To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament Assembled,
>
> We, the undersigned, are opposed to the Closure of the Department of Education Bridgetown Camp School at the end of 2018.
>
> The Bridgetown camp school experience enriches the lives of up to 2,000 children every year and gives children the opportunity to experience farm activities, nature play and physical challenges.

The decision to close the facility has not been adequately considered and we therefore respectfully request the Legislative Council to investigate:

- The importance of affordable school camps for disadvantaged families
- That the camp school residential facility provides unique opportunities for personal growth and social development
- That there are no other comparative facilities or services to replace the camp school experience
- The negative economic impact on the local area

And for the Legislative Council recommend the Government to reverse the decision. And your petitioners as duty bound, will ever pray.

[See paper 1739.]

CITY OF WANNEROO — PERFORMANCE

Petition

HON MICHAEL MISCHIN (North Metropolitan — Deputy Leader of the Opposition) [2.06 pm]: I present a petition containing two signatures couched in the following terms —

To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We the undersigned are seriously concerned about the conduct and performance of the City of Wanneroo in relation to its non-enforcement and application of the Laws and Acts under their jurisdiction since 2014 in relation to matters associated with Mr Stephen Adam. We request that an enquiry is undertaken into a specific formal complaint submitted by Mr Adam. The City's actions have caused Mr Adam and his family significant financial loss and unwarranted stress.

Your petitioners therefore respectfully request the Legislative Council to support a Legislative Council inquiry into the conduct and performance of the management staff and public officers of the council of the City of Wanneroo, and whether the City of Wanneroo should pay compensation in this matter.

And your petitioners as in duty bound, will ever pray.

[See paper 1740.]

PAPERS TABLED

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

TEMPORARY ORDERS 6(3), (4) AND (5) — RECALL OF THE HOUSE

Amendment to Notice of Motion

Hon Martin Aldridge gave notice, pursuant to standing order 62(a), of an amended form of motion 2, Temporary Order — Recall of the House, as follows —

A. That a proposed amendment to standing order 6(3) be considered by the house in the following terms —

(3) When the Council is adjourned the President:

(a) may on the request of the Leader of the House and after consultation with the leaders of all parties vary the day and time at which the Council may next meet; or

(b) shall, at the written request of an absolute majority of the whole number of Members that the Council meet at a certain day and time, fix a day and time of meeting in accordance with that request.

(4) When varying or fixing a day and time of meeting not less than 4 days' notice shall be given to each Member.

(5) For the purposes of (3)(b):

(a) A request by the leader or deputy leader of a party in the Council shall be deemed to be a request by every member of that party who is a member of the Council.

(b) A request may be made to the President by delivery to the Clerk, who shall immediately notify the President.

(c) If the President is unavailable, the Clerk shall notify the Deputy President, or, should the Deputy President be unavailable, any one of the Deputy Chairs of Committees, who shall be required to summon the Council on behalf of the President, in accordance with this temporary order.

B. That the proposed amendment is referred to the Standing Committee on Procedure and Privileges for consideration and report within three months.

HERITAGE BILL 2017

Second Reading

Resumed from 27 June.

HON DONNA FARAGHER (East Metropolitan) [2.13 pm]: I rise to speak on the Heritage Bill 2017, and indicate that I am the lead speaker for the opposition on this bill. At the outset, the opposition strongly supports the passage of this bill. I indicate to the house that it is essentially the same bill that was introduced under the former Liberal–National government by the former Minister for Heritage, Hon Albert Jacob, and I want to acknowledge the role he played in getting this legislation developed and introduced into Parliament. I also want to recognise Hon John Castrilli, again a former minister, who very much started the original development of this legislation. I will go through some of the time line of that.

The bill before us has been recognised by many people as well overdue. I want to refer to the explanatory memorandum. It states —

> Western Australia was the last Australian state to enact legislation to recognise and protect non-Aboriginal cultural heritage places. The current Act was written at a time when legislators responded to the community's demands for the protection of its heritage places amid the demolition of a significant proportion of Perth's built heritage in the name of progress.
>
> Almost as soon as it came into operation over 26 years ago, the current Act was found to have many flaws and shortcomings that created obstacles to its effectiveness: complex and redundant assessment and consultation processes, inflexible development referral requirements, countless ambiguities and arcane language that is hard to comprehend and expensive to administer. With its origins in the 1970s and 80s, the current Act is notable for the hard-to-interpret phrasing that reflects the statute drafting style of the day and its rigid, adversarial approach to heritage management.

I think that encapsulates the challenges that the current act delivers for us as parliamentarians, for governments to administer and for the community to be able to work through.

There is no doubt that our heritage is incredibly important, and it is not one-dimensional. Of course, this bill addresses the management of our state's cultural heritage. I want to indicate that, as a member for the East Metropolitan Region, there are a number of important heritage areas in that region. We have areas such as Mt Lawley and Inglewood. We have Kalamunda and Serpentine–Jarrahdale. We also have Guildford, where my electorate office is located, and next door is, of course, Midland. Because we are talking about heritage and we do not often get to talk about these things, I will take a couple of liberties before I get into the essence of the bill. Guildford is an incredibly important heritage precinct in our state. A few years ago, I had the occasion to read a book entitled *The Swan Valley: a perspective in time and place* by Dorothy B. Robinson. In another debate in the Parliament, I read some aspects from the book about how Guildford was effectively created. In the context of the debate we have today, I want to reflect on that material. The book says, in part —

> Guildford is situated near the head of the navigable portion of the Swan River. The Swan River to All Saints Church, Middle Swan, is a salt-water estuary, subject to tides as well as acting as a channel for runoff waters …
>
> Guildford, because of its clay loan soils and its proximity to the navigable Swan River, was a natural choice for an early agricultural settlement. Captain Stirling, then Lieutenant–Governor, selected for his own use as a country resort and farm, a piece of land lying between the Swan and Helena Rivers. He named his estate "Woodbridge", after his wife's childhood home in England. When the Avon Valley, beyond the Darling Range, was discovered in 1830, it was immediately opened for settlement, eventually to become one of the most important agricultural and pastoral regions in the Colony.
>
> At first there was but one line of transport between Fremantle, Perth and Guildford—the river. Some roads were built, but they were not entirely satisfactory. In the early 1830's, a road was made from Perth to Guildford on the right bank of the river, passing through Maylands, but for years the sandy ground made heavy going for the laden vehicles, so mostly it was river transport that was used. A causeway across the Swan River at Perth was completed in 1843, and from then on a road along the left bank of the river through Belmont became the usual land route to follow.
>
> A road to Upper Swan connected to Guildford, turning north where Midland now stands. A road to York was completed in 1835 and to Toodyay in 1841, though at this stage these roads were little more than bush tracks, In the 1850's, better roads were constructed with the aid of convicts who were brought from England to help develop the Colony
>
> Thus Guildford became the centre of a road network linking the agricultural areas via the river with Perth and Fremantle

> Until the 1880's, Guildford was a flourishing market town and river port, with warehouses and wharves and many stores and hotels. Teamsters brought down loads of wheat and oats, hides, skins and tallow, and timber and sandalwood, and went back to the country loaded with clothes and clothing materials, stores, hardware and household goods, and implements for use on the farms.

Today, people visiting the Guildford heritage precinct will see many aspects of Guildford's heritage still on show. Near Stirling Square is the Colonial Gaol, which was recently partly refurbished, and the Guildford Mechanics' Institute, where just last week I held a function in support of Parkerville Children and Youth Care. There are also the well-known sugar gum trees that were planted in honour of Queen Victoria's diamond jubilee in 1897.

As Dorothy Robinson observes in her book, there are a number of well-known homes in the area, such as Woodbridge House, Earlsferry House and Fairholme. As many people will know, Guildford Grammar School and its Chapel of St Mary and St George make a distinctive eastern entrance to Guildford. Of course, there is also Guildford Primary School. I was speaking to someone about Guildford Primary School just the other day, and they were a little surprised to learn that it is the oldest government-sponsored education institution still in operation in WA; I think it is the third oldest in the country. It has operated continuously since 1838, and a number of heritage buildings remain on site. Woodbridge Primary School also has a couple of heritage buildings; it was formerly the West Midland Primary School, which my mum attended. There are a number of buildings in both Guildford and Midland that have significant heritage value.

While I am on my feet, I want to recognise the Swan Guildford Historical Society, of which I am one of the patrons, and particularly its president, Celia Miller, and the committee members. They have a very strong commitment to the heritage of Guildford and surrounding areas and to expanding the community's knowledge of the importance of Guildford. I want to commend the society for recently securing additional funding, through the City of Swan, to expand its school education program and its general tour program for the local community and for visitors from Perth, interstate and overseas who come to see what Guildford has to offer.

To return to the Heritage Bill 2017, as I understand it the current act was not subject to any substantive changes until around March 2011, when legislation was passed to significantly increase the maximum penalties applicable for unauthorised damage to and destruction of heritage places. However, those changes did not address many other longstanding issues that had been raised with regard to the operation of the act. Both the Minister for Heritage and the shadow minister have indicated that heritage legislation should be open, transparent and simple to operate and understand; I think we would all agree with that. Importantly, it should reflect best practice in the recognition and protection of heritage places.

There is no doubt that a fairly long and extensive history of consultation has brought us to the point of now debating this bill in the house. The legislation dates back to 2011. There have been three rounds of consultation encompassing a discussion paper, a consultation paper, an exposure draft bill and the 2016 bill that was introduced by then minister Albert Jacob. Of course, that bill had not been passed before Parliament was prorogued, so we now come to the bill before us.

As I understand it, the review of the Heritage of Western Australia Act 1990 initially involved, as I have said, two phases of community consultation in 2011, and then further consultation on an exposure draft bill in 2015. The first consultation paper was released by the then heritage minister, John Castrilli, and it outlined a number of key issues on which the government sought advice, including the objectives of the act; the effectiveness and role of the Heritage Council; the processes for entering places on the state Register of Heritage Places; incentives for owners; and the management of heritage places, including maintenance.

I have gone through a very helpful information paper that was put out at the time of the 2015 bill. It identified that during the consultation more than 100 submissions were received from government agencies, local government authorities, industry, professional peak bodies, interest groups and individuals. As a result of that initial consultation a discussion paper was released later that year that included a series of proposals for what a new heritage act should do. A further 80 submissions were received in response to that discussion paper. In response to those submissions, along with various stakeholder meetings, an exposure draft Heritage Bill 2015 was tabled in Parliament. Again, that went out for some significant consultation. In response to that consultation, the final bill—if I can put it that way—was introduced in 2016. I understand that a lot of the content of that bill was similar, albeit added on, to that which appeared in the exposure draft.

As I mentioned, this bill is essentially the 2016 bill, albeit with some minor administrative amendments. Notwithstanding that, there are a couple of issues I want to comment on—the first being the registration process. As I understand it, part 3 of the bill brings into place a simplified process for entering places on the state Register of Heritage Places. Under the current act, there is a two-step process for registration. A place is firstly assessed and public consultation undertaken, then the place is entered on the state register on an interim basis. A similar process is then followed to make the register entry permanent.

It has been put that the overall process under the current legislation is confusing, costly and takes a lot of time. Therefore, part 3 of this bill introduces a simplified and more transparent single assessment and consultation process

that will culminate in a heritage place's permanent entry on the state register. In situations in which a place is recommended for inclusion on the register, the Heritage Council will review the place by considering its cultural heritage significance; consulting the owners of the place; undertaking public consultation; and, if appropriate, making a recommendation to the minister for inclusion on the state register. Proposed section 38 sets out the considerations the Heritage Council must take when determining whether a place has cultural heritage significance.

Key to the legislation is, of course, openness and transparency in the processes that are undertaken. To achieve this, I want to refer to clause 41 of the Heritage Bill 2017. It requires that the Heritage Council of Western Australia and ministerial decisions on the state register be published. I want to refer specifically to clause 41(3)(b), because I have a question for the minister. It states that the council must —

> publish, in accordance with the regulations, an advertisement in relation to the direction and any statement of reasons.

Although I agree with that and because we are unfortunately referring to regulations, which the Parliament has not seen, and the regulations may well stipulate this, my question to the minister is: why is a time frame not stipulated for when an advert must be published? I would have thought it would be a fairly quick process to place an advert. I am keen to understand why the primary legislation does not stipulate a time frame of not less than one or two months—whatever it may be—for when the advert must be published. I am also keen to understand in what form the advert must appear. For example, will it be in *The West Australian* or the local paper where the issue is most relevant? I am keen to get an understanding from the minister why this is not stipulated in the primary legislation as opposed to the regulations. We might go into Committee of the Whole if I do not get an answer to that.

Part 4 of the bill deals with protection orders and includes, amongst other things, the procedures for issuing protection orders, their contents and enforcement. A new feature is included at division 2 of part 4 to introduce repair orders. Essentially, this has been a source of contention for some time and I think this remedies a longstanding issue. A new provision is created to ensure that demolition by neglect can be avoided. I want to refer to both clauses 64 and 65(1). Clause 64 states —

> (1) This section applies if —
>
> (a) a registered place suffers from neglect of a prescribed kind or extent; and
>
> (b) the Council considers that, as a consequence of the neglect, works are required to prevent irreversible deterioration to the place.
>
> (2) The Council may give a notice to the owner or occupier of the place stating that, unless works specified in the notice are completed by a date specified in the notice, the Council will advise the Minister to make a repair order in relation to the place.
>
> (3) A repair notice must include any prescribed details.

Subclause (4) then refers to the regulations, which, of course, we are yet to see.

Clause 65, which I think is the important part, states —

> (1) Subject to subsections (2) and (3), the Minister may make an order under this section in relation to a registered place (a repair order) requiring the owner or occupier of the place to undertake specified works for any or all of the following purposes —
>
> (a) protecting the place from damage or deterioration due to fire, weather or other causes;
>
> (b) securing the place from intrusion or vandalism;
>
> (c) maintaining or repairing the place to remedy or prevent serious or irreparable damage or deterioration from any cause.

As I indicated, I think this provision in particular will be welcomed by the community. Certainly, having my electorate office in Guildford means that I am very conscious and reminded often of the Guildford Hotel, which has now been beautifully restored. However, I think we would all know—and everyone who has travelled back and forth through Guildford over many years saw lots of socks around the walls—there was significant concern from members of the community and other people, for many years, about whether the hotel would be redeveloped or left to effectively languish and get to a point at which it would need to be demolished. Obviously, that did not occur and the Guildford Hotel has been restored to its former glory, but this mechanism, which was not previously in the legislation, will give some comfort to the community that when a building or otherwise is damaged, for whatever reason, there is an ability for such an order to be made. It may be to secure the place from vandalism or, importantly, to protect it from damage or deterioration due to fire, weather or other causes. I think that is an important part of this bill and one I certainly support quite strongly.

Regarding penalties, the bill does not change the maximum fines applicable. The fine is up to $1 million for those who deliberately seek to damage heritage places. I recall that those particular elements were introduced as part of the 2011 legislation. The fines are identified in clauses 129 and 130. Clause 131 states that the onus of proof is on the owner of a place.

Regarding heritage inventories, I want to refer to the explanatory memorandum. It quite clearly identifies the reasons for some of the changes made in the bill. It states —

> Section 45 of the current Act requires each local government to compile and maintain an "inventory" (commonly known as a Municipal Heritage Inventory) of buildings in its district that are or may be of cultural heritage significance. Section 45 is unclear as to the purposes of such inventories, leading to widespread misunderstanding among local governments and confusion and concern in communities.
>
> Part 8 retains the substance of section 45. Unlike the current Act, Part 8 will clear up ambiguities about the scope of such inventories, which are renamed "surveys" to reflect their purpose as a survey of community heritage resources to assist local governments. In particular, a survey made under Part 8 is to include "places" rather than just "buildings" as under the current Act. This has been a source of confusion under the current Act.

Other areas in the bill deal with development referrals, incentives for owners and movable heritage. I will indicate now that I have one question about the constitution of the council, which is outlined early on in the legislation. Some concerns were raised about whether it should be stipulated that a local government representative be on the council. My understanding from reading the bill is that there are a number of aspects to take into account regarding who can be considered, but clause 14(3)(b) indicates —

> demonstrated knowledge, experience, skills or qualifications in one or more of the following fields —
>
> (i) archaeology;
>
> (ii) architecture;
>
> (iii) construction;
>
> (iv) engineering;
>
> (v) governance;
>
> (vi) heritage conservation or interpretation;
>
> (vii) history;
>
> (viii) landscape architecture;
>
> (ix) local government;
>
> (x) property ownership, development or marketing;
>
> (xi) urban and regional planning;
>
> (xii) any other field prescribed for the purposes of this subsection.

I think the minister's response will be that each and every qualification that a member of a board needs to have does not necessarily have to be prescribed. That is not necessarily misaligned to the position the former government took regarding the composition of committees and boards. For example, we do not need to say that there must be a member of the local government or someone with a development aspect who therefore represents an association relevant to that; I presume that we want to try to broaden the scope. But I recognise some concerns in and around local government because, obviously, from a day-to-day perspective, local governments will deal with a great deal of the carriage of this legislation. I just want some clarification that although we may not stipulate that a local government representative must be on the board, there would be recognition that it would be highly desirable to have on the board someone with local government experience, whether that is someone who is currently serving as a councillor, or has done so prior or whatever it may be. I am interested to hear the minister's response to that.

As I said, the opposition supports this bill. As I have indicated, if I had been sitting on the other side of the house—I remember that I represented the Minister for Heritage—I would have been introducing almost the exact same bill. I do not intend to delay the passage of the legislation. I have a couple of questions that we can probably deal with fairly quickly in the Committee of the Whole stage. I understand that there is a supplementary notice paper with one amendment that the government seeks to move. But I just want to end on a note that was in the "2015 Heritage Bill (Exposure Draft): Information Paper" dated August 2015. This is a good summary about why we need to have contemporary legislation that meets the needs of the community and recognises the importance of cultural heritage. It states —

> The focus of heritage legislation is to promote the identification, recognition and protection of those special places that tell the story of the State's history and development. About 1,350 such places of outstanding cultural heritage value to all Western Australians have been entered in the State Register since 1990, representing about 0.01% of the land mass of Western Australia.

It is for those reasons that this legislation is important and that the opposition will support the passage of this legislation.

HON TIM CLIFFORD (East Metropolitan) [2.42 pm]: I rise as the lead speaker for the Greens on the Heritage Bill 2017. I also note that we support the bill. The bill will replace the Heritage of Western Australia Act 1990. It is a mixed bag containing some very welcome improvements and of course some significant weaknesses. I welcome the opportunity to respond to this bill, which has been in development for several years, and I acknowledge that it lapsed under the previous thirty-ninth parliamentary term. My colleague and former member Hon Lynn MacLaren had quite a bit to say on this bill. She had quite a few submissions and I will be touching on a couple of those points today.

I want to clarify a couple of points that have been raised with me about the Greens' approach to infill. We believe that it is possible to achieve infill as well as protection of our heritage. It goes without saying that this goes along with our open green spaces policy. That is a bit of a misconception; they are both as equally important. In our #designperth policy, we highlight that we need to both preserve our heritage and continue to work to do so. One of the reasons that we support this bill is its breadth. It will apply to not only single buildings but also whole areas or places, whether they are next door to each other or owned by the same person. This is quite important. It means that this bill will allow for an expansion so that it covers places such as the town of Guildford. It is really important for places like Guildford, which, fortunately, has kept many of its original buildings and town layout and is now a significant tourist attraction in the East Metropolitan Region. It tells the story of our colonial heritage, so it needs protecting, given that it was established in 1829.

The PRESIDENT: Members, I am just going to say that there is a lot of chat in the chamber. I am finding it really hard to hear Hon Tim Clifford and I am sure Hansard is struggling. If you need to have a conversation, you may want to step outside or you may want to hold it for a while.

Hon TIM CLIFFORD: Thank you, Madam President.

Going back to Guildford and looking at the importance of its colonial history, dating right back to 1829, when it was one of the first three towns established in the state, the bill recognises that the whole is greater than the sum of its parts. It will also apply to things including, for example, archaeological remains, furniture and objects, gardens and parks, trees in or adjacent to man-made settings, and, as was discussed in the other place, this can encompass urban art. This brings to mind: can any old thing be included? No; to be included in the state register, it is required to have cultural heritage significance. This means it can be of aesthetic, historic, scientific, social or spiritual value for individuals or groups within Western Australia. It can be embodied in a place itself in any of its fabric, setting, use, associations, meanings, records, related places and related objects.

The bill will allow for a more open process for the public to identify and list heritage places. It will introduce better processes for entry on the register. The Greens support increased consultation and opening up the processes to the public, which are lacking in the 1990 act. The bill will allow any person to nominate a place, or the Heritage Council can consider a place of its own volition. If the council deems that a place is warranted for further consideration, it will then consult with the owners and the public and recommend to the minister that the place be entered into the register. We support that. At this point, further public consultation will occur and there will be no issues when the registration occurs. This is an improvement and we support this aspect of the bill in broadening consultation with the public, allowing for more engagement with different groups and community members.

Regarding the interim list, one thing I will be watching out for is the way that currently interim-listed places are handled. Under clause 178, transitional and currently registered places will be taken to be registered, with a two-year grace period to consider whether they will be eligible for registration. If this time frame is not met, they are liable to be removed. This has dire consequences. Removal from the register means that the place cannot be re-registered for five years unless the council gets an order from the Supreme Court. I have been informed that this time frame is achievable and I will be periodically checking in with the government to ensure that this is the case. We really need to keep an eye on the interim list. This bill also contains better processes for the removal of registered entries. The process for removal from the register now includes an additional step that each house of Parliament must approve and authorise a ministerial direction to remove a register entry. This parliamentary oversight is welcomed.

I welcome the increased checks and balances that this bill will bring. It has a bigger, better toolbox for preventing damage to heritage places. The Greens have been asking for these measures to be put in place for a long time. A particular strength of this bill is the introduction of a new option, called a repair order, to address issues previously raised about demolition by neglect. This ensures that any damage can be remedied and enforced under the law. We also welcome the option to compulsorily acquire registered places that have been subject to demolition by neglect. This means that an owner cannot just allow a property to degrade to the point at which it loses its heritage value.

Another key benefit in this bill is the opportunity to claim restitution for damage, using the restoration order, under which a convicted person must make restitution. A prohibition order can prevent work taking place at the heritage site for up to 10 years and require a person to prevent further damage, with a penalty of a fine of $50 000 a day. That is welcomed. The bill includes provision for protection orders, which prohibit entry of people and vehicles,

or detrimental activity. This provision also includes the ability to make a stop work order to prevent any works from continuing. Contravention of a protection order carries a fine, as was mentioned earlier, of $1 million, or a one-year prison sentence.

Another aspect of the bill that we support is the review clause. As with other bills introduced into the Council, the Greens fully support the option of a review. Continuous improvement can only happen when the review occurs. We welcome the formal inclusion in the bill of a provision for a 10-year review. That is not to say that we should wait 10 years before reviewing the legislation. We will be in constant consultation with different groups in the community to ensure that the bill does what it says it is going to do. We welcomed the opportunity to contribute to the review of this bill over recent months, and I again acknowledge important work done by Hon Lynn MacLaren in this place in her submission on the previous bill, which has informed the make-up of this one. I have consulted with many stakeholders, and while I acknowledge the benefits within this bill, I would like to put on the record some concerns that I hope will help the government to inform its policy and implementation. I hope that any improvements highlighted during this debate will be taken on board and contribute to improving the bill.

That brings me to a few issues that we have concerns with, beginning with the objectives under clause 3. The preamble to the bill makes mention of due regard for the rights of property owners, and I wish to highlight the competing interests in preserving our heritage. These interests come from different places, whether they be developers, mining companies or tourism operators. It is in the interests of developers to pay attention to heritage issues, but this does not necessarily happen. Hon Lynn MacLaren advocated for additional objectives in the bill, so that these competing interests could be better managed and balanced to ensure an appropriate level of protection for the assets. The government has attempted to take this into account by encouraging a partnership approach, but I do not think it has gone far enough. The bill needs to include stronger language, such as a requirement to ensure protection of a site, making sure that developers and the like adhere to the requirements. The bill in its current form includes a requirement to promote understanding and appreciation, recognise the importance, encourage and facilitate, but it does not anywhere ensure protection while allowing for appropriate change. This is the kind of language I like to see, so that developers and other interests do not ride roughshod over our culture, heritage and history. The three heritage jetties in Carnarvon, Busselton and Esperance, which were subject to a motion in the other place, demonstrate this. I understand that they are all heritage listed, and all owned by the state. Two are managed by local government and the third is managed by volunteers, but no amount of promotion, recognition or encouragement are stopping them from falling to bits. It is important that we strengthen the language, because it does matter. When money and developers are in play, they will not take the least profitable option; they will always try to find ways around the wording. We need to look at how we frame things and how we can strengthen them.

The Greens have a particular view on what constitutes heritage, and I am disappointed at the exclusion of some forms of heritage from this bill. The different sorts of heritage are: natural, which is trees, landscapes and views; built, which is significant buildings; Aboriginal; movable, such as documents or steam locomotives; maritime; and intangible, which is songs and language. Including these things in the register would heighten the importance of how they are perceived by the public. A lot more value would be placed on these things if they were able to be registered. The Greens see heritage as the environment, objects and places that we inherit from the past and pass on to future generations. It is inseparable from our culture as a way of understanding the living world. Therefore, the Greens want holistic umbrella legislation providing protection for all the different forms of heritage in planning decisions. We are not going to be able to do heritage properly until it is embedded in our normal processes. It is important that heritage such as the Dampier rock art and our forests be included in our heritage legislation. I go back to the point that this bill is not umbrella legislation. Although we have been given reasons for this, I will still register my disappointment that this bill does not go quite far enough. To reiterate, the bill does not include Aboriginal heritage places, forms of heritage that are the responsibility of other agencies, such as libraries and museums, and places that are made up of only natural environments, such as views and landscapes. If this bill were broader umbrella legislation, we would have departments working more cohesively together, having to discuss things that we classify as heritage, and recognising the importance of these things.

One area of this bill that is of particular concern to me is its lack of protection for big, significant trees, which is very disappointing. It covers only trees in or adjacent to man-made settings, under clause 39. As I have mentioned before in this place, we need to understand that Perth is rapidly losing its large tree canopy, which is having a range of negative impacts, including on human health, and increasing urban heat. We hoped that this bill would be broadened to include trees that are not adjacent to man-made settings, but that has not happened. In heritage precincts such as Guildford and Midland, if we are looking to protect only the trees adjacent to man-made buildings that have been classified as heritage, this does not take into account the trees around the corner that might have been there since the establishment of the settlement. They must have equal importance, because in some of these places we cannot have one without the other.

I also note the omission of movable heritage such as collections of documents, trains, aircraft, ships and machinery, which is, in our opinion, an oversight. These collections and objects are a crucial part of Australian history. They represent our history and our identity. In many cases the buildings of our early settlers were transient, and what

remains is machinery. Recently, I spoke to a constituent whose father said that a lot of the farming equipment on their property was still serviceable even though it dated from the turn of the last century. They have restored the machinery because they saw it as being very significant to the area, having been used over different periods.

Intangible heritage such as songs, ceremonies, oral traditions, language and folklore are also omitted from the bill. The Greens are strong on this issue. The way that we tell our stories is equally important and we had hoped that this would be included. Nonetheless, I recognise that the inclusion of all these forms of heritage in the state Register of Heritage Places will be a long-term project and I acknowledge that in the meantime there is a pressing need for improvement in the way we protect places.

I refer to the secrecy of consultation and submissions about entries in the register, which are under part 3. The Greens have always valued transparency and accountability and we believe that this bill does not go far enough in ensuring this. In the briefing, I asked the government whether the details of consultation and submissions would be made publicly accessible in some other way. My understanding is that the answer is no because the government's policy position is that the owner of the property should be able to express their views privately and the government fears that fewer people would make submissions if they were published. The government suggested to me that people who make submissions will not even be asked whether they consent to their submissions being made publicly available. I urge the minister to look at this matter. I am not satisfied with the process.

I acknowledge that some things obviously merit being kept confidential, but that should be the exception, rather than the rule. There is a strong public interest in transparency because it helps to keep decision-makers accountable to the WA public. Our freedom of information laws and parliamentary and court processes reflect this principle. It is disappointing to see such a low value being placed on it in this case. At the end of the day, in a lot of the debates in the public sphere over buildings and places that people would like to see put on the register, a lot of people want to understand why people made those decisions, what the owner of the proposed building said about that property and why they might have objected to it being put on the register. Putting all these things out in the open would be an important step to ensure that a lot more trust is put in the processes we use to heritage list places and properties around the state.

The bill's powers are diminished in that there is only one tool in the toolbox to ensure heritage agreements. Part 7, "Heritage agreements", binds the council or public authority or landowner to put in place appropriate conservation activities to ensure that heritage values are maintained. This is a binding contract. Under the bill, heritage agreements are enforceable by the State Administrative Tribunal. I understand from the briefing that this is the only remedy that will be used in the event of damage or neglect, rather than the other tools in the toolbox. Therefore, a great deal will be dependent on the content of the heritage agreements.

That brings me to local heritage surveys under part 8. The bill does not require that a local government ever review or update its survey. Not even a once-off review is required to ensure that a survey is updated to include all the kinds of places defined by the bill. The bill contains no restraints on removing a place from the survey. This goes back to the lack of requirements. What is the point of having a survey if there is no requirement to go through those processes? A local government might say that it does not see any need to update its survey or to continue to look at its processes for what it will put on its local heritage survey.

Under part 9, there is also limited protection of state government heritage. We understand that the state owns about one-third of registered places. Apparently, there is no obligation for state government agencies to identify, protect or conserve their heritage assets. Page 37 of the "Review of the Heritage of Western Australia Act 1990: Discussion Paper" states that state agencies often avoid heritage issues by saying that heritage is not their core business. Again, this part of the bill is an example of the limited objects of the bill to identify, document, and facilitate the conservation of heritage places, but not to ensure their protection.

Again, I refer to the three heritage jetties at Carnarvon, Busselton and Esperance that are basically being demolished by neglect. The disposal of heritage-listed assets held by the state will be covered by only regulations, not the act. I would have preferred to see this mandated by the bill and not left to regulations. If a state heritage asset is sold, a well-considered heritage agreement should be in place to ensure that its protection is continued. I ask the minister: which state heritage assets will the government dispose of in this term by sale, or by lease for 10 years or more, or by demolishing part or all of its structures?

In summary, I commend all the people who took part in drafting this bill, which allows important precincts such as Guildford to be listed on the heritage register. I am looking forward to less talk and more action in progressing Guildford, as the public is calling out for this place to be listed as soon as possible. I am literally bombarded with requests from people to see what is happening with it. They want to know. We should really get moving and ensure that we can protect this place and get it on the register.

It is a welcome relief to see the bill include elements that will absolutely prevent demolition by neglect. I am particularly impressed with the greater accountabilities and the ability to enforce the legislation via fines and imprisonment. The Greens have a much broader and comprehensive definition of heritage and although we are disappointed with the omissions from the bill, we also recognise that these changes are required and are a step in

the right direction. There is always room for improvement, and I look forward to working with the government to monitor the legislation and its implementation so that we can see how the issues that I mentioned before unfold. I am looking forward to holding the government to account in how this legislation is implemented. I will continue to listen to the community groups that are monitoring this, because we need to get a move on and we need to ensure that the bill acts in the way that it has been proposed.

In closing, we need to understand that heritage not only is about buildings, but also encompasses the environment, objects and places that we inherit from the past, for us to pass on to future generations. We need to understand that it is inseparable from our culture as a way of understanding our world. By ensuring the protection of our heritage, we ensure the preservation of culture and identity for all Australians and, in doing so, a future for all.

HON JACQUI BOYDELL (Mining and Pastoral — Deputy Leader of the Nationals WA) [3.08 pm]: I rise to indicate the National Party's support for the Heritage Bill 2017. In doing so, I want to highlight a couple of areas that Hon Tim Clifford spoke about earlier that are important to the National Party and my colleagues and I—that is, the state of the three heritage jetties along our Western Australian coastline in Busselton, Esperance and my home town of Carnarvon. Obviously, from a tourism and heritage perspective, One Mile Jetty in Carnarvon has been a major drawcard for tourism in the Gascoyne region. It is exceptionally beloved by the people of the Gascoyne, but, unfortunately, it has fallen into disrepair. It is a much treasured landmark to the people of Western Australia. The Carnarvon community is still trying to work through how it can find a way to reopen One Mile Jetty to both local residents and tourists who visit the area. Unfortunately, the jetty has been closed for a number of months—it is going on to 12 months now—and as a result it is falling into some disrepair. It is a very sad state of affairs. The National Party considered moving some amendments to this bill to try to highlight some safety aspects for those heritage jetties and to give some confidence to the communities that they would be forever looked after and protected by the state government, which I am sure has every interest in wanting to see the longevity of those three jetties continue because they are iconic landmarks to the people of Western Australia. Heritage sites need to be at the forefront of state government consideration. Lots of funding is required to keep those massive assets open and functional, and safe for the people who use them. They are very important assets to the people of Western Australia, not just to local residents but also to the larger population of Western Australia.

There has been a lot of community commentary about the Esperance tanker jetty, which unfortunately fell into disrepair as well. I think the Shire of Esperance has managed this issue very delicately. It has been a very sensitive issue for the people of the region. I think it was a week ago that the shire handed down a report that has now given the community some confidence to move forward, that they are going to have their aspirations to hold on to the heritage of the Esperance tanker jetty. They also see something that can be reflected in a new community commodity that can be enjoyed. The heritage and design of that new jetty certainly captures the heritage of the old tanker jetty. That is a great thing. It has been a very difficult, sensitive process for the Shire of Esperance, the community of Esperance and the outlying regions because they have used the tanker jetty over a long time.

The state government can assist local communities to manage these ageing assets. It requires a lot of maintenance and certainly ongoing funding to continue their operation, either in a tourism or a heritage sense. It is exceptionally important to the people of those communities. I want to highlight that there are some very unique circumstances around how we manage the three heritage jetties along the Western Australian coast. They are at risk. They require a lot of love and attention. They are important assets to the people of Western Australia. In a heritage sense, I well and truly support this bill but would highlight that those areas, which are very difficult for local government and small communities to manage, require some real priority of government funding. Having said that, I indicate the National Party's support for the bill.

HON RICK MAZZA (Agricultural) [3.13 pm]: I rise to make some comments on the Heritage Bill 2017. I indicate from the outset that the crossbench will support this bill. This bill will replace the Heritage of Western Australia Act 1990. It has been nearly 30 years since the original act. As mentioned earlier, one of the key changes is that buildings can be protected from demolition by neglect, which we have seen in the past in a couple of locations. Orders can now be made to stabilise certain buildings. I have been advised by the advisers that those stabilisation orders are about maintaining the integrity of the building as it stands so that there is no further deterioration. It is not necessarily a restoration order; it is basically to stabilise it until such time as the economic circumstances of the owner allows them to restore it, or there may be other avenues to restore that particular building. It is interesting to note that there are about 1 400 heritage-listed properties throughout Western Australia. About half of those are in country Western Australia, such as Katanning Post Shop and also the old Esperance Fish Cannery. Locations around country Western Australia are heritage listed. This bill seeks to expand some of the locations that will be heritage listed, such as areas rather than just buildings.

I am a little concerned about a couple of issues. The advice I received this morning is that any property that is 60 years of age or older needs to go to the Heritage Council of Western Australia for assessment to determine whether it should be heritage listed. In saying that, the council's makeup will also change. It will no longer be a stakeholder-type council; it will be based on skills and there will be a certain process to determine who will sit on that council. My understanding is that any buildings over 60 years old are to be referred to the council for assessment. It was indicated that about one per cent of those properties will probably be listed. What I am worried

about is that this is generally when a property is sold. The real estate agent has to determine whether the property is over 60 years old and then have it referred to the council. Unfortunately, as has happened over a fair number of different issues that affect titles, it is not listed or registered on the title. Like environmentally sensitive areas, issues to do with native title or whatever, it is not registered on the title; a separate search has to be done to determine whether there is a possibility of some heritage effect. If it is heritage listed, there is a memorial on the title, but in this case there is not. I am concerned that some properties could slip through the net—they may not be identified, and on-sold. It is quite possible that the new owner might have ambitions to turn that property into residential or commercial units and then find, when the application is put in to Planning for development approval and to the local shire council, that they will be knocked back on heritage requirements, in which case they could be severely disadvantaged. I would encourage the government to look at some of these issues with the Torrens title system to ensure that when people deal with those titles, they have a good understanding of what impediments and encumbrances are on the title and not just hope that people will be able to pick that up.

As I said, the crossbench indicates that it will support the bill. I have noted that penalties will increase from $5 000 to $1 million, which is a significant increase, and gives some indication of the importance of heritage-listed sites these days compared with what they were 30 years ago. I know that there has been extensive consultation with many interest groups about the development of this bill and that the previous government, just before Parliament prorogued, intended this to come to Parliament. It is good to see that it is now here and we will see it passed.

HON ALISON XAMON (North Metropolitan) [3.18 pm]: I rise to make a few comments about the Heritage Bill 2017. As has been mentioned by my colleague Hon Tim Clifford, who is the Greens' spokesperson for heritage and who has primary carriage of this bill, the Greens will support this bill. As the spokesperson for integrity of government, I thought it was important that I rise to raise some concerns that still remain within the bill. I have a proposed series of amendments on the supplementary notice paper, which members have hopefully received copies of, so I will speak to some of the concerns to give some background about the thinking behind these particular amendments. As mentioned by my colleague, the Greens absolutely support the tightening of heritage legislation and, as such, we recognise this is a welcome contribution because it is certainly an improvement on the current state of play around heritage, although it would have been good to see far more extensive consideration of what constitutes heritage. We still have a lot more to do around a range of areas, particularly looking at the heritage of recognised trees, for example, as well as Aboriginal heritage.

I want to relay to members the principal concerns in stakeholder feedback about integrity issues that were relayed to the Greens during our consultation on the Heritage Bill 2017. Effectively, that feedback constitutes two concerns. First, the bill gives the Heritage Council of Western Australia potentially conflicting powers and functions for heritage property, including the provision of paid heritage services; various regulation functions, including advising the minister; and issues of ownership and management. Second, decisions made by the Heritage Council will have the potential to affect the work prospects and therefore the income of council members' companies or the companies that they work for. This will create a challenge to ensure that the Heritage Council's decisions are not tainted by members' conflicts of interest, real or perceived.

I will talk a little more about the conflicting functions and powers of the Heritage Council as a whole. Proposed section 17 sets out the Heritage Council's functions and proposed section 18 sets out its powers. They are a mix of hands-off regulatory activities and hands-on management and provision of service activities under which the Heritage Council can work directly on a heritage project for profit and also advise the minister or the decision-making authority on that project. The council can own, manage or develop a heritage property and it can also advise the minister or the decision-making authority on that property. The Greens say—the stakeholders we spoke to most certainly agree—that this will compromise the Heritage Council because it will give it the ability to advise the minister about its own property and projects, which means that decision-making will not be impartial. It will potentially put the Heritage Council in competition with the private sector if it provides for-profit heritage services. Clause 19 permits the Heritage Council to delegate any of its functions when appropriate, yet it has not done so, as I understand it, and the bill does not require it to delegate in such situations. A question for the minister is: is my understanding of this is correct or incorrect?

One stakeholder of a particular heritage development advised the Greens of a situation in which the Heritage Council considered and supported the development proposal for a property that it owned. A member of the Heritage Council sat on the local council's planning committee and voted to approve the development. I understand that in 2016, the now Minister for Heritage, who at the time was the shadow Minister for Heritage, raised these very same concerns. The Greens likewise raised these concerns at the briefing. I note that they were also raised in the other place. I also note the government's multifaceted responses to these concerns and I will use this opportunity to address those responses.

One government response is that the Heritage Council acts for the Crown in the public interest. With respect, that is a very poor argument. A conflict of interest is a conflict of interest, whether it occurs in the public or private sphere. A conflict of interest in either sphere is not okay because it can make processes and decisions self-interested instead of ensuring that decisions are impartial.

The second argument that has been put is that the process will be transparent. Again, I respond by saying that that is a very poor argument because it effectively mistakes transparency for integrity. There is no doubt at all that transparency is an integral part of integrity, but on its own it is simply not sufficient. Merely disclosing a conflict of interest does not stop self-interest. The purpose of an agency disclosing a conflict of interest is to ensure that the customer has the choice of avoiding it by going to a different agency. In the world of legal and financial services, this is a very real option, but the Heritage Council is not one of many Western Australian heritage councils. If the Heritage Council is conflicted, there is nowhere else to go.

Another argument made by the government is that the Heritage Council does not give approvals; rather, it advises the regulator on approvals. This argument is pure political sophistry and it is a little bit cute. Clients instruct lawyers, but should we facilitate lawyers giving self-interested advice to inform that decision? Investors make financial decisions, but should we facilitate financial advisers giving self-interested advice to inform that decision? Of course we should not—we know that—and neither should we facilitate self-interested advice from the Heritage Council.

The fourth argument put forward is that Victoria's equivalent law gives the Heritage Council of Victoria a similar mix of functions. I note that this claim has been disputed by the National Trust, which has made it clear that no other Australian state or territory mixes its management and regulatory functions. It also stated that England has deliberately split management and regulatory functions between different organisations. In any case, I note that in other contexts in Western Australia, the government has chosen to split management and regulation functions between different bodies. I refer, for example, to the division of responsibilities between the Department of Biodiversity, Conservation and Attractions; the Department of Water and Environmental Regulation; and the Forest Products Commission.

It has also been said that the Public Sector Commissioner has been consulted. The appearance or perception of conflict is recognised by the government, but it is not a real conflict of interest because the Public Sector Commissioner is an independent umpire who provides detailed guidance on how to manage it. I ask the minister to explain for the record in as much detail as possible exactly how the so-called appearance of a conflict of interest between the management and regulation functions of the Heritage Council is currently being managed. Solving this problem goes beyond the scope of any amendment that I can offer the chamber for its consideration. It involves consideration of the responsibilities of other bodies and also the budget. I can only ask the minister to take notice of the problem and point to clause 19's delegation provisions as one possible means of avoiding future conflict between the Heritage Council's functions.

I will speak a little bit about the conflicts of interest of members of the Heritage Council. I have been talking about conflicts of interest for the Heritage Council as a whole, but individual council members can also have conflicts of interest. The Heritage Council faces a particular challenge in that there is only a relatively small pool of local heritage experts from which to choose its members. What is even more challenging is that some members of that group currently work together in partnerships or companies, which is symptomatic of Western Australia. A further challenge is that members of the group employ each other as needed on their projects. For example, a heritage property developer might hire a heritage architect or engineer. These ongoing relationships strongly increase the likelihood of conflicts of interest. A Heritage Council member who does not support someone else's heritage project might miss out, or fear that they will miss out, on getting work on that person's next heritage project.

I note that the Heritage Council of Western Australia has a declaration of interest policy, and I understand that this is intended to form the basis for regulations that are going to be made under clause 14. I thank the government for providing the Greens with a copy. I understand that it is also on the website. The policy requires members who have a direct or indirect pecuniary interest or a proximity interest—that is, they neighbour the land under consideration—to disclose the interest, to absent themselves during consideration or discussion of the matter and not to vote on the matter. The policy requires members who have an impartiality interest to declare it, but they may continue to participate in consideration, discussion and voting on the matter unless they cannot set the interests aside and make a merit-based decision. An impartiality interest is defined inclusively and includes kinship, friendship, partnership, membership of an association, association with any decision-making process relating to the matter, previous work associated with the matter and a declared position on the matter. If a member declares an interest, but the interest appears to be minor or not adequately made, and that is not defined, the Heritage Council can decide whether to allow the member to be present; and, if so, whether they take part in consideration; and, if so, whether they may vote. Frankly, that policy is insufficient to deliver impartial decision-making in the context of the challenges faced by the Heritage Council that I have outlined.

I have two particular concerns about the policy. Firstly, a person with an impartiality interest is by definition not impartial. That person should therefore not participate in decision-making, whether or not they think they can set that interest aside, because we know that bias can operate subconsciously as well as consciously. Secondly, I do not agree that it is appropriate to have an exception that allows the Heritage Council to permit a member who has a conflict of interest, perceived to be minor or inadequately made, to participate. I reiterate that the context is a small interrelated and income-related community. One way of decreasing the chance of conflict of interest and therefore protecting the impartiality of the Heritage Council's processes is to appoint only Heritage Council members whose income is not dependent on other people's heritage projects—for example, heritage experts who

are now retired or who work in the academic or government sector. I note that the Guildford Association, which other members have already spoken about, strongly advocate for this idea. I acknowledge that the modern trend is to appoint people according to their knowledge, skills and experience, rather than according to the sector they come from, and that in itself is not problematic, but given the risk to impartiality posed by drawing too many members from a small pool of working commercial heritage experts, I suggest that in this case there is considerable merit in drawing members from outside the commercial pool when practicable. The policy really should be changed to ensure that Heritage Council members who have any kind of conflict of interest cannot participate in decision-making, and I strongly urge the minister to ensure that in changes made in the regulations when they are gazetted that the Heritage Council's processes are as properly impartial as they need to be. As my colleague Hon Tim Clifford has already said, the Greens will be looking at this very closely. Another way of decreasing the chance of conflict of interest and thereby protecting the impartiality of the Heritage Council's processes is to broaden the fields of expertise from which members can be drawn. The transitional provisions of the bill say that the current Heritage Council members will continue to serve, and I understand from the briefing that their terms are up to five years, but I have seen no provision prohibiting reappointment for consecutive terms.

In December last year, the fields of the members of the Heritage Council, the register committee and the development committee that assist the Heritage Council were checked and it was found that there were quite a number of property experts and architects. Clause 14 permits the minister to nominate a more balanced membership, and it is certainly hoped that that is going to happen. A list of 11 fields is provided and the minister can also nominate a person from any other field that is prescribed. One field I would particularly like to see prescribed is heritage tourism. Given the government's current efforts regarding tourism, I am surprised that has not been put on this list, because we have been told that this is a priority area for the government. The Guildford Association is also advocating for the following further fields it would like to see specified or prescribed in the bill. Firstly there is structural engineering, and I note that both engineering and construction are included in the list already, but the Guildford Association points out that the preponderance of WA heritage that is built structures merit structural expertise specifically. Secondly, there is urban geography—that is, a person with expertise in topography who knows why a community is sited where it is and in the way it is. This is particularly relevant to historic towns like Guildford, New Norcia or York. Thirdly, there is movable heritage—that is, people with archival or curatorial experience. Although the bill does not apply to movable heritage itself, the definition of place includes such items if they are historically or physically associated with the relevant land. Fourthly, there is horticulture. Landscape architecture is already on the list, but both the Guildford Association and John Viska, the chair of the WA branch of the Australian Garden History Society, stress that horticulture is about plants more than design, and a horticulturalist knows how a plant will behave at a particular location, its pruning and maintenance needs, and how to ensure a heritage garden can survive and not lose cultural heritage significance through lack of horticultural knowledge. Given that the definition of "place" in clause 7 includes gardens, human-made parks or sites and trees in or adjacent to human-made settings, this inclusion also has merit.

The bill also contains provision for co-opted members without voting rights, unless authorised to vote under the regulations, to be appointed by the Heritage Council. I note that co-option may be for a set period or set matters. This enables local Aboriginal people to be involved in Heritage Council work on matters that relate to their country. Although clause 9 excludes places that are of cultural heritage significance solely because of their Aboriginal connections, some places are of cultural heritage significance as defined to both Aboriginal and non-Aboriginal people. Indeed, clause 5 specifically recognises that a place may have diverse values for a whole range of different groups. Again, the Guildford Association has cited as an example the St Vincent's aged-care facility in Swan Street, Guildford, where the place, in addition to having early colonial period historical significance, also includes a floodway, indigenous vegetation and the Wagyl's resting place, which are of significance to the local Noongar people. I understand that currently consultation happens if Aboriginal cultural values are identified or if the place is an area where Aboriginal cultural values are known to exist, such as the Swan River. But consultation is not the same as formal co-option or a vote, so I urge the Heritage Council to use the co-option powers in the bill to appoint local Aboriginal people for matters that relate to their country. I also strongly urge the government when it drafts the regulations to ensure that an Aboriginal person who is co-opted has voting rights as well.

The Guildford Association has also strongly advocated for a standing co-option with voting rights in relevant matters of a local person with demonstrated heritage knowledge or experience. The thinking behind this is that in historical towns such as Guildford, which contain a number of heritage places, each heritage place is linked to the others as part of a set. Changes to one heritage place can therefore reduce the cultural heritage significance of not only that place, but the whole set. Therefore, the Heritage Council would benefit from the expertise of a local person who can identify those links. The definition of "cultural heritage significance" in clause 5 is consistent with its definition in the standard Australian Burra Charter. The Burra Charter and its accompanying practice note, "Understanding and assessing cultural significance", make it clear that the concept includes the setting—including views to and from the place—and its relationship with other places. However, the Greens are advised that the government's interpretation is that the relationship between different heritage places cannot be considered unless the area has already been registered as

a heritage precinct under the local planning scheme, such as Fremantle's West End, or Guildford, if it manages to successfully become a heritage town. If this understanding is correct, I ask the minister to please clarify, because it is a matter of considerable concern to the Guildford Association.

We have a number of amendments on the supplementary notice paper through which we can discuss some of the issues that I have raised, and I ask members to consider them. Having said that, I again indicate—as has already been well indicated by my colleague Hon Tim Clifford—that the Greens will support this bill. We recognise that it is a step in the right direction. We think it could have been a lot better, but at this point we are happy to accept any improvements that will go some of the way towards ensuring that we protect our heritage.

HON SUE ELLERY (South Metropolitan — Leader of the House) [3.41 pm] — in reply: I thank members for their contributions to the second reading debate on the Heritage Bill 2017 and for their expressions of support for the legislation. I will touch on some of the issues that members raised in their contributions. There is a technical amendment standing in my name on the supplementary notice paper and I also note that there are further amendments in the name of Hon Alison Xamon, so we will be going into Committee of the Whole House. If there are any matters I do not canvass in my reply to the second reading debate, we can discuss them during the committee stage.

Hon Donna Faragher touched on the issue of regulations setting out certain provisions instead of being prescribed in the legislation. Obviously, that provides greater flexibility and reflects that things change over time. It is a reflection of the recognition that emerged during the consultation that the existing provisions are limited in their flexibility to meet changing community expectations on heritage matters. Of course, they will be subject to disallowance in this place if the house is of that view.

The most critical change, in a policy sense, is to repair orders; the honourable member also touched on this. It was certainly the most sought-after reform to come out of the consultation. They can be issued only to an owner to secure and maintain a relevant property; they cannot be misused to force an owner to completely restore a property. It is about preserving and maintaining the status quo, not about compelling owners to go beyond the status quo.

A submission on the 2015 exposure draft bill expressed concern about the meaning of the phrase "undue hardship" in respect of repair orders. The concern was that anyone could claim undue hardship and so avoid a repair order. Clause 65(2)(b) provides that a minister is not to make a repair order unless, amongst other things, they consider that the order is unlikely to cause undue hardship to the person to whom the order is directed. The intent is to ensure that a repair order is not issued to someone who truly lacks the financial means to undertake repairs. For example, if a repair order was under consideration for a rundown registered place owned by a large multinational property development corporation, that corporation might have a hard time convincing someone that a repair order might impose undue hardship. On the other hand, the owner might be a retired pensioner whose only property is the house in which they live, which happens to be on the state Register of Heritage Places and is in need of repair. For them, undue hardship might well be a real possibility. In those cases, the Heritage Council would need to consider the other options available to it, including grants. I also make the point that undue hardship is a well-known legal phrase that appears in a variety of statutes and means exactly what it says. In addition, clause 69 empowers the State Administrative Tribunal to review repair orders, and SAT is well placed to determine whether a repair order will create undue hardship.

Hon Donna Faragher also referred to multiple inventories. Part 8 retains the substance of section 45 of the current act—which requires local governments to identify buildings in their districts that are or may become of cultural heritage significance—and improves on it. The improvements include a more appropriate name—local heritage survey—rather than the current act's description of them as inventories. That more accurately reflects the purpose—that is, a survey of local heritage.

Further, part 8 requires the survey to include "places"; the current act requires only that it include buildings. Guidelines to be prepared by the council will assist local governments to identify places for inclusion in their surveys, as well as how often surveys should be reviewed or updated. The current act requires an update every four years, but imposes no penalty for failure to do so. The decision was taken to recommend, rather than require, a particular review interval in the guidelines, and to rely on community preferences and sentiment to drive the review update rather than having an enforceable statutory requirement.

Part 8 also recognises the difference between a local heritage survey, which is not intended to have any legal weight in planning decisions, and a heritage list, prepared and maintained under a local planning scheme, which is meant to provide statutory planning control along with the rest of a local planning scheme. The different purposes of these two lists have been an endless source of confusion under the current act. A local heritage survey is intended to be, first and foremost, a community resource, identifying places and buildings that contribute to the district's heritage and therefore its identity without also creating legal burdens and constraints on the owners of such places. Every local government in WA has completed a municipal inventory under section 45 of the current act, and these will be grandfathered—I should say "grandparented"—under the Heritage Bill 2017's transitional provisions, which are set out in part 14.

I turn now to the composition of the Heritage Council; I think the member's issue was with clause 14. The current act sets out a number of rules for the conduct of members of the Heritage Council, such as grounds for removing

members and handling conflicts of interest and the like. In the 26 years since this legislation was enacted in 1990, the Public Sector Commission has issued a number of guidelines to assist boards and commissions such as the Heritage Council to understand and apply contemporary best practices.

Hon Tim Clifford raised his disappointment with the scope of what constitutes heritage, and also issues around Aboriginal heritage. Clause 9(b) makes it clear that the new legislation will not apply to places the cultural heritage significance of which arise solely from Aboriginal traditional culture. Western Australia already has another act to handle those places—the Aboriginal Heritage Act 1972—and having two acts to cover exactly the same ground would make no sense. However, like the current act, the new act will apply to places that exhibit both Aboriginal and non-Aboriginal cultural heritage significance. Many, if not most, heritage places in Australia possess both non-Aboriginal and Aboriginal heritage values. Such places have been included in the Register of Heritage Places and will continue to be included. For example, the Pinjarra massacre site in Pinjarra was entered on the register in 2006. Other sites with both Aboriginal and non-Aboriginal heritage significance are under assessment. The Heritage Bill does not change this state of affairs; it simply clarifies what may not be obvious under the current act. Wherever Aboriginal heritage values are apparent in a place under consideration for register entry, under the current act, the State Heritage Office consults with relevant stakeholders, just as it always has regarding proposed registration.

Regarding natural heritage, the new act similarly will apply to places of both cultural and natural heritage significance. The key is that the place must have cultural heritage significance. Paragraph (a) of clause 9 excludes only those places where heritage significance arises solely from the natural environment.

Hon Rick Mazza raised an issue about properties that are over 60 years old and was concerned that they need to be referred to the Heritage Council of Western Australia for consideration for the register. This applies only to state-owned property. Part 9 of the bill indicates that not all properties over 60 years old are affected.

Hon Tim Clifford also raised an issue about the coverage of the act. The Heritage Bill has been designed to protect places of cultural heritage significance without interfering with other legislation that is in place to protect places that have solely environmental value—Aboriginal heritage, shipwrecks, museum collections, state records and the like. There was not widespread support for the notion of providing umbrella legislation for all forms of heritage throughout the three rounds of consultation that took place. Transparency is significantly enhanced by ensuring that the advice of the Heritage Council is published with the minister's decision, so that is an important step forward. Part 7, "Heritage agreements", is not the only means to achieve good conservation outcomes. For example, conditions of development or repair orders can achieve that. Part 8, "Local heritage surveys", is intended to be a record of places of local heritage interest. Local heritage lists, as part of the local planning scheme, provide a statutory means for local governments to protect local heritage places. Part 9, about the disposal of state property, brings into statute a well-established policy to ensure that the heritage values of a place to be sold or demolished are assessed and protected through to the disposal process.

Hon Alison Xamon flagged some things that I think are reflected in the amendments she has on the supplementary notice paper. With respect to conflicts of interest, the power of the Heritage Council to own, conserve and redevelop property—for example, the warders' cottages in Fremantle—while at the same time fulfilling its advisory role to decision-makers who must approve such conservation and redevelopment, does not constitute what the Public Sector Commission defines as a true conflict of interest. According to the Public Sector Commission, which was engaged in the working up of this bill, a conflict of interest is a situation arising from a conflict between the performance of a public duty and private or personal interests. The council is clearly performing a public duty when it advises a decision-maker on the heritage aspects of a planning application or building permit application for a registered heritage place. No private or personal interests are involved. Individual members of the council did not personally benefit from the council's temporary ownership of the warders' cottages and their restoration and resale. Further, the Public Sector Commission was consulted on the drafting of virtually every aspect of part 2 of the bill that is before us today and made many suggestions, but it never raised the issue of conflict of interest in the way described by Hon Alison Xamon. The Heritage Council's powers are the same as the provisions in the current act. Conflicts of interest between public and personal or private interests are managed by declaration-of-interest guidelines that are published on the Heritage Council's website. That has been reviewed by the Public Sector Commissioner and is considered appropriate for the purposes of the council.

I will flag that the government is not moved to support the amendments proposed by Hon Alison Xamon. We can talk about them when we go into Committee of the Whole, but essentially, we will argue that those matters can be and will be included in the regulations. They are incorporated in the public sector guidelines, and conflict of interest treatments need to be appropriate. Not every case requires exclusion from consideration, but we can talk about that when we get into committee.

With those comments, I again thank members for their contributions and their indications of support. I commend the bill to the house.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chair of Committees (Hon Martin Aldridge) in the chair; Hon Sue Ellery (Leader of the House) in charge of the bill.

Clauses 1 to 8 put and passed.

Clause 9: Places to which Act does not apply —

Hon ROBIN CHAPPLE: Clause 9 states —

> This Act does not apply to a place —
>
> (a) that comprises only the natural environment; or
>
> (b) that has cultural heritage significance solely on account of its connection with Aboriginal tradition or culture.

At the moment, the Aboriginal Heritage Act is being reviewed and there have been a large number of submissions. Within those submissions and in general discussions it has been touted that there might at some stage be an amalgamation of the Heritage Act and the Aboriginal Heritage Act. Have there been any discussions at all with the department in these areas?

Hon SUE ELLERY: No.

Clause put and passed.

Clauses 10 to 13 put and passed.

Clause 14: Membership and proceedings —

Hon ALISON XAMON: As I already spoke about in my second reading contribution, I propose the following amendment. I move —

> Page 11, lines 14 to 15 — To delete the lines and substitute —
>
> (xii) heritage tourism;
>
> (xiii) structural engineering;
>
> (xiv) horticulture;
>
> (xv) urban geography;
>
> (xvi) moveable heritage
>
> (xvii) any other field prescribed for the purposes of this subsection.

The rationale for this amendment is to ensure that a whole range of other areas are considered when we are talking about the make-up of the Heritage Council. As has already been mentioned, heritage tourism should be considered as a potential area of expertise and tourism is an area that this government has said it wants to prioritise. It would seem that it would be useful to get expertise on that. Likewise, structural engineering, as has already been mentioned, particularly with Perth's built heritage, can be a very useful expertise to have access to. Horticulture, for the reasons I already outlined, is different from landscape architecture. Very often, plantings, particularly those that were put in at the time of settlement, will require unique care and maintenance, particularly if there is likely to be an impact on plants. It is really important to have that expertise so that we do not inadvertently end up killing the very thing that we are trying to save. Likewise, I include urban geography and moveable heritage for the reasons that I outlined in my second reading contribution. It is important to ensure that we are able to potentially gain a broader range of expertise so that we are as best informed as we can be.

Hon DONNA FARAGHER: I appreciate that the bill has come on straight up and that Hon Alison Xamon would normally have provided me with a bit more notice of this amendment. I will be interested to hear what the minister says. I understand the intent of what the honourable member is putting forward, but on first reading, other areas of expertise, skills and qualifications are not listed in clause 14, and I see that the current clause does not preclude other fields from being prescribed, so some of the issues that the honourable member has raised can be included. Obviously, that would need to be prescribed and that is not in the primary legislation and I accept that, but I suppose at the same time there may well be in the future other areas of expertise that were not considered at the time of the passage of this legislation. I appreciate that the member's amendment reflects that in the last part, but I think that is generic enough to encompass the concerns that the member has raised.

I also seek some further advice from the minister on the way I read clause 15. I appreciate that we are getting ahead of ourselves, but for the purposes of what we are discussing now, there is an ability for a member to be co-opted, but I am not quite sure about the process for that. If I take, for example, the point that Hon Alison Xamon made about horticulture, I know that in Guildford, there are heritage roses that are of a great deal of significance to members of the community. I presume that if something was relevant to those roses, or another part of

Western Australia where this might be relevant, the council would be able to co-opt somebody with the relevant expertise to deal with heritage roses, for example. I am looking at the two mechanisms by which an expert who is not listed in the primary legislation, if I can put it that way, can be either added to the council or co-opted under certain circumstances. I would appreciate that advice, because if I am satisfied that those mechanisms are available, I foreshadow that we would be unlikely to support the amendment.

Hon SUE ELLERY: Hon Donna Faragher is quite right. Firstly, clause 14(3)(b)(xii), states, "any other field prescribed for the purposes of this subsection." That really is a catch-all to enable the Heritage Council to get the right mix of skills that it needs. Then, as Hon Donna Faragher pointed out, when we read clause 14 at the same time as clause 15, we see that, indeed, for a specific purpose on a specific matter, such as heritage roses, or for a specific period, either of which has to be set out in the instrument that appoints them, the council can co-opt people for that purpose, including, for example, if there was a matter related to Aboriginal cultural heritage that the council wanted advice on. We are seeking to make this legislation as flexible as we can. Certainly, one of the issues that was raised in consultation and one of the views that was expressed was that there needed to be the capacity to be fairly nimble as time changes. I am not a heritage expert, but at some point in the future, people with digital or graffiti expertise may be required for particular purposes. I hope that has not caused an apoplexy amongst heritage people who might be watching at the moment, but there needs to be a degree of flexibility in the capacity to be nimble. Having the catch-all phrase means that when the council considers that it needs that particular expertise, it can get it.

Hon DONNA FARAGHER: Can I seek some clarification from the minister? I apologise that I do not have the substantive act in front of me, but I am presuming that the current act already allows for co-opted members. The minister may need to take this question on notice, but her advisers may be able to assist her in this regard. I am keen to understand whether it has been the practice in the past of the council to have co-opted members for specific purposes. That would help in giving some comfort that, in fact, the provisions are actually utilised when they are needed, and a co-opted member is requested for a specific purpose. I am keen to know whether this provision is regularly utilised, and I seek confirmation that this is included in the current act.

Hon SUE ELLERY: It is in the current act. I am looking at the Heritage of Western Australia Act 1990, part 3, division 5, section 23, "Co-opted members and consultation". Section 23(1) reads —

> The Council may appoint, subject to the consent of the Minister, any person having specialized knowledge or experience relevant to the purposes of this Act to be a co-opted member for such period, or in relation to such matters, as the Council may specify in the instrument of appointment.

I am advised that five co-opted members are currently on the council, and this provision has been regularly used.

Hon ALISON XAMON: I will explain a bit more about the motivation for trying to extend this provision. I will also respond to Hon Donna Faragher. The bill was brought on for debate quite suddenly, and there was not much notice that it was coming on, so I had not had the opportunity to circulate the amendments within the necessary time frame. I apologise for that, but if there had been more notice that the bill was coming on for debate, I certainly would have been able to do that. Nevertheless, I will go back to the amendment standing in my name. As I mentioned in my second reading contribution, and as has been raised with me as a concern by stakeholders, one of the problems is that at the moment the Heritage Council has a preponderance of property experts and architects and yet, as has already been contemplated, it is intended that expertise be drawn from a broad range of people. Representing stakeholders in this place, I have been hoping, by extending the number of provisions, to effectively flag that we need a broad range of experts from a wide range of fields to ensure that when we make decisions around heritage, people are as well-informed as they can be. It is absolutely the case that the bill before us allows for "any other field prescribed for the purposes of this subsection", and I have lifted that provision and added it to the end of my amendment precisely for the reason that has been articulated. We do not want to lose the capacity to bring in any expert deemed relevant. The minister's example of a graffiti heritage expert is actually a very pertinent one, bearing in mind that we are distinguishing between tagging, which is not heritage, and graffiti, which very well could be. I think about the heritage listing being applied to a lot of the Banksy graffiti, for example, in England. It is quite foreseeable that these sorts of areas may be considered fields prescribed for the purposes of this subsection. Again, the reason for this is to ensure that people are aware that we rely on a lot of people from a lot of areas to provide us with the necessary knowledge and expertise. This amendment flags that. I acknowledge that "any other field prescribed for the purposes of this subsection" effectively enables exactly the experts I have suggested be prescribed to be co-opted or brought in. That is effectively the purpose of this amendment. We need to ensure that the Heritage Bill reflects the fact that we are reliant on a broad range of experts. Drawing only from a very narrow number of fields is a problem in ensuring that we are getting proper advice.

Hon DONNA FARAGHER: I thank the minister for her response. Just for interest, she mentioned that there are currently five co-opted members. Can the minister tell me the purposes for which they have been co-opted?

Hon SUE ELLERY: With respect to the five co-opted people, three advise the register committee, so they are historians and academic architects. The other two advise the development committee, and they are involved in property development and engineering.

Hon DONNA FARAGHER: I thank the minister. I do not intend to delay too much longer, but I think, based on what the minister has indicated, I am comfortable that there is enough scope within clauses 14 and 15 to deal with other skills and qualifications, and suitably qualified people to deal with specific issues of heritage. The examples just provided by the minister about co-opted members highlights that. A couple of those categories are not even mentioned in the skill sets identified at clause 14(3)(b) or, indeed, in Hon Alison Xamon's proposed amendment. Therein lie the challenges of trying to prescribe everything. With that, I indicate that the opposition will not support the amendment.

Amendment put and negatived.

Hon ALISON XAMON: I move —

Page 11, line 19 — To insert after "office" —

(which must not exceed 5 consecutive years)

As I indicated in my second reading contribution, at the moment there does not appear to be any limitation on the length of time someone can sit on the Heritage Council. I have already indicated that that raises concerns about potential conflicts of interest, and how they are managed, particularly if some people, as I understand, have been sitting on the Heritage Council for extended periods. I recognise that in a state such as Western Australia there may be a relatively small pool of expertise, although we have just identified a range of people on whom we could be drawing for expertise. I am proposing that we start looking at putting a cap on the way the terms operate. This does not mean that, once someone has done five years, they cannot come back again, but it is about limiting the way in which the terms are managed—ideally, they are staggered within the membership itself—so that if someone comes on, they cannot be there for more than five years without a break.

I think that ensuring a reasonable turnover of members is really integral to good management, because it will not only get fresh ideas and new perspectives, but also help to manage the concerns around conflicts of interest. Again, stakeholders have put this to me as a necessary and important amendment that we need to start looking at. Quite serious concerns have been raised with me around people who are on the Heritage Council and apparently never get off, and what that means in terms of not being able to ensure that new people can come in with their thoughts, perspectives and ideas. Also, if someone has been able to consolidate themselves into that position for quite some time, potentially there are concerns around how decisions are being made and relationships are being managed.

Hon DONNA FARAGHER: I have jumped up because perhaps the minister can respond as part of her answer. I accept what Hon Alison Xamon says about the need for renewal. Certainly, when I was a minister across a variety of portfolios—all ministers get put before them—there are many boards and committees. We tried to reduce a few of them, but, certainly, within each portfolio, there are many boards and committees. Perhaps some of it is determined by legislation that stipulates how long those terms may be, but, as a general rule, I have seen through experience that membership of most boards and committees will come up for renewal. There will be contracts for three or five years, as a general rule, and therein lies an opportunity. When those contracts, if I can put it that way, come up, the minister can seek either to renew and put on a new person or two, or three or four, or to extend the contract for another three years. Perhaps the minister could indicate, as part of her response, the current process with the Heritage Council. Is it on the basis of a three or five-year contract? In saying that, I appreciate that if it is not in the legislation, that can be changed, but what is the current process?

Hon SUE ELLERY: I start by indicating that the government will not be supporting the amendment. Clause 14(4) states that "Regulations may provide for the following" and then lists a range of things, including the term of office. The head of power sets the term of office. We think adding a cap in there is not the place to do it and, in any event, we want to retain the discretion to have a mix of terms of office. The current practice, for example, is that we have a mix of appointments of between two and four years. All of them currently require the approval of the Governor, and that will continue. Indeed, I understand the practice is and has been—I think across both governments—to have a mix of terms of office. Some members will be on two-year terms; some will be on four. That ensures that we have the opportunity to get new blood, if that is what we need to do, or to keep experienced members on the board, if that is what we need to do. It gives us the opportunity to mix and match as required.

I make one final point. This may well be the bill with the most extensive period of consultation that has ever occurred; there were three rounds of consultation, starting in 2011. I am advised that in those rounds of consultation, a problem with the terms of office of council members was never identified.

Hon ALISON XAMON: In response to the last comment made by the minister, I assure the minister that this issue has been raised with the Greens and that is one of the reasons it is being raised in this chamber now. Minister, I was hoping that I could receive some advice. What is the longest term of any of the members who are currently sitting on the Heritage Council? The minister has described a process of renewal that, as I have been advised, is not necessarily being reflected in practice.

Hon SUE ELLERY: A couple of points need to be made. To put it in some context, the current membership of the Heritage Council has been extended several times to take account of the fact that this bill was in the process of being developed and consulted on in various forms. We have been in an extraordinary period since 2011, when

the consultation on a new bill began, and a series of extensions have been granted. In the current membership, the shortest period is about eight months. The longest period is 20 years. That is one person. No-one else has more than 10 years. The bulk are around six years. Two are 18 months and the balance of the rest is around six years.

Hon ALISON XAMON: I thank the minister for that advice. It is consistent with the concerns that have been raised with me and particularly the idea that someone can sit on the Heritage Council for 20 years in a row. I suppose that this advice emphasises precisely why this amendment has been moved. Five years is a pretty good and reasonable time for members to know what they are doing and to work with their colleagues, but at the same time ensure a reasonable turnover of expertise and individuals. I want to be very clear that I do not know the individual involved who has been there for 20 years, so in no way am I casting aspersions on that person. I suggest that, potentially, they have been there for that long because they are considered to have quite a degree of expertise that is worthy of contribution. I make that very clear even though we do not know whom we are talking about.

Taking the personalities out and coming back to the issue of the amendment in front of us, I think that the minister's advice really helps to inform that the process of renewal that was described by the minister, which would certainly be optimal, is not the practice. That is the concern. This is why it is being suggested that, as we finally have the Heritage Bill in front of us and are trying to enshrine some better processes, part of a better process is to ensure that we have limits on consecutive terms. I want to be very clear that that does not prohibit someone who has been very valuable from coming back on. It means that we ensure people have a break around that and other people are perhaps contemplated for membership during that period. As such, I confirm that I think that the information provided has simply reinforced the need for this amendment.

Hon DONNA FARAGHER: I appreciate what Hon Alison Xamon is saying, but my concern relates to the way that the amendment is actually worded. Although the member said it would not stop a member who has done their five years from reapplying, the amendment is fairly blunt—it says "which must not exceed 5 consecutive years". The way I read that, in normal language, it is no more than five.

Hon Sue Ellery: As in no extensions.

Hon DONNA FARAGHER: Yes; that is, no extensions. Thank you, minister. That is the way I read it. From what I am hearing from the member, that is not her intent, but if I were to read that part of the legislation without hearing what the member said, I would read that as saying "five consecutive years—that's it; you're off; you can't reapply".

Committee interrupted, pursuant to standing orders.

[Continued on page 5496.]

QUESTIONS WITHOUT NOTICE

NORTH METROPOLITAN HEALTH SERVICE BOARD — MEMBERSHIP

748. Hon PETER COLLIER to the parliamentary secretary representing the Minister for Health:

I refer to the minister's response to question without notice 730 asked on Thursday, 30 August 2018, regarding six former board members of the North Metropolitan Health Service and their formal resignation via letter to the Minister for Health.

(1) Why did a freedom of information response released to the opposition seeking the resignation letters of any North Metropolitan Health Service board members since 11 March 2017 result in only three resignation letters being identified and released when the parliamentary secretary's response to part (3) indicated that all six board members had resigned via letter?

(2) In relation to part (4), with regard to the response on tabling the resignation documents in this place, why did the minister indicate that consent is being sought from each board member before they are tabled, given that consent had already been given for at least three of these documents?

(3) Why were the letters released under FOI heavily redacted, given that at least one former board member has indicated publicly they consented to the letter being released in its entirety?

(4) When will the remaining resignation letters be tabled and will these letters be tabled un-redacted?

Hon ALANNA CLOHESY replied:

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

(1) Following an internal review of the FOI process by the North Metropolitan Health Service, it was identified that one resignation letter was withheld inadvertently due to an error. The final two resignation letters were not recorded on the NMHS record management system and therefore did not appear in the original search.

(2) The Department of Health sought consent from the author of each resignation letter for the purpose of responding to the parliamentary question. The freedom of information request was directed to the North Metropolitan Health Service, not the Minister for Health.

(3) Schedule 1, clause 3, "Personal Information", provides that rights of privacy of third parties may outweigh the applicant's rights for full access. Personal information of the author and third parties was therefore redacted.

(4) Yes. The resignation letters will be tabled with the signatures and home addresses redacted.

SOUTHERN PORTS AUTHORITY — MINISTERIAL DIRECTION

749. Hon PETER COLLIER to the minister representing the Minister for Transport:

I refer to the ministerial direction to the Southern Ports Authority tabled on 23 August 2018.

(1) Why did the minister provide a ministerial direction to the Southern Ports Authority?

(2) Did the Southern Ports Authority request the direction; and, if so, on what basis did it seek the direction?

(3) What is the value of the contracted termination payment obligations that Cliffs will be released from paying?

(4) What is the expected loss in value to the Southern Ports Authority from not exercising its rights to various asset purchase options?

(5) What is the value of the assets that are being transferred to Mineral Resources?

Hon STEPHEN DAWSON replied:

I thank the Leader of the Opposition for some notice of the question.

(1) The direction was issued to give effect to the government's support package to enable continued iron ore exports from Cliffs Asia Pacific Iron Ore Pty Ltd's tenements by Mineral Resources Ltd and to help retain jobs within the region, particularly at the port of Esperance.

(2) No.

(3) The value is $50.2 million.

(4) Nil. The Cliffs assets transferred to MRL will be surrendered to the Southern Ports Authority for a peppercorn sum on the expiry of the contract between Southern Ports and MRL. The contract includes third party access provisions.

(5) The assets were transferred from Cliffs to MRL on a temporary basis—refer to answer (4). Based on similar assets owned by the port authority, the estimated value of the assets transferred by Cliffs to MRL is $14.5 million.

ACTING MAGISTRATES

750. Hon MICHAEL MISCHIN to the Leader of the House representing the Attorney General:

I refer to the Courts Legislation Amendment Bill 2017, particularly the provisions extending the mandatory retirement age for magistrates to 70 years.

(1) Has the Attorney General advised anyone that legislation to increase the retirement age to 70 years has passed the Legislative Assembly?

(2) If yes to (1), to whom did he give that advice, when, and why?

(3) Has the Attorney General given advice to anyone to the effect that he will rubberstamp applications by magistrates to extend their terms beyond their current retirement age?

(4) If yes to (3), to whom did he give that advice and when?

Hon SUE ELLERY replied:

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

(1)–(2) At a meeting on 2 August 2018, the Attorney General inadvertently informed representatives of the Magistrates' Society of Western Australia that the Courts Legislation Amendment Bill 2017 had passed the Legislative Assembly. It is accepted that the Courts Legislation Amendment Bill 2017 was introduced to the Legislative Council on 6 September 2017 and was passed by the Council on 30 August 2018. It is noted that the Attorney General's 22 other pieces of legislation have been introduced to the Legislative Assembly and progressed to the Legislative Council in that usual manner. The remark was a result of a simple oversight.

(3)–(4) In accordance with established protocols, the views of the Chief Magistrate are sought prior to the Attorney General making a recommendation to the Governor to appoint a former magistrate as an acting magistrate.

CAMP SCHOOLS AND LANDSDALE FARM SCHOOL — OPERATORS

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

I refer to the minister's press statement dated 8 September 2018 titled "New providers to continue valued services at camp schools and Landsdale Farm".

(1) Will the minister undertake to table by close of business tomorrow the relevant contracts between the Department of Education and Family Support WA relating to the management of Landsdale Farm School, and the Department of Education and Fairbridge WA relating to the management of the six camp schools?

(2) Will the minister provide more detail on how the $250 000 per year funding grant is to be utilised by Fairbridge WA?

Hon SUE ELLERY replied:

I thank the member for the question.

(1) No. The announcement on 8 September was about preferred providers in the tender process. I do not have a contract yet to table.

(2) The second part of the member's question was about —

Hon Donna Faragher: The detail of the $250 000 that you were going to provide to Fairbridge.

Hon SUE ELLERY: Yes, I can. I think somebody else today might have asked a similar question. I will check. The member will be aware that I have been sitting at the table. If I have the answer to that available to me here, I will provide it; otherwise, I will provide it to the member tomorrow.

FOSTER CARE — ABUSE ALLEGATIONS

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

I refer to the minister's answer to my question without notice 734 on 30 August 2018 in which she informed the house that children remain in the care of a male foster carer in Newman notwithstanding that he has been served with a restraining order and has been the subject of a departmental carer review since 13 June.

(1) Is the review now complete?

(2) If yes to (1), what was the outcome?

(3) If no to (1), does the department have a policy or procedure outlining the time frame that such reviews should ordinarily take?

(4) If yes to (3), will the minister table that document?

Hon SUE ELLERY replied:

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

(1) No. The review is not as yet complete.

(2) Not applicable.

(3) Yes. A "Duty of Care Report — Carer Standard of Care Assessment" must be completed within 30 days and provided to the district director for approval. Any extension to this time frame must be approved by the district director. Due to the complex nature of this review, the district director has agreed to an extension of the assessment period to the end of September 2018.

(4) Yes. I table the Department of Communities' casework practice manual, section 2.1.5.

[See paper 1741.]

DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION — COST RECOVERY DISCUSSION PAPER

753. Hon JACQUI BOYDELL to the minister representing the Minister for Water:

I refer to the 10 May 2018 announcement to increase water licence and permit assessments for the mining and public water supply scheme by July 2018, subject to the gazettal of government, and the subsequent decision to release a discussion paper in August on these fee increases.

(1) Did the minister undertake any consultation prior to the 10 May decision?

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

(3) On what date did the minister decide to undertake a cost-recovery discussion paper?

(4) Has the minister made direct contact with every water user to notify them of this consultation process?

(5) If no to (4), how has the minister advertised the consultation process?

(6) Will the government publicly release all the submissions?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The Minister for Water has provided the following information.

(1) Yes.

(2) Not applicable.

(3) It was on 24 July 2018.

(4) No.

(5) The consultation process is advertised on the Department of Water and Environmental Regulation's website. Regional workshops were advertised in local newspapers.

(6) Yes, unless there is a specific request for a submission to be kept confidential.

LAND USE SEPARATION DISTANCES

754. Hon COLIN HOLT to the minister representing the Minister for Mines and Petroleum:

(1) Does the Environmental Protection Authority's guidance statement 3, which deals with the separation distances between industrial and sensitive land uses, impose an obligation on an applicant for the approval of a 24-hour service station, which will be situated less than 200 metres from a shopping centre, to demonstrate, via a scientific study based on site and industry-specific information, that the service station will not result in unacceptable impacts pursuant to paragraph 4.4.1 of the guidance statement?

(2) When considering an application for a licence for a service station situated within 200 metres of a shopping centre, pursuant to the Dangerous Goods Safety Act 2004, should the licensing authority consider and require the applicant to comply with the requirement of paragraph 4.4.1 of the guidance statement?

(3) Will the minister given an assurance that if and when an application by or on behalf of Puma Energy for a licence pursuant to the Dangerous Goods Safety Act for a service station in Dunsborough is lodged, the requirement of paragraph 4.4.1 of the guidance statement will be observed when considering the application?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. I have an answer here, but I think that perhaps we need more information. I undertake to get this back to Hon Colin Holt tomorrow.

INDUSTRY FUNDING SCHEME — INDUSTRY MANAGEMENT COMMITTEES

755. Hon RICK MAZZA to the Minister for Agriculture and Food:

I refer to the Department of Primary Industries and Regional Development's advertisements on 8 March 2018 for expressions of interest for biosecurity funding scheme committee members.

(1) How many EOIs were received following the March 2018 advertisement?

(2) How many applicants met the criteria of the March 2018 advertisement?

(3) Did the department make any recommendations to the minister about the appointment of applicants as a result of the March 2018 advertisement?

(4) If yes to (3), did the minister accept the recommendations of the department; and, if not, why not?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question because I think this is an important issue.

(1)–(4) I certainly received six recommendations to appoint six people to the three committees. However, I was deeply concerned that all the recommendations were male. I asked to look at the general composition of the committees and I found that of the 21 members, 19 were male. I know that might look normal from the other side of the house, but out in the real world it is a bit more like this side of the house.

Several members interjected.

Hon ALANNAH MacTIERNAN: It is an issue, guys; I think that has been generally accepted.

I thought this was particularly concerning given the very prominent role that so many women are playing in the agricultural sector—real leadership that is being shown right across the sector by women. When I meet with grower groups, there is very strong representation by women who are actively engaged in the business of farming and who are active agricultural scientists and engaged in agronomy. It seemed to me that there was a problem with all six recommendations being men, so I started doing a bit of a drill down and found that the appointments committee was all men. I thought that it was probably time to do a little bit of modernisation with these particular schemes and get a bit of diversity into the biosecurity scheme. We have restructured and there are now two women on the appointments committee. They have started a new process and I am anticipating —

Hon Michael Mischin: Where are they from?

Hon ALANNAH MacTIERNAN: One is from the rural women's network.

These are out for expressions of interest now. I anticipate that we will have new appointments to make in October. It is really important that we make sure that we take advantage of the entire gene pool that is available to us when making these appointments.

DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION — COST RECOVERY DISCUSSION PAPER

756. Hon COLIN TINCKNELL to the minister representing the Minister for Water:

I refer to the "Discussion Paper on cost recovery for the Department of Water and Environmental Regulation: Supporting the delivery of improved environmental and water regulation".

(1) Will the proposed water licence fees extend to private agricultural entities?

(2) If yes to (1) —

(a) can the minister confirm that the proposed water licence fee to be charged to private agriculture entities will be the same amount as that quoted under table 5 and that water licence and permit fee structures will apply only to mining and public water supply scheme sectors; and

(b) if not, how much will be charged?

(3) Given the Labor government's promise during the 2017 election campaign that there would be no new fees, charges and taxes on business, does this break the government's election promise by introducing new fees and charges? ·

(4) Is the upcoming meeting to be held in consultation with stakeholders a restricted meeting?

(5) If yes to (4), why is it restricted to certain stakeholders?

(6) Can the minister provide a list of the stakeholders who will be consulted during the consultation period for the discussion paper?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The Minister for Water has provided the following information.

(1) The government will decide whether fees will be introduced to other sectors following the consultation process.

(2) Not applicable.

(3) No decision has been made about the introduction of fees to other sectors.

(4) No. The consultation workshops are publicly advertised and any interested persons may attend.

(5) Not applicable.

(6) Yes. I table the membership of the Water Resources Reform Reference Group and the Regulatory Services Stakeholder Reference Group. These organisations have agreed to engage their membership on the discussion paper. Also tabled are a list of special interest stakeholders who will be consulted directly.

In addition, the discussion paper is publicly available on the Department of Water and Environmental Regulation's website.

[See paper 1742.]

POLICE STATIONS — FRONT COUNTER CONTACTS

757. Hon CHARLES SMITH to the minister representing the Minister for Police:

I refer to the statement by the Western Australian Police Union president, Mr George Tilbury, concerning the WA Labor Party's fake 24-hour police stations, stating, and I quote, "how ridiculous the front counter policy was." In the last six months, how many people have attended the Armadale, Cockburn and Ellenbrook Police Stations after traditional operating hours and submitted an incident report?

Hon STEPHEN DAWSON replied:

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

The Western Australia Police Force advises that it does not routinely or centrally record front counter contacts; however, assessments are occasionally conducted by police stations. The Minister for Police has, however, been advised by the WA Police Force that between July 2017 and April 2018, Armadale Police Station handled 3 000 inquiries outside of business hours, with most inquiries being between 5.00 pm and 8.00 pm, and 280 inquiries were received between midnight and 8.00 am.

WORKSAFE — ANONYMOUS COMPLAINTS

758. Hon ALISON XAMON to the minister representing the Minister for Commerce and Industrial Relations:

I refer to the proposed establishment of an online portal through which members of the public can lodge anonymous complaints about unsafe work practices.

(1) Is the minister supportive of this proposal?

(2) If yes to (1), has any work begun on developing such a portal?

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

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The Minister for Commerce and Industrial Relations has provided the following information.

(1)–(2) The minister supports members of the public lodging anonymous complaints about unsafe work practices to WorkSafe. Currently, any member of the public can lodge anonymous complaints about unsafe work practices to WorkSafe by telephone or in writing. Reports can also be made online 24 hours a day, seven days a week.

As advised by the WorkSafe Western Australia Commissioner in a media release issued on 5 September 2018, when lodging a complaint online, it is necessary to provide contact details—first name and email address or phone number—which will not be divulged to the employer, so that inspectors can make contact to obtain further information. WorkSafe will keep the member of the public's details confidential and will not disclose details without their agreement. If members of the public have concerns about these services, they can contact the WorkSafe Western Australia Commissioner, who would be pleased to receive the details of these concerns.

(3) Not applicable.

WETLAND BUFFER GUIDELINE

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

I refer to the 2005 draft guidelines for the determination of wetland buffer requirements.

(1) Can the minister outline what progress has been made towards finalising the guidelines?

(2) When does the minister expect that the guidelines will be published in their final form?

Hon STEPHEN DAWSON replied:

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

(1) The Department of Planning, Lands and Heritage is working with the Department of Biodiversity, Conservation and Attractions and the Department of Water and Environmental Regulation to develop a whole-of-government wetland buffer guideline that will supersede the draft 2005 guideline. A working group has been established with representatives from each of these departments and a review of existing documentation is underway.

(2) It is anticipated that this project will be finalised in 2019–20.

FORRESTFIELD TRAIN STATION — MULTISTOREY CAR PARK

760. Hon SIMON O'BRIEN to the minister representing the Minister for Transport:

I refer to the announcement of 11 September 2018 of a multistorey car park at Forrestfield rail station.

(1) Will the minister table a summary of the benefit analysis that has guided this decision?

(2) Can the minister advise the house how contingency funds of $32 million may be expended on this variation without compromising other aspects of the wider contract that may incur higher costs?

Hon STEPHEN DAWSON replied:

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

(1) The construction of the multi-deck car park will release six hectares of land out of eight hectares that would otherwise have been used for parking around the Forrestfield station future Metronet precinct. Construction of a decked car park will occupy less space than at-grade parking and will allow better use of the land close to the station, thereby improving the development outcomes for the mixed use precinct. This approach will enable creation of a transit-oriented development, making the space more liveable and connected for people. It is assumed that a car park was included in the Forrestfield–Airport Link business case. The multistorey car park is an alternative form.

(2) Funds will be provided from current uncommitted contingency.

PUBLIC SECTOR COMMISSION — GOVERNMENT CONTRACTORS AUDIT AND REVIEW

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

I note the Public Sector Commission's recently concluded audit and review, or the report, of contractors engaged by the government, with a focus on those contractors named by the Corruption and Crime Commission in its 16 August report on corrupt procurement practices at the North Metropolitan Health Service.

(1) What are the findings of the Public Sector Commission's report?

(2) What actions have occurred or are likely to occur as a result of the report?

(3) Will the report be tabled; and, if not, why not?

Hon SUE ELLERY replied:

The Public Sector Commission advises the following.

(1)–(3) The audit and review is ongoing and will be made public once it is finalised.

CAMP SCHOOLS — FAIRBRIDGE WA

762. Hon COLIN de GRUSSA to the Minister for Education and Training:

I refer to the minister's media statement dated 8 September 2018 regarding camp schools and Landsdale Farm School, which states that the Department of Education will commit $250 000 to Fairbridge WA to ensure that camping experiences remain consistent across all sites.

(1) How will the $250 000 be allocated across the camp schools?

(2) Has the minister developed criteria for the $250 000 payment?

(3) If yes to (1), please list the criteria?

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

(5) Does the minister intend to review levels of community satisfaction with this new service agreement?

(6) Will the minister guarantee that camp school prices will not immediately rise as a result of this new arrangement?

Hon SUE ELLERY replied:

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

(1)–(4) The $250 000 is a contribution to the operation and maintenance of three camp schools, being Bridgetown, Dampier and Pemberton. The contribution ensures the continued operation of these sites and was determined through the tendering process.

(5) Monitoring of satisfaction will be through reporting requirements included in the conditions relating to the lease of these sites. Information will be provided by the operators on an annual basis.

(6) Affordability of the sites for public schools was a requirement of the tender process. An undertaking has been provided by Fairbridge WA not to increase the costs to Western Australian schools for accommodation, with price increases in line with yearly consumer price index increases.

JOBS — ESPERANCE PORT

763. Hon ROBIN SCOTT to the Leader of the House representing the Premier:

(1) Will the minister confirm that aims of the August 2018 decision by the McGowan government to waive royalty payments and issue discounted port charges for the Koolyanobbing iron ore mine's new owner, Mineral Resources Ltd, included the preservation of jobs at the Esperance port?

(2) At the time of announcing the decision to waive royalties and issue discounted port charges at Esperance, was the government aware that the Southern Ports Authority would open expressions of interest for voluntary redundancies for 18 staff based in Esperance, as reported online by *The Esperance Express* on 5 September 2018 at 11.30 am?

(3) To what extent has the policy of banning the two Yilgarn iron ore mines, which would have generated a billion dollars in life-of-mine royalties and port charges, contributed to the fragility of the jobs outlook in Esperance?

Hon SUE ELLERY replied:

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

(1) The decision was made to support jobs in the Yilgarn and Esperance regions, including at Esperance port. The continuation of iron ore exports from the former Cliffs deposits will continue to form a significant component of throughput at Esperance port.

(2) The government was aware that the Southern Ports Authority would continue to restructure its workforce. The continuation of iron ore exports through Esperance port will reduce workforce impacts at the port.

(3) The government's decision not to approve Mineral Resources Ltd's proposal to mine deposits in the Helena and Aurora Ranges took into account environmental values, economic benefits and social impacts.

STRUCTURE PLAN — GOODE BEACH, ALBANY

764. Hon DIANE EVERS to the Minister for Environment:

I refer to the structure plan for lot 660 at Goode Beach, Albany, and the Environmental Protection Authority determination that the City of Albany must first amend the local planning scheme.

(1) Has the City of Albany referred a local planning scheme amendment to the EPA for this proposal?

(2) Can a third party make a submission to the EPA to undertake a formal environmental impact assessment of a local planning scheme amendment and at what time would this occur?

(3) Is the structure plan for the proposed development at lot 660 at Goode Beach a significant development proposal—that is, neither a proposal under an assessed scheme nor a strategic proposal?

(4) At what point in the EPA consideration of a significant development proposal can a third party make a valid referral of the proposal to the EPA under section 38(1) of the Environmental Protection Act 1986?

(5) What occurs if a third party submits a referral for a proposal prior to Western Australian Planning Commission approval?

(6) Who determines whether a third party referral of a significant proposal that is neither a proposal under an assessed scheme nor a strategic proposal is a valid referral under section 38 of the Environmental Protection Act, and —

(a) what criteria are used to make this determination; and

(b) when is the determination made?

The PRESIDENT: I must say I have just picked up again that there is a bit of a trend of questions getting longer and longer. I just note that.

Hon STEPHEN DAWSON replied:

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

(1) No.

(2) No. Only a responsible authority can refer a scheme amendment to the Environmental Protection Authority.

(3)–(4) The status of the structure plan and whether it is a significant proposal has not been determined. There is no referral before the Environmental Protection Authority. Generally, structure plans are considered a strategic proposal and only able to be referred by the proponent to the Environmental Protection Authority. In order for a structure plan to be established as a significant proposal, it needs to be sufficiently detailed. If a referral is received from a third party, the Environmental Protection Authority needs to first consider whether the proposal is sufficiently detailed in order for it to be assessed as a proposal.

(5) If the proposal is determined to be a significant proposal, the Environmental Protection Authority must decide whether to formally assess it. If the Environmental Protection Authority decides to assess, the Western Australian Planning Commission would be constrained from approving the proposal. If the Environmental Protection Authority decides not to assess, it may provide public advice in relation to the proposal.

(6) It is the Environmental Protection Authority.

(a) The criteria are as set out in the Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2016, the 2018 "Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual" and the Environmental Protection Authority's June 2018 "Statement of Environmental Principles, Factors and Objectives", as well as relevant case law principles.

(b) It is made when the Environmental Protection Authority has sufficient information on the proposal.

LANDSDALE FARM SCHOOL — FAMILY SUPPORT WA

765. Hon JIM CHOWN to the Minister for Education and Training:

I refer to the announcement on Saturday, 8 September 2018 regarding the preferred tenderer for Landsdale Farm School.

(1) Does the minister think it appropriate that Landsdale Farm School staff found out about the preferred tenderer via a Facebook post; and —

(a) if yes, can the minister please explain why it is appropriate that the staff were not formally notified; and

(b) if not, why did it happen?

(2) When will the transition from a Department of Education–run facility to a not-for-profit-run facility take place?

(3) Will the minister please explain what financial benefits the government will accrue having a not-for-profit organisation running and administering the establishment as opposed to the Department of Education continuing to run Landsdale Farm School?

(4) Can the minister please put a dollar figure on these annual financial savings?

Hon SUE ELLERY replied:

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

I reject the premise of the honourable member's question.

(1) As stated, the preferred operator for Landsdale Farm School was announced on Saturday, 8 September 2018. As the media statement was scheduled to be released on the weekend, the Landsdale manager was advised of the proposed announcement on Friday, 7 September 2018.

(2) The transition to Family Support WA Inc will take place at the end of term 4, 2018.

(3) Family Support WA Inc is an innovative and modern disability services provider with a long history of involvement at Landsdale Farm School. Its history and association allows Family Support WA to bring new approaches to the operation of the farm while maintaining the farm's objectives and ethos. Under this model, the Department of Education will not be required to contribute to the operation of Landsdale Farm School.

(4) The annual savings are estimated at $520 000.

HOUSING — MARBLE BAR

766. Hon KEN BASTON to the minister representing the Minister for Housing:

I refer to the status of Department of Housing–owned dwellings in Marble Bar.

(1) Can the minister please confirm how many dwellings are owned and/or are the responsibility of the Department of Housing?

(2) How many of these dwellings are currently lived in?

(3) How many of these dwellings are vacant?

(4) Are any of these dwellings dilapidated or unfit for habitation?

Hon STEPHEN DAWSON replied:

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

(1) As at 31 August 2018, the Department of Communities, which encompasses the former Housing Authority, owns and is responsible for 22 public housing dwellings.

(2) There are 19.

(3) There are three.

(4) Yes. Of the three vacant dwellings, one is currently listed for refurbishment. The remaining two are considered uninhabitable in their current condition; one will be demolished, and the remaining property will undergo vacated maintenance and be re-let.

CAMP SCHOOLS AND LANDSDALE FARM SCHOOL — OPERATORS

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

I refer to the minister's media statement of 8 September 2018 titled "New providers to continue valued services at camp schools and Landsdale Farm".

(1) On what date was the media statement first circulated to media or other non-government parties?

(2) On what date was the media statement uploaded to www.mediastatements.wa.gov.au?

(3) Why was there a delay in uploading the media statement issued on 8 September 2018?

(4) When were the agreements between the state government, Family Support WA Inc and Fairbridge WA executed?

(5) Will the minister please table those agreements in full?

Hon SUE ELLERY replied:

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

(1) The media statement was given to Fairbridge WA, Family Support WA Inc and ABC Radio on Friday, 7 September 2018. It was circulated to statewide media on Saturday, 8 September 2018.

(2) The media statement was uploaded to the website on Monday, 10 September 2018.

(3) As has always been the case, government media statements are manually uploaded to the website by the Department of the Premier and Cabinet. Media statements distributed on a weekend are uploaded when DPC staff return to work on Monday morning.

(4) The announcement of Fairbridge WA and Family Support WA Inc as the preferred operators of the six camp schools and Landsdale Farm School was the outcome of the tender process run by the Department of Education. The formal agreement with the two operators will be in the form of a lease, the details of which will be finalised over the next few months. This is normal practice for this type of procurement process.

(5) Not applicable.

PLANNING — KIMBERLEY–PILBARA–GASCOYNE JOINT DEVELOPMENT ASSESSMENT PANEL — CULTURAL HERITAGE MANAGEMENT ASSESSMENT

768. Hon ROBIN CHAPPLE to the minister representing the Minister for Planning:

I refer to question on notice 1223, asked by me to the Minister for Environment representing the Minister for Planning on Tuesday, 8 May 2018, regarding the "Kimberley/Pilbara/Gascoyne Joint Development Assessment Panel (JDAP) Agenda", dated 29 March 2018.

(1) Will the minister table the cultural heritage management assessment that was completed in July 2017, which includes mitigating measures to ensure there will be no impacts to any rock art and Aboriginal heritage sites?

(2) If not, why not?

Hon STEPHEN DAWSON replied:

I thank the member for some notice of the question.

(1)–(2) The minister is advised that this report belongs to the City of Karratha and, as such, it is not the minister's report to table.

ALBANY RING-ROAD — BUSINESS CASE

769. Hon Dr STEVE THOMAS to the minister representing the Minister for Transport:

I refer to the Albany ring-road project, of which stage 1 was completed in 2007, with stages 2 and 3 yet to be funded.

(1) Has the business case for stages 2 and/or 3 been completed; and, if so, when?

(2) Has the business case for stages 2 and/or 3 been submitted to the federal government or Infrastructure Australia; and, if so, when?

(3) If the business case for stages 2 and/or 3 has not been submitted to the federal government or Infrastructure Australia, when does the government expect to present it?

Hon STEPHEN DAWSON replied:

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

(1)–(3) Main Roads is preparing submissions for Infrastructure Australia, seeking federal funding to assist with the construction of both stage 2 and stage 3 of the Albany ring-road project. The phase 1 submission, for problem identification and prioritisation, was provided to Infrastructure Australia in October 2017. The phase 2 submission, for initiative identification and options development, has been completed and will be provided to Infrastructure Australia in the near future. The phase 3 submission, for business case development, and the phase 4 submission, for business case assessment, are being prepared and will be provided to Infrastructure Australia in late 2018.

QUESTIONS ON NOTICE 1470, 1471, 1489, 1498, 1528, 1535, 1542, 1552 AND 1570

Papers Tabled

Papers relating to answers to questions on notice were tabled by **Hon Sue Ellery (Leader of the House)**, **Hon Stephen Dawson (Minister for Environment)** and **Hon Alannah MacTiernan (Minister for Regional Development)**.

ENVIRONMENT — AGENCIES — VOLUNTARY TARGETED SEPARATION SCHEME

Question on Notice 1519 — Answer Advice

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [5.07 pm]: Pursuant to standing order 108(2), I inform the house that the answer to question on notice 1519, asked by Hon Tjorn Sibma on 14 August 2018 to me as Minister for Environment, will be provided on 13 September 2018.

POLICE — PROTECTIVE SERVICE OFFICERS

Question on Notice 1440 — Answer Advice

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [5.08 pm]: Pursuant to standing order 108(2), I inform the house that the answer to question on notice 1440, asked by Hon Martin Aldridge on 28 June 2018 to me as Minister for Environment representing the Minister for Police; Road Safety will be provided on 12 September 2018.

NORTH METROPOLITAN HEALTH SERVICE BOARD — MEMBERSHIP

Question without Notice 730 — Answer Advice

HON ALANNA CLOHESY (East Metropolitan — Parliamentary Secretary) [5.08 pm]: In relation to question without notice 730, asked by Hon Peter Collier on 30 August 2018, the member was given an assurance that letters would be tabled from former North Metropolitan Health Service board members once consent had been obtained. I now table those letters.

[See paper 1752.]

CORRUPTION AND CRIME COMMISSION — NORTH METROPOLITAN HEALTH SERVICE — PROCUREMENT PRACTICES

Question without Notice 725 — Correction of Answer

HON ALANNA CLOHESY (East Metropolitan — Parliamentary Secretary) [5.09 pm]: On behalf of the Minister for Health, I would like to provide a correction to the answer to part (1) of Hon Tjorn Sibma's question without notice 725, which was asked on 29 August 2018. The answer provided stated —

> The Department of Health office of the chief procurement officer completed the "North Metropolitan Health Service: Sir Charles Gairdner Hospital Facilities Management Procurement Review" in May 2015. The final copy of this report was provided to Dr Shane Kelly, the then chief executive, North Metropolitan Health Service, on 25 May 2015 by the acting director general, Professor Bryant Stokes.

The correct answer should read: The Department of Health office of the chief procurement officer completed the "North Metropolitan Health Service: Sir Charles Gairdner Hospital Facilities Management Procurement Review" in April 2015. The final copy of this report was provided to Dr Shane Kelly, the then chief executive, North Metropolitan Health Service, on 26 April 2015 by the acting director general, Professor Bryant Stokes.

There is no difference between the reports. I apologise to the house for that error.

CORRUPTION AND CRIME COMMISSION — NORTH METROPOLITAN HEALTH SERVICE — MISCONDUCT — RESEARCH FUNDS AUDIT

Question without Notice 736 — Correction of Answer

HON ALANNA CLOHESY (East Metropolitan — Parliamentary Secretary) [5.10 pm]: In relation to question without notice 736, asked by Hon Colin Tincknell on 30 August 2018, the Department of Health has provided further information for the answer to part (1)(d) and a correction to part (2) as follows.

(1) (d) The Edith Marston bequest is audited as part of the North Metropolitan Health Service financial audit.

(2) The correction is, in answer to part (1)(b), (c) and (d), the North Metropolitan Health Service financial audit is undertaken annually by the Office of the Auditor General.

I apologise to the house for the error.

HISTORICAL HOMOSEXUAL CONVICTIONS EXPUNGEMENT BILL 2017

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

HERITAGE BILL 2017

Committee

Resumed from an earlier stage of the sitting. The Deputy Chair of Committees (Hon Dr Steve Thomas) in the chair; Hon Sue Ellery (Leader of the House) in charge of the bill.

Clause 14: Membership and proceedings —

Committee was interrupted after the amendment moved by Hon Alison Xamon had been partly considered.

Hon SUE ELLERY: I had already indicated that the government will not be supporting this amendment. I reiterate that we want the flexibility to canvass these things in the regulations. Indeed, there will be consultation on the regulations with relevant stakeholders. The existing clause already states "Regulations may provide for the following" including, at paragraph (b), "the term of office". Firstly, that is the wrong place to put a cap, and, secondly, I do not think it goes beyond what the honourable member intended it to achieve, but in any event, including it in regulations is a better way to proceed. I give the government's commitment that stakeholders will be consulted in the drafting of the regulations.

Hon ALISON XAMON: I am very pleased to hear that this issue is going to be given consideration when the regulations come out. I am comfortable with the idea that people will be consulted about their views and presumably, also, given an opportunity for some reflection about how terms may operate and what sort of limitation we should look at. To be clear, as the amendment before us deals with the concerns raised by Hon Donna Faragher, the fact that it has the word "consecutive" in it means that it is really talking only about five years in a row. It does not prohibit future terms if that were to occur, but it certainly suggests there would need to be a break of an unspecified period between those terms. As a form of drafting, if it was meant to limit for all time the period that people could be on the council to five years, it would simply state five years, not five consecutive years. In any event, if the government is not of a mind to support this amendment, I am pleased that the government is prepared to have this as part of its deliberations in further consultation around the regulations.

Hon DONNA FARAGHER: I am just working through what the member indicated about consecutive years. I accept the member's point, but to me "must not exceed 5 consecutive years" still reads five years—one, two, three, four, five—and therefore the sixth year is consecutive again. I am sorry; I do not read it in the same way as the member, because after five years a person could reapply and it would be six, seven, eight years. That would be consecutive; they are not having a break. I think it limits the ability of the government of the day to extend someone's tenure. I accept there will be some consultation, but I indicate that that is perhaps a better way to go at this stage, rather than this amendment.

Hon ALISON XAMON: Certainly, my interpretation is quite different. In any event, the government has already indicated, as has the opposition, that it will not be supporting this amendment. In that event, obviously I will still support my own amendment, but I am pleased that this issue will receive further consideration.

Amendment put and negatived.

Hon ALISON XAMON: I move —

> Page 11, line 24 — To delete "interest;" and substitute —
>
> > interest, provided no member who has a conflict of interest in a matter may be present during any consideration or discussion of the matter or vote on the matter;

In the course of my contribution to the second reading debate, I spoke to the substantive concerns around this proposed amendment. I particularly referred to the declaration of interest policy, which was kindly given to the Greens by the government. It outlines how the current conflict of interest policy is managed. As I indicated, the Greens are concerned that this is not adequate. I am concerned because what has been proposed is that effectively the substance within this conflict of interest policy is what will inform the regulations around how we deal with conflict of interest. I do not think it is sufficient to declare a conflict of interest. When there is a conflict of interest, it is beholden for a person to remove themselves from the decision-making process in its entirety. Bear in mind that we already have a document that explains perceived conflict of interest and minor conflicts. My amendment identifies when there is a distinct and clear conflict of interest and is saying, "No; if you have that conflict, you cannot be present for the deliberations around this." That seems to me to be the height of appropriate governance—a basic minimum requirement that I think the public would expect in the way that the Heritage Council manages its business. I am very concerned that someone who has an identified conflict of interest would simply declare it but then effectively remain involved with those decision-making processes. I do not believe that that is appropriate. I am attempting to make it quite clear that this is something that we consider to be of the upmost importance—very serious—and, as such, is worthy of being enshrined within legislation. I would have thought that at the very least this would have been incorporated within a policy. That is clearly not the case, so I cannot feel confident that it will even end up in our regulations. As such, I am drawing it to members' attention. It is a very serious matter that we should consider incorporating within statute.

Hon SUE ELLERY: The government will not be supporting this amendment. I touched on the reasons for this in my second reading reply, but in any event, section 14(4) includes provision for regulations for the Heritage Council's governance. These have been developed in consultation with the Public Sector Commission to reflect contemporary governance practices. The Public Sector Commission sets standards for the managing of conflicts of interest to reflect community expectations. The Public Sector Commission may change those standards over time, but if they had already been hardwired into a piece of legislation, they would be difficult to change. Essentially, conflict of interest takes many forms, and the treatment of them needs to be appropriate. As I indicated in my second reading reply, the Public Sector Commission was very closely involved in the development of this bill and in particular with the governance arrangements. For those reasons, we do not think the honourable member's proposed amendment is necessary, and, indeed, it could be restrictive if the Public Sector Commission were to shift its guidelines on the handling of conflict of interest regulatory powers, which of course are a disallowable instrument and come before this house and, in any event, allow the flexibility to adjust if and when required. I think we would be in a different position if the Public Sector Commission had not been engaged in the development of these governance arrangements, but the Public Sector Commission was intimately engaged.

Hon ALISON XAMON: Maybe the minister can assist me to get a greater understanding of what has been proposed with the regulations. My understanding is that effectively the substance of what exists within the declaration of interest policy will be the basis of the formulation of the regulations around this area. Firstly, I want to confirm whether that is indeed the case. Secondly, is there any intention to potentially review that policy and perhaps tighten the way that we are managing conflicts of interest at the moment?

Hon SUE ELLERY: I am not really in a position to answer that question. I am happy to take it on notice and provide the honourable member with information when I can get it, but I am not being advised by the Public Sector Commission, so I am not in a position to tell the member what work the Public Sector Commission may or may not be doing in this area because I do not have those advisers here.

Hon DONNA FARAGHER: I have heard the minister indicate the involvement and consultation undertaken with the Public Sector Commissioner. Based on the advice that the minister has provided, we are comfortable with the way the clause is currently drafted and will not be supporting the amendment.

Hon ALISON XAMON: The concern that the Greens continue to have, and as informed by the stakeholders, is that without anything being enshrined within the legislation itself, the only guidance that we can work on in the way that the Heritage Council manages conflicts of interest is with its policy. As I have already indicated, the policy is currently inadequate. I am concerned that there may not be any scope to improve on that or to address the quite legitimate concerns from stakeholders about issues of conflict of interest, perceived or otherwise, by the Heritage Council. I am concerned that, without being able to receive any comfort on that, the only avenue we have is to try to at least tighten up these proceedings through changing the legislation itself. I understand that both the government and the opposition have indicated that they are not comfortable with tightening the declaration of interest and the conflict of interest matters within the legislation itself, but I am concerned that there is also no undertaking about whether we will be looking at improved provisions within the regulations. The minister is, of course, completely correct in that if they were enshrined within regulations, it is a disallowable instrument and hence can come back to the attention of this house, but we have received undertakings already that that will potentially be consultation around other areas of concern, such as limitation of terms. I would have thought that an area as essential as this would receive just as much, if not more, attention.

I appreciate that the minister managing this legislation in this chamber is not the Minister for Heritage. Nevertheless, I am in this chamber; I am not in the other place, so I am seeking some clarification about whether this government has any inclination to seek further feedback on whether these concerns can be addressed at least within the regulations.

Hon SUE ELLERY: Clause 14(4)(d) of the bill before us, brought by the government, provides that a set of regulations may provide for the disclosure, recording and management of members' conflicts of interest. It is specifically flagged within the scope of things about which regulations may be made, and I have already indicated that the government will be consulting on the drafting of the regulations.

Amendment put and negatived.

Clause put and passed.

Clause 15: Co-opted members and role of CEO —

Hon ALISON XAMON: Before I move the amendment standing in my name, I indicate that I have a second amendment to this clause as well. If the first amendment is unsuccessful, the second amendment will fall away and I will not be moving that second amendment. I move —

Page 12, line 11 — To insert after "regulations" —

or subsection (4) applies

Of course, that does not make sense on its own, so I will at least allude to the next amendment that is on the supplementary notice paper. The next amendment is attempting to insert a new subclause (4) that says —

> Where a matter relates to a place that has cultural heritage significance on account of (but not solely on account of) its connection with Aboriginal tradition or culture, the Council shall under subsection (1) appoint a person in relation to that matter who has relevant specialised knowledge or experience of that connection and that person can vote on that matter.

Again, I referred to this amendment in the course of my second reading contribution. The purpose of this amendment is to ensure that, when an Aboriginal person is co-opted onto the Heritage Council to specifically provide expertise on a certain matter—for example, areas where there is huge cultural significance but there may also be other particular types of heritage significance—they will get a vote. Ordinarily, as I understand it, when we co-opt people onto the Heritage Council, it is fantastic that we utilise people's expertise, and I applaud the co-option of additional people onto the Heritage Council to assist with deliberations and to ensure that wider perspectives and expertise are being contributed. However, I am concerned that we run the risk of being tokenistic by co-opting Aboriginal people for their specific expertise, particularly if we are dealing with issues of cultural heritage significance, but not affording them any type of vote. This amendment suggests that, when it is deemed appropriate to co-opt a person specifically to deal with cultural heritage significance issues, we will also ensure that they have a vote. It is not a matter of them simply being there to give advice and then potentially having that ignored, but also having their opinion matter by affording them a vote.

Hon SUE ELLERY: I indicate that the government will not be supporting these two amendments. Hon Alison Xamon is right; to understand the amendment before the committee right now, we need to read it alongside amendment 6/15. The effect would be to introduce a second tier of co-option, so we would have some members who would be co-opted without the capacity to vote and some members who would be co-opted with the capacity to vote. It is important for the chamber to note that, once the bill is passed, a new council will be formed. There is the capacity within that ongoing council to have at least one Indigenous member, and, indeed, I am advised that Indigenous people have been full standing members of the council in the past. We are not prepared to introduce a two-tiered system of co-option. Nevertheless, we note that the power to co-opt exists when particular expertise is sought, but we note that a new council will be formed, and there is the capacity to ensure that at least one Indigenous person is part of that council.

Hon DONNA FARAGHER: I also have some concerns with the notion of the ability to vote. The council is very clear: it is made up of nine persons, but there is an ability to co-opt. I would tend to agree with the minister that, in part, this could create a two-tiered system. Effectively, who is worthy of a vote and who is not, depending on the circumstance? Something may be put to the council that is extremely significant, for whatever reason, and requires a co-opted member with relevant expertise or whatever it may be—this is obviously a hypothetical situation—and that co-opted member may well strongly believe that they should have a vote as well, for whatever reason. We are not giving that power in this bill. I absolutely appreciate and understand the reasons the member is keen to include this provision, but I do not think that we can discount other situations in which someone would be co-opted for a specific purpose, who would also think that their vote matters. We would be creating a two-tiered system, and I am therefore inclined to support the government's position—that is, to not support the amendment, notwithstanding the member's intent.

Hon ALISON XAMON: I concur that part of the intent of this amendment is to elevate the voice of Aboriginal Australians within our heritage process. That is exactly what this amendment seeks to do. I suppose that the concern that the Greens have is that, far too often, we dismiss or overlook the importance of Aboriginal expertise and the Aboriginal voice. When consideration is being given to a heritage matter in which significant input is required to ensure that we are mindful and protective of Aboriginal heritage, we should ensure that we co-opt people and empower them accordingly. I do not shy away from the suggestion, which is accurate, that this amendment seeks to elevate the Aboriginal voice within that process. As such, I commend the amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 16 to 40 put and passed.

Clause 41: Direction by Minister —

Hon DONNA FARAGHER: I raised in my second reading contribution an issue with clause 41(3)(b), which states that the Heritage Council must —

> publish, in accordance with the regulations, an advertisement in relation to the direction and any statement of reasons.

I indicate that I support the intent of this clause, but I am intrigued to know why the primary legislation cannot stipulate the maximum period of time that the council effectively has to publish an advertisement in relation to

a direction. I would, at first blush, suggest that it is not necessary to put that in the regulations. Surely it would take only a month, at most, to publish the direction and any statement of reasons. I am keen to know, first, why that cannot be included in the primary act.

Hon SUE ELLERY: I am advised that the policy intent of the process and the timing is that they will be published as soon as is practicable. There is no intent to hold them up, but the view was taken that the process provisions would be set out in the regulations. I am advised that it was seen as a significant step forward, given that the current bill is completely ambiguous on whether this could be done as well. Taking the leap of putting in the legislation a provision for decisions to be published was a significant step in itself, and the view was that the process, the form in which the direction is published and all those things should be worked out in the regulations. When I asked what we anticipated, I was advised that the policy intention is as soon as practicable after the direction is made.

Hon DONNA FARAGHER: We might pursue that a bit further. I refer to clause 41(3)(b), which states —

> publish, in accordance with the regulations, an advertisement in relation to the direction and any statement of reasons.

Is this an advert in *The West Australian* or the local paper? Is this just on a website? I want to get some clarity on where it will be published.

Hon SUE ELLERY: That is canvassed in clause 164 on page 113 of the bill. It states, in part —

> (4) Regulations made in relation to the manner of publication of an advertisement may provide for the advertisement to be —
>
> (a) published in a newspaper circulating generally throughout the State; or
>
> (b) published in another newspaper; or
>
> (c) published on the Council's website; or
>
> (d) published in another prescribed way.

The full gamut of options is there.

Hon DONNA FARAGHER: I fail to understand why we cannot have a period of time inserted here. I appreciate what the minister has said about "as soon as practicable", but I would have thought that when the minister makes a direction, the minister will be presented with a document that outlines the direction, which he or she will sign, and a statement of reasons will accompany it. The minister will not sign off on something just because. In my view, why would that information not be available immediately? Therefore, having a one-month period is sufficient or, I suggest, more than sufficient.

I appreciate that this does not relate specifically to this legislation, but, for example, when I was Minister for Environment and I would make a decision on an environmental approval, I would sign the final document and at the time of the announcement, that would be published immediately on the relevant website. It was not in the local paper, but it was published on the relevant website immediately, because that was effectively the minister's statement of reasons. I appreciate that for all intents and purposes it probably would be as soon as practicable, but I do not see why we cannot stipulate a time period.

Hon SUE ELLERY: The honourable member realises that I am not the minister and I do not have Parliamentary Counsel sitting with me. However, the kind of language that is used in drafting land—for example, in clause 42 about three lines down—is "as soon as practicable". Therefore, I am prepared to entertain an amendment that would add after "publish," in clause 41(3)(b) "as soon as practicable,", so that it reads —

> publish, as soon as practicable, in accordance with the regulations, an advertisement …

That is standard drafting language. Not being the minister, I am not in a position to go further than that.

Hon DONNA FARAGHER: Would it be intended to specify a time period within the regulations?

Hon SUE ELLERY: I am advised, yes, indeed.

Hon DONNA FARAGHER: That is excellent news, minister. I am not sure how we can do this fairly quickly. I appreciate the amendment that the minister has suggested to insert "as soon as practicable," after "publish," so that clause 41(3)(b) reads —

> publish, as soon as practicable, in accordance with the regulations …

I have heard what the minister said. I support that amendment so long as there is a clear undertaking that the regulations will spell out the maximum time, if I can put it that way, that the Heritage Council has to publish a direction and any statement of reasons.

Hon SUE ELLERY: I have signed off on that amendment. The undertaking that I can give the honourable member is what I have just given her. I am advised that it is intended that the regulations will include a reference to the time frame within which those decisions referred to in clause 41, "Direction by Minister", are published.

Hon DONNA FARAGHER: I thank the minister and I appreciate her entertaining and putting forward that amendment. I think that it is appropriate, because notwithstanding that the council will do it as soon as practicable, people will obviously take an interest in a direction that has been made by the minister and I think we need to give them some certainty about when they will be advised publicly of that direction and the statement of reasons. For that reason, we will support the amendment that the minister will move shortly and I appreciate her undertaking.

Hon SUE ELLERY: I move —

Page 27, line 19 — To insert after "publish," —

as soon as practicable,

Amendment put and passed.

Clause, as amended, put and passed.

Hon SUE ELLERY: I think that we need to do some consequential amendments because of the amendment that we just passed. At clause 45(4)(b) on page 31 and also at clause 50(6)(b), members will see that there are similar requirements to publish, so we probably need to add the same wording. I will quickly do that.

The DEPUTY CHAIR (Hon Dr Steve Thomas): Can you add those and sign them, minister.

Clauses 42 to 44 put and passed.

The DEPUTY CHAIR: So members are aware, the paperwork will come back to you directly, but the amendment before the house will be: clause 44, page 30, line 10, to insert after "publish,", "as soon as practicable,". Sorry, members, it is page 31. It is clause 45, not 44; my apologies for that. That is why I was waiting for the paperwork.

Clause 45: Land description amendment direction by Minister —

Hon SUE ELLERY: I move —

Page 31, line 9 — To insert after "publish," —

as soon as practicable,

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 46 to 49 put and passed.

Clause 50: Removal direction by Minister —

Hon SUE ELLERY: I move —

Page 35, line 16 — To insert after "publish," —

as soon as practicable,

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 51 to 53 put and passed.

Clause 54: Notification of adoption, update or amendment —

Hon DONNA FARAGHER: I just indicate that I am having a quick read through the clauses to see whether there are any others. If I read clause 54(b) correctly, another consequential amendment might be required.

Hon Sue Ellery: This is not related to a minister's direction; this is the council. The previous ones that we amended —

The DEPUTY CHAIR: Can I ask Hon Donna Faragher to stand because somebody has to be on their feet during the process.

Hon Sue Ellery: I will stand.

The DEPUTY CHAIR: I call the minister; thank you.

Hon SUE ELLERY: Can I ask the honourable member to perhaps reconsider? The amendments that we have made to date have been in respect of the ministerial directives, which I was happy to proceed with. I think if we now start going into the council as well, I will be stepping beyond the capacity that I have to amend on the run.

Hon DONNA FARAGHER: The minister has all the power whilst she sits there! I can see what the minister has said. So long as I again get an undertaking that within the regulations it would be "as soon as practicable" and that a time frame would be identified—that is not just with respect to clause 54, but others that relate only to the council—I will be happy with that.

Hon SUE ELLERY: I am able to give that undertaking in respect of publishing. The regs will set out the form, the format and the time line within which that needs to be done.

Clause put and passed.

Clauses 55 and 56 put and passed.

Clause 57: Continuing protection order —

Hon DONNA FARAGHER: I indicate that clause 57(4) again relates to "an advertisement in relation to the Minister's determination and any statement of reasons". I would put that there is an opportunity there to say "as soon as practicable".

Hon SUE ELLERY: This is again about "the Council must publish". I think to agree to a further amendment, I would be going beyond what I am able to do. During the last issue that we dealt with, I gave a blanket commitment that in respect of publishing, regulations will be drafted that will include form, format and the timing within which they need to be published.

Hon DONNA FARAGHER: I appreciate the minister's response, and I know we should not really go back to a clause we have just dealt with, but clause 41 of the bill—so that we are clear—refers to "the Council must publish". It is still "the Council must publish"; it is actually no different from what we are putting forward here.

Hon SUE ELLERY: I am sorry, but this is the danger of amending on the run. I am not in a position —

Hon Nick Goiran: You've already started that.

Hon SUE ELLERY: In response to a request to consider it.

Hon Nick Goiran: You said yes.

The DEPUTY CHAIR: Order, members! Minister.

Hon Nick Goiran: You could have said no; you're good at that!

The DEPUTY CHAIR: Order, members! I expect the minister to be heard in silence at this point. I give the minister the call.

Hon SUE ELLERY: I am able to give an undertaking—this will be the third time I have done it—a blanket one, that regulations are going to be drafted. I give an undertaking on behalf of the government that they will include form, format and the timing within which the matters will need to be published and that it is the government's intention that that be as soon as practicable.

Hon DONNA FARAGHER: I indicate to the minister that I have had a quick look and in my view this is the only other one that refers to the minister before we then go on to other matters. I would put to the minister that in order to finish this part of the bill and for consistency, it would be appropriate to insert "as soon as practicable". I have accepted what the minister has indicated with respect to previous clauses when it relates only to council decisions effectively—I accept that—but this relates to minister's determinations.

Hon SUE ELLERY: Noting the time, I might ask the Deputy Chair to report, and then, if there happens to be a dinner break, I will get the advisers to check so that I am not amending on the run.

The DEPUTY CHAIR: If I just noted the time and left the chair, you would not have to report at this point.

Hon SUE ELLERY: Okay. Can I ask that you leave the chair?

The DEPUTY CHAIR: You do not even have to ask, minister.

Hon SUE ELLERY: Thank you.

The DEPUTY CHAIR: Honourable members, noting the time, I shall leave the chair until the ringing of the bells.

Sitting suspended from 5.59 to 7.30 pm

Hon SUE ELLERY: Before the break we were having a discussion about whether it would be prudent to move an amendment to subclause (4) in exactly the same terms as the amendments the government had previously moved. I asked the advisers to check in the dinner break and, indeed, I will move an amendment in those terms. I did ask the advisers to check the entire bill, so I foreshadow that there is one more amendment, which will be to clause 87(5). To save a bit of time, I will hand them both up now and perhaps they can both be photocopied. I move —

Page 41, line 6 — To insert after "publish," —

as soon as practicable,

Hon DONNA FARAGHER: I thank the minister and her advisers, who obviously worked through the bill during their dinner break. I do think that, for consistency, the amendment is appropriate. I appreciate that the minister made the first amendment on the run and that it has precipitated some further ones, but if the bill is now consistent, that is a good outcome. I thank the minister; we will obviously support the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 58 to 86 put and passed.

Clause 87: Minister may modify planning instruments —

Hon SUE ELLERY: I move —

Page 62, line 25 — To insert after "publish," —

as soon as practicable,

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 88 to 113 put and passed.

Clause 114: Appointment of inspectors —

Hon DONNA FARAGHER: This clause relates to the appointment of inspectors. This is perhaps more of a general question rather than anything else. How many inspectors do we have at this point in time?

Hon SUE ELLERY: None; that is what I am advised.

Hon DONNA FARAGHER: Can I check that? I do not believe this is a new provision. As I understand it, this is from the current act. My understanding is that the bill is essentially the same, but there are some revisions. If that is the case, why do we not have any inspectors?

Hon SUE ELLERY: I am told it is not a new provision. Neither of the advisers at the table can recall there being inspectors in the last 10 years. Who knew?

Hon DONNA FARAGHER: You learn something every day. What, then, is the purpose of an inspector, and why is this provision still in the legislation?

Hon SUE ELLERY: I am advised that the advisers cannot recall there being a specific need for inspectors. However, when the bill was being drafted, and during the last versions of consultation that occurred, it was determined that they wanted to retain that power in the event they needed assistance in carrying out investigations in the future. I am advised that consideration was given to whether they wanted to keep this provision, and it was determined that they did.

Hon DONNA FARAGHER: It is interesting. The powers of an investigator, and what investigators can and cannot do, are quite significant. I am not proposing an amendment. However, I note that clause 115 refers to police officers having the functions of inspectors. In that light, I would have thought we would leave it at that.

Hon Sue Ellery: It is curious.

Hon DONNA FARAGHER: It is curious, minister. I suppose that might be worth a question in a couple of years' time to see whether any inspectors have been appointed.

Hon Sue Ellery: I look forward to it!

Hon DONNA FARAGHER: The explanatory memorandum states under part 11, "Enforcement" —

> These features have been substantially revised for clarity while retaining the essential substance of the original provisions in the current Act.

I presume that in part 11 there have been a number of administrative changes to improve clarity but nothing substantive has been changed from the current act.

Hon SUE ELLERY: Correct. I am told there is no policy change; it is just a tidying up and clarification of the provisions.

Clause put and passed.

Clauses 115 to 162 put and passed.

Clause 163: Notices and statutory notification —

Hon SUE ELLERY: I move —

> Page 112, lines 9 and 10 — To delete "Western Australian Land Information Authority or another" and substitute —
>
> Registrar of Titles, the Registrar of Deeds and Transfers, or another person or

I advise that in the course of the drafting, Landgate was consulted with a view to determining whether the proclamation regulations should include a provision under clause 163(3) to further define statutory notifications. Although Landgate agreed that the language of this clause is specific enough to deal with memorials and therefore proclamation regulations will not be necessary under this clause, Landgate's advice was that the reference to the Western Australian Land Information Authority—that is, Landgate—as the agency to register, record or note

matters on the land title documents is technically incorrect. This amendment seeks to correct that. Registration, recording and noting matters on titles or deeds is actually performed by the Registrar of Titles or the Registrar of Deeds, offices that are established by respectively the Transfer of Land Act 1893 and the Registration of Deeds Act 1856.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 164 put and passed.

Clause 165: Review of Act —

Hon DONNA FARAGHER: This clause relates to the review of the act. I indicate that I am obviously supportive of that. Subclause (1) states —

> The Minister must carry out a review of the operation and effectiveness of this Act as soon as is practicable after the 10th anniversary of the commencement of this section.

I am not saying this does not happen in other circumstances. However, as a general rule, in the review clauses that I have seen, the period has been five years. Ten years seems to be quite a long time. I am keen to understand why that is the case.

Hon SUE ELLERY: I am advised this is a direct take from the Liberal government's version of the bill that went before the house in 2016, which also referred to 10 years. It is unusual. I have not seen it before. However, I am advised that in respect of heritage matters—I hope no-one thinks I am insulting them—things do move slowly. Therefore, the view was that we would not be able to get a true picture of how things were progressing within a shorter period of time. As I said, I am advised that this is a direct take from the bill that the previous government presented to the house.

Hon DONNA FARAGHER: I hear what the minister has said, and I appreciate that this might well have been in the bill that was presented by the former government. I do not know why that was the case either. However, notwithstanding what the minister has said, a period of 10 years before a review is undertaken is a bit long, given the fact that this is a substantive piece of legislation that proposes to make a number of positive changes to the Heritage Act. Therefore, I am inclined to take the view that it should be five years.

Hon SUE ELLERY: I anticipated that might be the member's view. Therefore, I make the point again that despite the fact that this clause was approved by the previous government and went through this house in June 2016 and August 2015, and was reflected in the 2015 exposure draft, I propose an amendment that would have the effect of deleting "10th" and substituting "5th". I move —

> Page 113, line 10 — To delete "10th" and substitute —
>
> 5th

Hon DONNA FARAGHER: The minister is being most accommodating tonight.

Hon Sue Ellery: You see, if you are nice to me, I will be nice to you. Perhaps you could talk to the guys who sit alongside you.

Hon DONNA FARAGHER: They are doing their job, as they do very well, minister. Notwithstanding that, I think that a five-year anniversary is more appropriate. Thank you, minister. We will obviously support that amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 166 to 188 put and passed.

Title put and passed.

Report

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

As to Third Reading — Standing Orders Suspension — Motion

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

> That so much of standing orders be suspended so as to enable the bill to be read a third time forthwith.

Third Reading

Bill read a third time, on motion by **Hon Sue Ellery (Leader of the House)**, and returned to the Assembly with amendments.

ANIMAL WELFARE AMENDMENT BILL 2017

Second Reading

Resumed from 11 October 2017.

HON JIM CHOWN (Agricultural) [7.54 pm]: First, let me say that I was a substitute member of the Standing Committee on Legislation when it considered the Animal Welfare Amendment Bill 2017. I was a substitute for Hon Nick Goiran, who was overwhelmed at the time with other committee business. I thank him for making that position available to me. The bill was first read in by the Minister for Agriculture and Food on 11 October 2017. On 21 March 2018, the minister moved that the bill be discharged and referred to the Standing Committee on Legislation for scrutiny. The minister additionally provided the committee with the power to inquire and report on the policy of the bill. The committee did so and its report was tabled in this place on 28 June this year. I would like to thank Hon Dr Sally Talbot for chairing that committee and the other members of the committee for their contributions, which were substantial. I also thank the committee officers, Stephen Brockway and Mark Warner, for their efforts and the time they put in to advising the committee and conducting the committee's processes appropriately.

The amendments to the current bill are said to shift the focus and objects of the act, particularly part 3, away from being simply about preventing and punishing animal cruelty towards establishing and policing nationally agreed to standards and guidelines for animals' health, safety and welfare. In the second reading speech, the minister said —

> … the act in its current form is unable to give full regulatory effect to the Australian Animal Welfare Standards and Guidelines for livestock, which Western Australia along with all other Australian jurisdictions has agreed to implement … The changes now proposed will enable the implementation of those standards.

The need for amendments came to light when attempts were made through regulation to implement the initial land transport standards and guidelines. Doubts arose about whether the regulation-making powers in the current act could fully support the provisions being planned. In the second reading speech, the minister said that the amendments proposed in the bill are to be a stopgap and that a review of the act is expected to take some 18 months.

By way of background on the need to review the current act, in May 2015, the former Minister for Agriculture and Food, Hon Ken Baston, appointed an independent panel chaired by Mr Brian Easton to undertake a review into the act. The resulting Easton review noted that the act was more than 10 years old at the time, had not been reviewed since its inception and had no strategic plan or policy framework. The Easton review's first recommendation proposed that the act be reviewed to assess whether it accurately serves its intended purposes.

In a hearing, the committee of which I was a part was informed by the Department of Primary Industries and Regional Development that no review had yet commenced, nor were there any terms of reference for the review. No decision had been made about who should carry out the review of the Animal Welfare Act and there was no firm timetable for the review. During hearings on 2 May 2018, the department said it hoped that the review would be started toward the end of this year. Given that the act has not yet been reviewed, the committee found no urgency to implement the proposed amendments of this bill and that to do so would, in some instances, be disadvantageous.

The committee also identified that a great deal of the proposed substantive law was to be made by regulation, which would result in skeletal legislation that would give Parliament inadequate information about what the regulations will eventually contain, undermining its scrutiny and its ability to look at legislation appropriately.

The entire committee essentially supported clause 1 through clause 8 of the bill. However, the majority does not support clause 9 through clause 19. I intend to go through all those clauses and give a layman's interpretation of them, not only for the house, but also for those people who may be watching or hope to read this *Hansard* at some stage in the future, because animal welfare is a significant matter. I think the public at large are concerned about what future legislation may contain for the care and welfare of both domestic and commercial animals.

Clauses 1 to 3 contain standard provisions, such as those that provide that the bill will amend the Animal Welfare Act 2002 and that the substantive parts will come into force on a date fixed by proclamation, thereby determined by the executive. That is not ideal. The Standing Committee on Legislation recognised that a plethora of regulations proposed by the bill's provisions remain to be prepared.

Clause 4 amends section 3 of the act and inserts a new section 3(1)(aa), which regulates the conduct of people in relation to animals, including the manner in which animals are treated, cared for and managed.

Clause 5 amends the interpretation section, being section 5, by the inclusion of a new position of "designated general inspector" under section 35A(1). I will return to that section later. Clause 5, additionally, inserts the definition of prescribed codes of practice, and the committee is satisfied with that. This clause will also amend the definition of code of practice. The minister issued supplementary notice paper 33 on Monday, 3 September, which contains an amendment that proposes to delete lines 1 to 5 and insert a new section 5(1A), which states —

> In this Act unless the contrary intention appears a reference to Part 3 includes a reference to regulations referred to in section 18B.

At the time, the Standing Committee on Legislation did not have an opportunity to consider the clause. I view it as unproblematic given that the committee considered and agreed to proposed section 18B and part 3, to which I will also return.

Clause 6 deletes the heading of part 3, "Offences against animals", and replaces it with "Welfare, safety and health of animals". Everybody is reasonably satisfied with that.

Clause 7 will insert a new section 18A. New division 1, "Objects of Part", referring to part 3, essentially new section 18A, outlines the objects as —

(a) to promote and protect the welfare, safety and health of animals; and

(b) to ensure animals are properly and humanely treated, cared for and managed.

The committee and the opposition are also satisfied with this.

Clause 7 inserts a new section 18B. Proposed new section 18B(1) refers to section 94 of the act, and the latter section states that regulations may stipulate matters to be prescribed and that a contravention of those regulations is an offence, attracting a penalty not exceeding $20 000. The effect of new section 18B will be to provide new and wideranging powers to introduce regulations to "authorise, prescribe, require, prohibit, restrict or otherwise" a range of areas relating to animal welfare, safety and health. Specifically, proposed new section 18B(2) identifies 17 individual areas such as the treatment, care and handling of animals; animal accommodation; the transportation of animals; the keeping of animals; the husbandry of animals; and so on. The opposition is satisfied with clause 7, as is the committee. Although it sets out individual offences that can be prescribed by regulation, they remain regulatory offences already within the ambit of section 94's regulatory powers and do not include cruelty and consequently criminal offences, as in other places outlined in the act.

Clause 8 inserts a new heading for section 19, "Cruelty and other inhumane and improper treatment of animals". The committee and the opposition are satisfied that the insertion of this title does not substantively change the meaning or the application of section 19, which, indeed, currently deals with cruelty to animals, a contravention of which attracts the maximum penalty of $50 000 and five years' imprisonment.

Clause 9 amends section 19 of the act, dealing with cruelty offences. The committee rejects this amendment, as does the opposition. The explanatory memorandum identifies the proposed amendment of section 19 as a Henry VIII clause. The amendments provide power to modify the application of defences to a charge of cruelty that are provided by sections 21, 22, 23, 24 and 25. I would like to acknowledge the department's transparency by identifying the Henry VIII clause, but the opposition cannot support such a proposition. Henry VIII clauses rarely get through the Legislative Council and the minister has subsequently agreed to delete those amendments, as proposed in supplementary notice paper No 33 issued on Monday, 3 September. Nevertheless, by way of explanation, prior to the minister's decision to delete this clause, the committee's majority found that consideration of the bill should cease after clause 8. The amendments proposed in clauses 9 to 19 ought not to progress, at least until such time as the effectiveness of the act has been subject to the promised review. The committee's majority concluded on the point of this Henry VIII clause that Parliament is being asked to take a number of matters on trust and is being asked to accept that the department will legislate sensibly in the future through delegated legislation without them being subject to parliamentary scrutiny and debate.

Clause 10, amends section 25 of the act and will amend the code of practice regarding a defence for a charge of cruelty under section 19(1), from proving he or she was acting within a "relevant" code of practice to proving he or she was acting within a "prescribed" code of practice. Clause 11 inserts a proposed new section 25A, making it a defence to a cruelty charge for a person to prove that they were acting in accordance within a prescribed defence. The minister has subsequently agreed to delete amendment 11, as stated on supplementary notice paper No 33 issued on Monday, 3 September.

Clause 12 amends section 29 of the act relating to a defence of cruelty if the alleged offender proves that they are acting in a prescribed manner, to instead be acting within a prescribed manner or in prescribed circumstances.

Clause 13 similarly amends section 30 of the act relating to a defence regarding prescribed surgical or similar operations practised, practices and activities. The opposition found that the department produced no justification to support these proposed amendments, and that enacting them would cause unnecessary uncertainty and concern.

Clause 14 provides for designated general inspectors, something that the majority of the submissions from commercial representatives in the animal industry had issue with. Currently under the act there are two categories of inspectors. The first are general inspectors, which include police, and the second are scientific inspectors. Both categories are appointed and restricted by the CEO, although the RSPCA's recommendations are accepted for the former category. Clause 14 inserts a proposed new section 35A, which would permit the minister to designate a general inspector other than a police officer to a newly created position of a designated general inspector. The DGI would have additional powers and functions over and above those of a general inspector. Currently the role of a general inspector is to enforce part 3 of the act, which relates to animal welfare, safety and health, including cruelty offences; provide assistance to scientific inspectors; and provide information and assistance to the

department CEO relating to matters arising under the act. The principal function of general inspectors is to enforce part 3. In order to do so general inspectors have a range of powers as follows: by sections 38 and 39 respectively, they may enter a non-residential place or vehicle either with the owner's consent, or under a warrant, or where notice has been given and no objection has been received within the specified time, and also where the inspector reasonably suspects a cruelty offence has been, will be or is being committed.

When asked about general inspectors receiving warrants, the department told the committee that a general inspector had never been refused a warrant once it had applied for. Nowadays a warrant can be applied for electronically or over a phone. I have been informed that warrants come back within a matter of hours. Under section 40 of the Animal Welfare Act, an inspector may direct a person in control of an animal to care for it. Under section 41, a general inspector may humanely destroy an animal. Under section 42, an inspector may seize an animal. Under section 43, they may seize property relating to an offence and under section 46, they may seek a person's details such as name, address and date of birth. Under section 47, general inspectors may exercise a range of powers such as searching, taking samples, moving or preventing an animal from being moved, and give directions to a person in charge of an animal.

In her second reading speech, the minister states —

> The existing powers of entry of general inspectors to non-residential places and vehicles without the owner or occupier's consent are inadequate. Exercise of these powers is currently limited to circumstances in which there is a reasonable suspicion of a cruelty offence or, in limited circumstances, under a warrant.

The opposition's opinion is that general inspectors have adequate powers despite the amendments before us and will not entertain there being a designated general inspector whether they be appointed by the minister or a chief executive officer. We believe that would be inappropriate and would create just another layer of inspectors. It was deemed inappropriate that the appointment of a DGI would usually be made by the minister rather than the department or a senior officer in the department, usually the CEO. A number of industry bodies questioned this ministerial appointment. The Australian Livestock Exporters' Council feared that a political element may infect the appointment process and stated that the ministerial appointment had the potential to politicise and jeopardise the independence and impartiality of the animal welfare regime. The minister, quite frankly, has subsequently listened to what the committee had to say and has agreed to make the appointment of DGIs the responsibility of the CEO. I repeat that regardless of that, it is certainly the opposition's belief that the appointment of a new class of inspector is not required.

It should be noted that Hon Diane Evers has an amendment before the house that after 12 months DGI activities and how many times they enter a structure or establishment be reviewed and that the minister report to the house annually. The opposition will not support that amendment because it will not support DGIs and therefore finds that proposed amendment is unnecessary.

Clause 15 of the bill creates proposed section 37(1)(aa), which outlines the functions and powers of all categories of inspectors whereby the role of inspectors is to, generally, enforce the act. Proposed section 37(1)(aa) relates specifically to what I am talking about—that is, DGIs and their ability to monitor compliance. I will ask some questions about compliance requirements and why general inspectors cannot fulfil that role. I understand the minister believes that DGIs should have a role, if they are supported by the house, to ensure that compliance takes place, especially under the proposed provisions that this state has not taken up regarding animal welfare requirements, standards and guidelines that other states are working through. I look forward to hearing from the minister why the appointment of DGIs should be supported. I must add that the opposition will take a substantial amount of convincing for why we need another layer of inspectors, especially given we have a livestock compliance unit within the Department of Agriculture and Food and that compliance unit pretty much spells out its requirements.

If required, members of that livestock compliance unit attend saleyards and properties to ensure that animal welfare compliance is being maintained. It is interesting that the Easton report, a substantial report of 2015, commissioned by the previous government, states on a number of occasions that animal welfare is more about education and that compliance units should be out there educating commercial entities that deal with animals to ensure that those entities understand the requirements under the act and that they maintain those requirements. Of course, LCU inspectors fulfil that role by attending saleyards et cetera and making sure that all the animals that arrive are treated according to requirements. The LCU talks to growers, especially if they find breaches. They have the capacity—I am fairly sure that LCU inspectors are also general inspectors—to prosecute the breaches and liaise strongly with the RSPCA. In fact, at times the RSPCA refers breaches to inspectors in the livestock compliance unit to ensure that those responsible for the breaches are prosecuted.

The Easton review made a couple of comments about that livestock compliance unit and said it was underfunded and under-resourced. I understand that at the time there were 4.5 or five full-time equivalents working in the LCU and that has increased to 10 or 11. One of the questions I have for the minister is whether she believes that the livestock compliance unit is now fully resourced. Does she believe enough people are working in that unit; and, if

not, will her government ensure that the livestock compliance unit is fully resourced and fully staffed? This is a big state and, as the minister will be fully aware, livestock are coming back. Our sheep numbers, for example, are around 13 million or 14 million and regardless of the live export issue, wool is white gold and I imagine our sheep flock will increase substantially over the next four to five years. Their number could get back to a figure of 20 million in a very short time. It is very important that units such as the livestock compliance unit meet the legislative requirements of animal welfare and are out there doing their job as they should be. However, they cannot do that unless they are fully resourced and resourcing, of course, means motorcars for officers and staff to back them up when they are out in the field.

While I am talking about the livestock compliance unit, I will give some explanation of what it does. It undertakes inspections of livestock establishments, including but not limited to saleyards, abattoirs, knackeries and export depots to monitor compliance with the act. It fulfils the compliance role; that is part of its job.

Hon Alannah MacTiernan: Let me get this right: do you want all the people currently designated compliance officers to have the right to come in and do what we are proposing here?

Hon JIM CHOWN: I am saying that part of the role of the livestock compliance unit—public servants who work for the minister's department—is to ensure that compliance of the act is undertaken. That is what I am saying. I am saying that the Easton report identified that that particular unit did not have enough personnel and was under-resourced.

Hon Alannah MacTiernan: I understand that. If we don't have a new class of —

Hon JIM CHOWN: Minister, maybe we should wait until we get into Committee of the Whole House and then we can flesh this out a bit. This is not the time.

Inspections are proactive, are initiated by the livestock compliance unit and are not a response to a report of animal cruelty. Ms Carbon went on to say that inspectors may also respond to and investigate animal welfare complaints regarding livestock referred to the LCU by the RSPCA. As I have said, the LCU is a group of people employed by the Department of Primary Industries and Regional Development who are dedicated to animal welfare issues. It has a significant role to ensure that all owners of animals comply with the relevant act.

There were concerns that the bill remained silent on the qualifications and experience of potential designated general inspectors, bearing in mind that DGIs are to be selected from the field of general inspectors. The Easton review also identified that, not that it had anything to do with DGIs. The Easton review had some concerns with the qualifications of general inspectors and the fact that at times there seems to be a lack of training of these general inspectors. A general inspector can be appointed by the RSPCA or a local shire and all they do is an online tick-the-box assessment and they become a general inspector.

Clause 18 of the bill will amend section 84 of the Animal Welfare Act by changing the title of that section from "Breach of code of practice not sufficient to prove cruelty" to "Breach of prescribed code of practice not sufficient to prove cruelty". Section 84 will also be amended to refer to a person charged with an offence of failing to act according to a prescribed code of conduct instead of to a person charged with an offence of failing to act according to the relevant code of practice. Clause 19 of the bill will amend section 94 of the act. Section 94 deals with regulations, and subsection (1) provides that the Governor may make regulations prescribing all matters that are permitted to be prescribed or that are necessary or convenient to be prescribed to give effect to the purposes of the act.

The minister has subsequently agreed to delete clause 19, and the opposition supports that. I am fairly certain that committee members would also support that. New clause 20 is an amendment that the minister placed on the supplementary notice paper last week. It is about a review of the effectiveness of the amendments before us today. After three years the minister will contemplate the effectiveness of the amendments and then prepare a report based on the review as soon as practicable after the third anniversary of the legislation becoming operational. I have a problem with that, especially as two different committees and an independent review have all stated since 2015 that the act needs review. I note also, and it is worth repeating, that in the minister's second reading speech, she said —

> … our government is in the process of undertaking a more comprehensive review of the Animal Welfare Act to modernise laws in this state. These measures act as a stopgap, addressing critical issues around the enforcement of animal welfare standards while we complete this review, which we expect to take some 18 months.

Obviously, that is in complete contradiction to the evidence heard by the committee. I will ask the minister to clarify why she made that statement in her second reading speech. When we go into committee, I would like to flesh out when a review is likely to take place and what this government is going to do about it.

Other than that, I have given my contribution to the second reading debate. This is a very important bill. It has certain implications for animal welfare. Of course, the commonwealth standards and guidelines have been fleshed out since about, I think, 2013 and we are the last state to undertake this process. It is very important that we have the ability to adopt national standards and guidelines, and supporting this bill up to clause 8 will allow that to

happen, but I do not believe the rest of the bill should be supported. The minister has at least seven amendments to the bill, so she does not support her initial amendments to the Animal Welfare Act. There are a couple of other amendments that also need to go. The opposition will be supporting clauses 1 to 8, which is the recommendation of the committee. Hardworking committees that provide reasonable explanations should be supported; otherwise, what is the point of sending a bill to a committee, as the minister did of her own volition?

HON COLIN de GRUSSA (Agricultural) [8.25 pm]: I, too, rise to make a contribution on behalf of the Nationals WA to the debate on the Animal Welfare Amendment Bill 2017. We are all obviously aware that this bill was referred to a committee of which I was a part. In my view, it was very necessary because quite a lot of confusion and uncertainty was created by this amendment bill within industry and other areas. It was certainly our duty, as the house of review, to make sure that we properly scrutinised this legislation, as we should with all legislation that comes through this place. That is our job. I was very grateful that the minister referred the bill to the Standing Committee on Legislation for subsequent review.

Going back a little bit, the proposal is to bring Western Australia into line with the rest of the nation, which the Nationals fully support. National standards and guidelines are needed for animal welfare. It is very important that we adopt those in a manner that creates certainty for industry and also for animal welfare outcomes. We welcomed moves to do that; however, we felt, as did others, that this amendment bill created more confusion than it solved; hence the referral to the committee.

I encourage members to read the committee's report. It is a good report. It goes through the bill in a great deal of detail. As Hon Jim Chown has said, certainly a lot of questions were asked of the various people who came before the committee, and their comments et cetera are in the report. I start by saying that there was a huge number of submissions to the committee. However, many of those were form letters, if you like, or cut and paste–type emails and so on. They were separated by the committee into various subjects. A lot of those were about live export; obviously, the live export debate, which is ongoing, was coming to the fore at that point, with footage being aired on television, and that prompted a lot of people to get involved in this debate. Again, it shows the community's desire to have strong animal welfare legislation, which, as I said before, we support.

As Hon Jim Chown has said, the committee scrutinised every clause of the bill and took the opportunity to ask a number of questions of the department and others. In fact, we received a number of submissions from industry, as well as from the RSPCA and a few other animal welfare organisations. Quite a balanced cross-section of views were presented to the committee.

I had concerns about the Henry VIII clauses in the bill and the ability for ministers of the day to make changes to defences for animal cruelty without having to come back to Parliament. Earlier, Hon Jim Chown spoke about the sovereignty of Parliament and the issue with Henry VIII clauses not widely being acceptable to the Legislative Council, and for that reason they were carefully scrutinised by the committee.

I want to go through some of the issues raised during the committee. In the minister's second reading speech, she said —

> … changes to the … Act proposed by this bill will significantly improve animal welfare outcomes in this state, our government is in the process of undertaking a more comprehensive review of the Animal Welfare Act to modernise laws in this state. These measures act as a stopgap, addressing critical issues around the enforcement of animal welfare standards while we complete this review, which we expect to take some 18 months.

For me, there are a couple of issues in that statement. First, this amendment bill is considered to be a stopgap measure while a review is undertaken. Personally, I would have thought given this issue is so significant that a full review would have been a better approach to take, rather than bringing stopgap legislation before the house. However, I appreciate that that review will take some time. As Hon Jim Chown said, the committee report notes that when the committee spoke with the department, the chair asked —

> Can we just establish, as far as the review goes, if you have started it, what stage are you at and what are the scoping guidelines?

The response was —

> No, we have not started that review yet.

In further questioning, the chair asked, "Who will undertake the review?" and received the reply, "I think that is still to be determined." At that stage, when the committee met with the department, there was no determination, no commitment to start the review, no guidelines and no terms of reference. I look forward to the minister updating the house on the progress on those. Furthermore, the chair asked —

> I just want to go back to the review. You say that it has not commenced and you are not sure who is going to carry out the review. Have you got some terms of reference …

The answer —

> No, we are developing those. The review is due to commence later in 2018.

Again, we are hearing that this review has started and that it has not started. It is a reasonable act to review because given that we are looking at implementing national standards and guidelines, obviously, there will be some pretty significant changes. As the minister said in her second reading speech and in communication about this legislation that the government wants to move away from animal cruelty to animal welfare, which is quite different, one would imagine that the review of the act would uncover quite a lot of changes to be made. Given that would take quite a long time to complete and that we are the best part of 18 months or more into this new government and, to my knowledge, we have not undertaken or started this review, when can we expect a report on the review and to know what changes will be made to that act? That is all part of the reason we need to be careful in implementing any amendments to the act.

I will move on to chapter 6 of the report, which refers to standards and guidelines. The chapter refers to clauses 4 to 13, which basically realign the intent of the bill to dealing with animal cruelty and incorporating measures regulating the conduct of people in relation to animals so, as I said before, it is more about welfare than cruelty. If we move on to look at the mechanisms used by other jurisdictions in adopting national standards and guidelines, there are different ways of doing that. Victoria, for example, simply adopted the national standards and guidelines by referring to them. In New South Wales, they were adopted by reference, but with a few modifications. There are different ways of adopting the national standards and guidelines that do not require the use of Henry VIII clauses or the other prescriptions that were drafted into the animal welfare amendment legislation presented to us before the bill was referred to the committee.

In its deliberations, the committee found —

> An issue that raised a good deal of concern amongst representatives of the farming and animal transport industries was the proposed power for the Executive, through regulations, to modify or limit the defences available to a charge of cruelty under sections 21 to 25 of the Act (clause 9(2)).

The issue there becomes that the minister of the day, whoever that is, can effectively change the defences to cruelty without having to go back to Parliament. That was of great concern to the committee, and, obviously, of great concern to, certainly, the stakeholders that I have spoken with. I see that the minister has provided amendments to those provisions and no doubt we will hear from her when she speaks on this bill later and in Committee of the Whole. There were significant concerns around those clauses.

I want to point out that in its submission to the committee, the RSPCA contended —

> … it is outside the nationally agreed approach to the implementation of these standards and guidelines to use them to modify existing defences …

On this part of the bill, the RSPCA concluded —

> The amendments in proposed sections 19(fa), 19(4) and 25A depart from the national approach … It is not clear to RSPCA WA why this approach has been taken. RSPCA WA is concerned this approach could disrupt the nationally consistent approach, create a lack of regulatory clarity for regulators and industry and lead to delays in the implementation of National Standards, given the detailed regulations that will need to be drafted.
>
> RSPCA WA recommends that consideration is given to limiting the Amendment Bill to fixing the regulation making power in the Act and then promptly regulating the National Standards in the same manner as other jurisdictions.

It is quite important to know that the leading animal welfare agency in Western Australia does not see the need to depart from the national approach and recommends that the bill effectively stops after it implements those national standards and guidelines.

Hon Alannah MacTiernan: Sorry; are you suggesting that they are saying that the remainder of the bill is not necessary?

Hon COLIN de GRUSSA: As stated in the committee report, the RSPCA recommends —

> … consideration is given to limiting the Amendment Bill to fixing the regulation making power in the Act and then promptly regulating the National Standards in the same manner as other jurisdictions.

Further, the report refers to the RSPCA's statement —

> It is not apparent why national standards would be selected and introduced as defences to cruelty offences, instead of being implemented as regulated standards, as has occurred in other states.

I am just pointing out to members that the RSPCA has some very clear views on this bill and some of the uncertainties created by the extra powers, if you like, through those Henry VIII clauses.

To the recommendations on this part of the bill, as Hon Jim Chown said, on clauses 1 to 8, the committee found —

> … that the commitment given by the Commonwealth and all states and territories to the … adoption of universal animal welfare standards and guidelines should be legislated in Western Australia without further delay.

Recommendation 1 adopted by the committee was that clauses 1 to 8 of the bill may be made, because that is what they give effect to, so the committee supported that recommendation. From this point, as Hon Jim Chown pointed out, there are a few differences. Finding 2 states —

> The majority of the Committee finds that the Legislative Council's consideration of the Animal Welfare Amendment Bill 2017 should cease after clause 8. The regulatory scheme that would be legislated under clauses 1 to 8 may proceed effectively without the more contentious provisions provided for in clauses 9 to 13.

I note that the minister's amendments, which were presented on 3 September, will make some amendments to those clauses. Should the Legislative Council not adopt the committee's majority recommendations, there are some proposed amendments as well. The majority of the committee recommended the deletion of clauses 9 to 13, as it was its view that they are not necessary.

I want to talk a little about designated general inspectors. This issue has caused quite a deal of contention with the industry and certainly did among committee members during our deliberations. The people I have spoken to have expressed concerns about the proposal to create this new category of designated general inspector. As Hon Jim Chown said, and as members will see in the report, during our deliberations we could not find a need for designated general inspectors. I am sure the minister will give us a very good argument for why those inspectors are needed. I look forward to hearing that and to perhaps further discussing that issue during the committee stage of the bill when we get to the clauses around designated general inspectors. My view from the work the committee did, and as is contained in the report, is that they are not necessary. In fact, general inspectors can currently undertake pretty much all the requirements of a designated general inspector anyway. As Hon Jim Chown said, they have not had any issue when they have sought consent, particularly when they have asked for a warrant. The report notes that eight warrants to enter a place and one warrant to enter a vehicle had been sought since July 2011, and all those warrants had been granted. There has been no issue with the granting of warrants to enter premises when necessary. Again, the majority of the committee could not identify the necessity for designated general inspectors.

Another concern is around the qualifications of those inspectors. The industry wants a surety that any inspector who comes onto a property or enters a vehicle has relevant understanding, experience and knowledge of that industry, so that they can understand what is common practice or best practice and what is not. I think we need some clarity around that. The committee was informed that the department requires all inspectors to complete a welfare training course before they are appointed under the act, but there are no statutory requirements relating to the requisite qualifications or experience of inspectors. We need some clarity around that. Again, the majority of the committee was not persuaded of the need for this new category of inspector. The committee has recommended that clauses 14 to 17 be deleted from the bill, because we could see no need for that new class of inspector to be appointed.

I will not go through the rest of the clauses. I am sure we will hear from other members and from the minister in reply, and that during the committee stage we will hear about her proposed amendments, which adopt many of the committee's recommendation, which is good. Again, that demonstrates the necessity of the bill going to the committee, because our job is to properly scrutinise legislation and ensure that we make it better so that it achieves its intended outcome, any unintended consequences are minimised, and certainty is provided to industry stakeholders. In considering this bill, the committee had a desire to ensure that the national standards and guidelines were legislated quickly. Let us face it; they have been around for a while. It has been a very slow job to get them taken up by Western Australia. Hopefully we can get that to happen. However, some of the mechanisms in this bill did concern the committee, including the Henry VIII clause, which in the view of the committee and others can be fixed easily by taking the time to ensure that drafting is done as well as it can be. The report states —

> If clauses 1 to 8 are passed by the Parliament, without further consideration of clauses 9 to 19, regulations may be made that will give full legislative effect to the standards and guidelines, which is the main focus of the Bill. The Committee was unconvinced that any of the ancillary proposals contained in clauses 9 to 19 were necessary.

No evidence was offered to us that those clauses were urgent, either. It is important that we get an update on the review of the act, because we continually hear that that is happening. At the time of this review, the committee certainly did not find that it was happening, and there was no commitment about when it would happen. There is certainly an incentive to get that act reviewed as quickly as possible, so that we can have modern legislation in place in this state to give industry and society the certainty that the state is doing all it can to implement decent and contemporary standards for animal welfare. I will conclude my remarks at this point. I look forward to hearing from others in this debate. I am sure there will be a great deal of debate as we go through the individual clauses in the committee stage.

HON RICK MAZZA (Agricultural) [8.47 pm]: I rise to make some comments on the Animal Welfare Amendment Bill 2017. It is my understanding that this bill will primarily provide some structure for the adoption of the Australian guidelines and standards. Up until now, the welfare of livestock in Australia has been supported

by model codes of practice for the welfare of animals. As time has gone on, community expectations have changed and greater importance is now placed on the welfare of livestock within the farming sector. A review of the model codes of practice in 2005 recommended that they be converted into animal welfare standards and guidelines, which was aimed at streamlining livestock welfare legislation across the country with the aim of raising animal welfare standards. Industry embraced this recommendation and worked with Animal Health Australia, believing that it would provide more clarity on what they must and should do as far as animal welfare is concerned to ensure that community expectations are met. As a result, we now have Australian animal welfare standards and guidelines for the land transport of livestock, sheep and cattle, and for saleyards and depots. Interestingly enough, standards and guidelines for the goat industry have been developed but will be voluntary and not regulated by the government. Standards and guidelines for the poultry industry are in draft form, while the horse standards and guidelines have yet to progress past 2011. Now that we have these national standards and guidelines at various stages of completion, it is fitting that we amend our state legislation accordingly.

On 11 October 2017 we were presented with the Animal Welfare Amendment Bill 2017. It could have been a very simple bill incorporating clauses 1 to 8 to allow the adoption of the Australian standards and guidelines, but it went a bit further than that. The minister then voluntarily referred the bill to the Standing Committee on Legislation, which undertook a review of the bill. The committee did a thorough job in determining the aspects and implications of the bill. The recommendations and findings of the committee in its thirty-sixth report basically state that the house should adopt clauses 1 to 8 of the bill and delete the other clauses. The purpose of the legislation committee and its reports is to help the house determine what we should do with a bill. As other members have said, I will support the adoption of clauses 1 to 8 of the bill when we get to Committee of the Whole. However, I will not be supporting the other clauses of the bill.

The bill proposes to amend the act to provide for a new class of inspector known as "designated general inspector". The majority of the committee was of the view that this new class of inspector is not necessary, because the powers provided to inspectors by the current act are adequate.

The bill proposes to amend the act to provide a new power of entry onto non-residential properties or vehicles in circumstances in which the owner has not given consent and a warrant has not been obtained. That can already be conducted under sections 38 and 39 of the current act.

The bill proposes to amend the act to provide for the introduction of new offences that go against agreed national standards. That will potentially mean that some agreed husbandry practices under the national standards and guidelines will become a criminal offence in Western Australia and will make the current available defences to producers unreliable. The majority of the committee did not support the making of further regulations that would elevate the nature of mere regulatory breaches into offences of animal cruelty that would affect some of the statutory defences currently available under the act to persons charged with cruelty offences. The then Department of Agriculture and Food produced no evidence that this amendment is necessary.

As I have said, I have considered the current clauses in the amendment bill, and clauses 1 to 8 seem to be readily acceptable by the industry but the other clauses are not.

The committee report acknowledged that the commitment given by the commonwealth and all states and territories to adopt the national animal welfare standards and guidelines should be legislated in Western Australia without further delay by adopting clauses 1 to 8 of the bill. Should this house fail to agree to this recommendation, the majority of the committee believes that the standards and guidelines should be simply prescribed as regulatory offences, as has occurred in other states and territories. The committee also recommended that any proposed new cruelty offences should be added to section 19 of the Animal Welfare Act 2002 and be fully set out in the bill.

The committee report was also very critical of other clauses of the bill and recommended that they be considered during the review process of the Animal Welfare Act. The 2015 animal welfare review, referred to as the Easton report, recommended that there be a review of the Animal Welfare Act. Subsequent to that, we had the inquiry by the Select Committee into the Operations of the Royal Society for the Prevention of Cruelty to Animals Western Australia (Inc). The committee made 26 recommendations, of which 10 were in relation to the Animal Welfare Act. One of those recommendations was that there should be a review of the Animal Welfare Act. The government has said that there needs to be a review of the Animal Welfare Act. I believe that a lot of what is contained in this bill could be covered off once that act has been reviewed and there has been wide consultation with industry and others on how that should take place.

I note that Hon Diane Evers has an amendment on the supplementary notice paper to require inspectors to provide a report to the department on their activities during the year and for that report to be tabled in Parliament. That was also a recommendation of the committee.

I will not continue for any longer. Other speakers have outlined the concerns that have been raised. When we get into Committee of the Whole, clauses 1 to 8 will have my support, but I will not be supporting the other clauses of the bill.

HON DR STEVE THOMAS (South West) [8.54 pm]: I will enjoy making a contribution tonight to the debate on the Animal Welfare Amendment Bill, having had 30 years' experience as a registered veterinarian and a long history involved with both animal welfare and animal production, and having grown up on a cattle property on the border of central and south-east Queensland. Animal welfare is a vexed issue. It has not been an easy issue to deal with, and I suspect it will not be an easy issue to deal with into the future. The reality is that people have different views about what animal welfare and a lack of cruelty looks like. I will talk in more detail about those conflicts and how we have often struggled to get a definition that we can all work with and agree on so that we can move forward with a standardised set of values.

I agree with other members that in effect this bill has three parts. The first part of the bill, clauses 1 to 8, forms the basis of the bill and provides the capacity to adopt national standards. That is important. The middle part of the bill, clauses 9 to 13, deals with the welfare of animals and goes into more detail about the definition of welfare for animals. Although the intent is good, it could be argued, and it is my opinion, that the delivery of that definition has not been at the level that we would expect. The final part of the bill puts in place a new class of inspector for animal welfare known as "designated general inspector". That is likely to be the most contentious part of the bill, and I will come back to that later in more detail.

The definition of welfare for animals is quite difficult to put on paper. I can tell a few stories here. I will try not to do the James Herriot *All Creatures Great and Small* routine, but I will need to do a bit of that so that members will understand how difficult and vexed the process of animal welfare is. It depends upon our definition of what we think animal welfare should look like. This has been an area of conflict for a very long time. Members who were around in the 1990s and early 2000s in Western Australia and involved in agricultural industries will remember that at that time, the Royal Society for the Prevention of Cruelty to Animals effectively had total control over the prosecution of animal welfare in Western Australia. The RSPCA was effectively at war with the commercial producers of Western Australia, the cattle and sheep producers in particular, because there was a disagreement about what is normal and acceptable treatment of animals and what is not. I have to say that the veterinary profession was no less driven than the general populace or legislators at that point, because the veterinary profession is itself divided between the cattle and sheep veterinarians, who work according to standard practices, and those who are focused more on the animal welfare side, who tend to work more in small animal and companion animal practices. The concept of having divided views about animal welfare is not new. Even the concept of what is acceptable has chopped and changed considerably over time.

I will tell members a small story from my past. It is very interesting. It is very difficult to treat a large animal the size of a cow or a bull that has a broken leg. I once was called out in my practice in Donnybrook to examine a lame bull. The bull was so lame that the owner struggled to get him into the yard for a proper examination. I can tell members that inadequately restrained animals are both the biggest danger and the biggest problem for vets, because if we do not go through the proper procedures, something will go wrong. If we ever get sued because we had struggled to get a proper outcome, it will usually be because proper restraints had not been in place. Being a vet is a pretty dangerous occupation. In terms of workers' compensation, vets are second from the top of the scale. When it comes to particularly large animals, being a vet is a pretty dangerous occupation.

I was called to see a lame bull once, but we could not get it into the yard. I did my usual check. In those days I had a couple of decent ropes. I have to say that I am not much of a cowboy; I am not renowned for my roping skills. On occasion I would hit it pretty well the first time around, but on a lot of other occasions after the seventh or eighth time, I was known to get sick of it and just walk up and plonk the thing on top of the animal if I could get close enough. I could tell members a few stories about how that has gone horribly wrong. In this particular case it was one of my best ever shots. I had a very, very long rope; I am talking about 25 metres of rope. I did my coil and I threw my rope about 15 metres and it plonked beautifully over the head of this fair-sized bull, to which he took enormous offence and immediately started to charge and chase me. I spent a lot of time at athletics and playing football as a young boy. In central Queensland it was rugby, of course, not Aussie rules, so that was a genuine man's game. It is real football—the only football, the football played in heaven, proper football! I am a proponent of that. I also used to do middle distance running and was in the Queensland schoolboys state championships occasionally in the 800 and 1 500 metres. I used to think of myself as fairly quick. Bear in mind that this bull was lame and was not moving very fast. He took one look at me and charged, so I, of course, took one look at him and ran. I may be argumentative but I am not stupid! He was bigger than I am and he was very upset. I was sprinting down the paddock as fast as my not-too-long legs would carry me and I had gone between 50 and 75 metres. Normally, most animals, particularly cattle, follow you for a little while and kind of give up because they do not really want to kill you; they just want to chase you away. By then I thought that I was reasonably safe. I had gone flat strap down the paddock, with the owner of the bull standing way back. He had not moved. I do not think he was laughing; I hope he was not. I had run down the paddock and I had thought that I should have been okay. I then felt this wetness on my calf. I thought, "Here's a thousand kilos of bull and its nose is right there. I'm in a bit of strife. I think I will change direction." In rugby there is the classic step to one side step—we call it the sidestep. I tried one of those. I went slightly down to the left of the hill. Luckily for me, he went past me at that point—he could not come with me. As an aside, it is better off being chased by a bull than by a cow—but I digress

a little. The good thing is that generally bulls close their eyes. They are used to hitting other bulls head-on, so they tend to close their eyes at the last minute and not see a person when they dodge, but I have always found that Brahmin in particular keep their eyes open because they want a piece of you. At this point, the bull had run off. In the end we managed to use a tractor and an arm to capture him and hold him down and get a sedative into him. We examined him and found that he had a broken leg down the bottom of his foot. What did we do? Classically, broken legs in bulls do not heal very well so we left that bull alone. We gave him some anti-inflammatories and the pain relief probably lasted only 12 hours; it took him six weeks to become fully lame and he worked for another five years siring calves. The point of that story, apart from a bit of amusement, is that in the strictest sense of animal welfare, we probably should have shot that animal at the start. It is very hard to determine whether it was going to heal and at what rate it was going to heal. It was an immensely subjective exercise.

The problem in this debate is that at one end the argument is far too prone to what we call anthropomorphising—that is, people attaching human emotions and how they feel to an animal; it is not exactly the same—and at the other end of the argument, of course, is the neglect we all must eliminate and get rid of. Neither end of that argument is particularly helpful in these debates. We need to be particularly careful about getting stuck at the extreme ends of the argument, and I say that for a number of reasons. I have been a professional witness in cruelty court cases going back as far as the 1990s and 2000s. It is not a particularly easy thing to do when questioned about your subjective judgement as to what is cruel and what is not. I can give members a classic example of a case I was involved in. A farmer discovered his cow had eye cancer. In the 90s, in particular, there were more Herefords around and eye cancer was a common occurrence. Because everyone at that point liked white-faced cows, the old Hereford–Friesian cross was a remarkably common beast. Unfortunately, they have white eyes and the white skin around their eyes is very, very susceptible to squamous cell carcinomas. Eye cancer is a remarkably common disease in Herefords. I have known a lot of herds that had been put together and half of the herd had been lost to eye cancer in the first four years. It has a significant impact. I was a professional witness in a court case in which the RSPCA took a farmer to court for putting on a truck a cow that had a significant eye cancer. The argument was at what point should that animal have been shot in the paddock and at what point would it have been okay for it to have been euthanased at the cattle yards. That case was interesting because the magistrate asked me as a professional witness whether it would have been better for the animal to have not been put on that truck. Bearing in mind I was under oath, and I take oaths very seriously, I answered honestly and said that there would have been less stress involved and welfare would have been better served if the animal had been shot in the paddock and not put on a truck. The magistrate grabbed that and basically found the guy guilty and imposed a fine.

The problem is that any commercial animal that is put on a truck—unless it is a dog that loves to ride on the back of a ute—generally suffers some small degree of stress because it has been taken from its nice paddock where it is amongst its friends and it is stressed out when it is transported. Does that mean that all transport of animals is inherently cruel or is of detriment to their welfare? That is one extreme end of the argument. Members may laugh and think that no-one would ever say that, but the reality is that people do think like that. There are those who say that we should be vegetarians and that animals should roam the paddocks and no-one should ever interfere with them. They would say that we should never transport animals. That would pose problems for major industries and everyone like me who likes to have a steak or lamb chop. Those animals would not be able to be processed in the paddock. In everything that we do, we inherently and necessarily lower welfare standards, but to what degree should that happen?

There is also an argument about who maintains the rules and the manner in which they do so. One advantage from having been around for a fair while is that I have ended up with a bit of corporate knowledge on what has gone on. Let me discuss, particularly for members who were not in the system during that time, what that corporate history looks like. Generally speaking, through the 90s and early 2000s, governments on both sides of politics effectively tasked the RSPCA with animal welfare and contributed to its budget. In my view, the RSPCA varied quite a bit depending on who was in charge of it. For a long time a vet was in charge of it, but that did not necessarily make it better, because vets, like everybody else, as I said at the start of my address, are equally divided on where they think animal welfare should sit. It got to a point in the 90s and early 2000s that a large number of livestock producers thought that the RSPCA, the people tasked with maintaining regulations and looking after animal welfare, was the enemy. That was not always the case, and the RSPCA was vilified unnecessarily on occasion. That will always occur. You never get the case in which everyone loves the policeman, and I understand that. The process of allowing that enmity to develop was a problem and remains a problem today because we still have not effectively managed that relationship well enough so that everybody is embracing where we need to get to in animal welfare. That conflict has not gone away.

I will tell members another story. On 20 September 2005, when I was in the chamber that shall not be named, the then Labor government, through the then Leader of the House, Hon John Kobelke, moved a censure motion against Paul Omodei who, at that point was the shadow agriculture spokesman, not the Leader of the Opposition. Paul Omodei had made comments about the RSPCA. A farmer in Karridale in the greater Margaret River region in the south west corner of Western Australia had purchased some cattle from Esperance, which was struggling with low rainfall and lack of food. He purchased a bunch of cattle and put them on a truck because he had grass in

Karridale, but 20 of them died on the trip. The RSPCA was involved and the owner was charged with neglect. Paul Omodei took the position that the owner had not seen the cattle. He had purchased them sight unseen and the owners in Esperance had put them on a truck and drove them to Karridale. When they arrived, 20 were dead and the others were skin and bones. They were an absolute mess when they got off the truck. Paul Omodei said that the RSPCA had not done the right thing and should not necessarily be trusted. Perhaps they were inflammatory words. In hindsight, perhaps he would have rephrased that a little bit. But it is a good example of the issue. We ended up in a debate in state Parliament about whether the statements were appropriate. A local member was defending one of his constituents. The whole process did not work well. The cattle that had been purchased probably should never have been put on a truck because they were not strong enough for that. It was problematic that the guy at the end, the receiver, was the person charged. In my view, the way the RSPCA handled that could have been looked at a little bit differently. I found that a particularly difficult debate for no other reason than I thought it politicised an important issue. At the time the Speaker was the member for North West Coastal, Hon Fred Riebeling. I started to talk, as I am today, about that breakdown and about how the RSPCA does not always take into account the natural processes of farm activity. I had always got along very well with Hon Fred Riebeling until that point. He took great offence and threatened to name me. Like every member of the opposition, I pushed my luck with the Speaker on the odd occasion.

Hon Alannah MacTiernan: I think this might be a sanitised version of what happened.

Hon Dr STEVE THOMAS: Minister, everyone can look up the *Hansard* and have a look.

I spoke about where the RSPCA was failing to communicate and work with industry and had had a history of doing so. The Speaker deemed that discussing the RSPCA was not relevant to a motion that condemned Hon Paul Omodei for saying bad things about the RSPCA. It was the one time I thought he had made a really bad call. Otherwise, I have to say that he was a reasonable Speaker. He did his best, heaven knows; I did not get under his skin as much as Troy Buswell did, but I had my fair share of times in there.

I think this has become a highly politicised exercise. In a moment I will come back to the process and the intent of the Animal Welfare Amendment Bill 2017, because there are some good intents in this bill. I just make the point that the rural industries have for a long time been very nervous about the expression of authority and power by those who oversee animal welfare. That is not universal, and it is also not universally the case that those who have held that power have misused it, but there has been a disconnect in communication—so much so that, towards the end of the 2005–08 period of government, it got very intense. There were investigations by this chamber and motions saying that the RSPCA should be stripped of its role in animal welfare, particularly of companion animals. In fact, if my memory serves me correctly, the Liberal Party took exactly that position to the 2008 election. It was certainly the position of the lay party that the RSPCA was incapable of applying commercial livestock systems to the animal welfare argument. Some of that probably was not valid, but some of it certainly was, and the RSPCA could have done a lot more to deal with that.

Members should remember that at that time animal welfare was managed by the Department of Local Government, not by the Department of Agriculture and Food. The Department of Local Government had an animal welfare compliance unit that in effect dealt with all animal welfare. Again, there was a communication issue between that compliance unit and the commercial farming sector that, in my view, was never adequately fixed. That led to calls for that responsibility to be taken away from the Department of Local Government. I was then an adviser to the then agriculture minister after the 2008 election; for a year I advised the government on this precise process. Those who were in the industry at that time will probably remember that there were two parts to that discussion. The previous government was probably not responsible—that would be a little unfair—but the first part was that the Commissioner of Police had decided that the work of the livestock unit, the stock squad, no longer constituted principal police duties and activities, so the police pulled back from providing the stock squad guys. I am sure it was the classic romantic thing in which people joined the police stock squad and thought they would be given a four-wheel drive, a horse float, a horse and a big hat, and they would ride the range looking for poddy-dodgers and cattle rustlers! It obviously was not that simple, but the police pulled back from that.

During those debates at the end of 2008 and the beginning of 2009 there was a lot of angst about the Department of Local Government managing animal welfare. As is often the case with small departmental units, there was in my view an issue in which the leadership of that unit appeared to be absolutely determined to make sure the livestock industry got no special deal compared with companion animals. I think that was part of the problem that should have been corrected, but the government of the time, instead of correcting it within the Department of Local Government, made the assumption that if it shifted it into the Department of Agriculture and Food, that was naturally the department to promote animal development and production and therefore a better place to house commercial animal welfare.

I remember the protests at the time, because a lot of people did not like the thought that the people who were giving advice on how to produce more steaks were going to be the same people giving advice about the welfare of the animals from which the steaks were taken. There was a lot of concern at the time but in the end it was proposed that the government fund six half-time stock squad equivalent officers in the Department of

Agriculture and Food and six half-time welfare compliance officers, so the obvious solution was to have a mixture of staff. It was effectively six FTE to look after both stock theft and livestock welfare compliance. The theory was not too bad in that there was a group of people who were likely to be in saleyards anyway trying to pick up where people had no doubt inadvertently put the wrong ear tag in somebody else's calf or the wrong earmark in place, and corrected that, and at the same time looking at welfare. Both cattle and sheep yards were good places to examine welfare. The theory was sound, but in practice it never quite worked that way. We never quite got to understand what happened to that proposal. It kind of drifted away. Hon Ken Baston was an agriculture minister during that time. I do not know how many reports he got and how successful the combined unit was. I suspect he will find that it was not all that successful. I do not know how long it was in place or whether it is still there. I shifted to the federal sphere in 2010, so I do not know how long that so-called unit managed to continue its activities.

A potential solution was proposed and I think it was even briefly trialled because certainly the FTEs were transferred at one point from the Department of Local Government to the Department of Agriculture and Food. I suspect they did not stay as a discrete unit and that we would struggle to find those people anywhere within the system today. It was an attempt to try to remedy the issues faced by industry. It was always a little problematic then. They had the same problems; that is: what is the definition of welfare? That is why in my view we come to the position we are sort of arriving at here; that is, we still do not have a great definition of welfare and how we manage it. We have to do this in a way that takes the agricultural production industry with us rather than maintaining this antagonistic process and relationship that has been there for far too long. Some of this will be due to just the marketing component. Some of it is the regulators being more active in the area and making sure that they are not seen as the enemy of production.

As I said earlier in this address, in my view this Animal Welfare Amendment Bill 2017 has three effective components, apart from the initial structures of the bill et cetera. The first is focused on the capacity of the government to deliver national standards. I think this is very important. I do not know whether anyone has read this in yet but I think clause 7 is probably the most critical clause of the bill. Funnily enough, this is new; there are a new set of objects. Proposed section 18A in proposed division 1, "Objects of this Part", states —

> The objects of this Part are —
>
> (a) to promote and protect the welfare, safety and health of animals; and
>
> (b) to ensure animals are properly and humanely treated, cared for and managed.

It is pretty hard to argue with that as an aim, to be honest. It sort of makes us wonder why that has not been enunciated more clearly in the past. That to me becomes a critical part of the bill. Probably the most important part of the bill is where it inserts into 18B "Regulations — animal welfare, safety and health" —

> (1) Without limiting section 94(1), regulations may be made under that subsection for the purpose of achieving the objects of this Part.

It is a pretty simple piece of legislation. It is important for this reason. As we go forward onto a national stage, we will be asked to agree to national standards. This is an ongoing process whereby we look at animal welfare and decide what a national standard should look like. For those who think it is a fairly easy process, I sat through some of the meetings in 2009, and I think it was about the fifth year of discussions on a national set of standards for transporting dairy calves. It takes an enormous amount of work to get all the states to agree on a set of national standards. In Western Australia, we tend to take dairy calves off their mothers at three days old and they are more likely to stay in a dairy for a while. Some of them will be transported a short distance. We have a fairly small dairy industry. In Victoria, a lot of calves get pulled off their mothers on day one and we are talking about huge numbers. The different pressures caused enormous debate. I think I was there for the fifth year and it did not come in during the year I was there. The process is quite long and immensely involved. To agree on a set of national standards, everybody has to be on board. It is no easy process.

I made that point because it is difficult to get a set of national standards agreed to. I think clause 7 is particularly important because it states "regulations may be made", which I think is the critical part. Even when the government has negotiated for five or six years to try to work out what a set of regulations might look like, at the end of that process, under the bill presented before the house, the government does not have to regulate it and it retains the sovereign right to say, "You know what? That might work in Victoria or New South Wales, but we don't think that should apply here." Under no circumstances are we forced to adopt national standards, so for anybody who is thinking that this is another eastern states takeover or globalisation by stealth, under this process, the state retains the power to make its own rules. However, without clause 7 in particular being adopted, the state is unable to adopt those national standards. When the committee looked at this in some detail, it found the first and primary part, and it seems intent of this process, is to allow any government to adopt a national standard that it agrees will become a part of a standardised national set of regulations. I think that is the critical part of the bill. All members can be assured that it is not a rod for the back of Western Australia; it is simply empowering that to occur. I think the committee's recommendations stated that clauses 1 to 8 should be adopted. They effectively set up the bill and put

in place the government's capacity to adopt these regulations and therefore adopt national standards. So whatever else we do in this process, that is the bit we have to get done. We can give the government the chance to provide some national standards. From what I have heard members say, I think there is general agreement around the chamber that those bits need to get done.

The next part of the bill is clauses 9 to 13. In my view, they are a little more interesting in that they attempt to redefine the definitions of welfare and the areas in which welfare should apply. To a large degree, they are probably up for more argument because we recognise the intent of the process and it significantly expands those definitions. I will not try to read them all out; it will get a bit complicated. This section defines where a person might work and what might be a defence against a prosecution. The mere fact that the legislation has in it a defence against a prosecution is obviously going to be—dare I use the expression?—a red rag to a bull for agricultural communities.

Hon Sue Ellery: I think that's a dad joke.

Hon Dr STEVE THOMAS: It probably is. In fact, as I understand it, there is no scientific proof that red is any more stimulating to a bovine than any other colour, to be honest. I am not even convinced that they can recognise red. I certainly was not wearing red when the bull chased me that day.

Hon Simon O'Brien: I hope you were wearing your brown corduroy trousers!

Hon Dr STEVE THOMAS: That is very dangerous, Hon Simon O'Brien, and a very old joke as well! I do not think red actually works. I do not think red is any particular problem. When they wave the cape in bullfights, it is actually the movement of the cape that the ball is watching, not its colour. He is certainly not sitting back saying, "No, it's only really ruby red; I don't think I'll chase it today; I'm waiting for scarlet." It is just the fact that something is being waved in front of the bull's face, and he does not like that. They do not often like getting roped, either—but I digress.

This is an area where I think a lot more work needed to be done, because it was obviously going to be a part of the proposal that needed agriculture and producers to be taken along. During the review, there was a problem, in my view, in the department's capacity to demonstrate the need for parts of this bill. I know that other members, including Hon Jim Chown and Hon Colin de Grussa, have talked about the fact that the seeking of a warrant had never been denied. I think there was a presumption, in the development of this bill, that industry did not have to be taken along with the process, and that was a fatal flaw in the process of the development of the bill. I think that made the Minister for Agriculture and Food's job an enormous amount harder. I do not necessarily think that that was the way the minister wanted to see it go. She may well have been presented with a proposal in the bill and was told that it was a good idea and that everybody would think it was a good idea, without the work having been done for the minister to bring the agricultural sector along. If that is the case, it is a real shame, because an opportunity to make it better will be lost.

My commitment to this process is that, if clauses 1 to 8 are passed and there is a disruption to or rejection of further clauses, I am happy to work with the government to try to make sure that there is another way to do this to bring the agricultural industries along. I think there is another way to do it that brings agriculture along, is less confrontational and is more embracing and consulting. It will not be easy, because a group of people who have been burnt by the process, in their view, will not accept additional powers to the regulators in any way, shape or form. The government is never going to bring everybody with it, but there is a way that it can do that without the same confronting process.

I have been saving some of this debate for the final part of the bill, which in my view is the most problematic, and that is the proposal for a new class of inspector. I preface my comments by saying that the same problem I raised before exists; that is, the reputation of the administration of animal welfare has alienated much of the agricultural industry. When the government suggests that it needs a new designation of inspector, and that that new inspector will have additional powers, those people, who are already concerned and frightened, just run for the hills. The problem is that the department, when talking to the committee, was in my view unable to make the case. Perhaps a case can be made, but the department at that stage was completely unable to make it. That is an issue for the government if it wants to continue down this path. Having not made the case, it opened the door for enormous criticism that the proposal was to have additionally powered inspectors who could walk onto the property of a group of people who were already concerned about the current inspectors having too much power—I will come back to that in a moment—and it scared the horses. There has to be a better way to market the proposal if the government wants to do that differently. I have always been of the view that we can enhance the capacity of welfare inspectors without necessarily giving them a new name.

Members should be aware that there is a range of animal welfare inspectors in the marketplace at the moment. Every police officer, by agreement, is an animal welfare inspector and they take that role very seriously. Talking about stories, when I was a young man driving from Donnybrook to Bunbury to watch The Angels at one of the hotels, there were three very dark horses out on the road between Boyanup and Bunbury and nobody knew they were there. A Land Cruiser that was 100 yards up from me took out the first one and broke the leg of the second

one and I, in my old Kingswood ute, hit the third one full-on. The first and the third horse did not survive very long. The police had to dispatch the second one in their role as animal welfare officers. We had a discussion about the appropriate place for him to use his pistol.

Every police officer is an animal welfare officer and they have the capacity to enter a place if they think an animal welfare crime is being committed. They do not need permission from anybody. They can walk in, as they can if they think a person is committing a crime on another person. If someone is being attacked in their home, a police officer can walk in. They do not need a warrant or permission. If an animal is being brutalised in a home, not only a police officer but also an animal welfare inspector does not need permission to go in. If they think a crime or an act of cruelty is occurring, an animal welfare officer can now attend.

A question arises when an animal welfare officer thinks that a process or a system is either inherently cruel or is not fulfilling what it should do for the welfare of the animals. That is a legitimate concern that we should be addressing. We should be having that sort of debate around this process. I am very interested to see that debate expanded upon. If they think that a process is not protecting the welfare of the animal right now, they —

[Interruption.]

Hon Dr STEVE THOMAS: Hello? Censorship. Mr Acting President, I have been censored.

The ACTING PRESIDENT: No, you still have time.

Hon Dr STEVE THOMAS: I think that is a hurry-up bell. I did not realise we put those in now, but it is probably a very good idea. We do not have much time.

Getting back to that process, right now, if an inspector thinks that an act of cruelty is being perpetrated, they can walk onto someone's property. However, it is a little different when an animal welfare inspector thinks a system may not be producing adequate welfare. If they think that is the case, they have to apply for a warrant. I would have thought that the obvious place to discuss the capacity and the requirement for a new designation of inspector that did not need to seek a warrant to examine those systems was at the committee. The department needed to step up to the committee and explain why that was a necessary requirement. In my view, that did not happen. I think I asked the question: how many times has a warrant been sought and not granted? If there is an issue with seeking a warrant, surely the committee is the place to be talking about that. Not that many warrants have been sought, but the department, in my view, needed to step up and demonstrate a need. That is the problem with the system —

Hon Alannah MacTiernan: Member, you are suggesting that we should go and get a warrant to do a routine inspection. You think that is the —

Hon Dr STEVE THOMAS: No, I am not. Unfortunately, I have run out of time for this. I am suggesting a better communication system and a set of guidelines and regulations. I agree that the compliance officers need to go onto a property. During the inquiry, we asked the department how often access had been sought to do exactly that, to talk about that system, and it had been denied.

Hon Alannah MacTiernan: This is crazy. We do not have the national standards and guidelines, so people have not been doing the routine inspections. It only happens when you have the national standards and guidelines.

Hon Dr STEVE THOMAS: The department told the inquiry that some of those inspections had occurred by agreement. It happened in three or four cases. In a very small number of cases, permission was not granted.

HON DIANE EVERS (South West) [9.40 pm]: Thank you, Mr Acting President.

The ACTING PRESIDENT: Are you the lead speaker?

Hon DIANE EVERS: I am the lead speaker for the Greens.

First off, the Animal Welfare Amendment Bill 2017 is a bit of a stopgap. A number of speakers have already said that we need a full review of the Animal Welfare Act. This is one of the first measures to improve animal welfare in Western Australia pending the outcome of a review sometime in the future. I have to say that we were disappointed with this bill. Even though it is quite short in its scope, there are many amendments on the supplementary notice paper. It is somewhat disappointing that we now hear that the full review of the act still has not even started. I appreciate that a three-year review has been put on this with the intention that by that time the animal welfare review will be complete. Given the amount of discussion we are having now over these small parts, I can see that it will be quite a difficult process. I hope that some thought will be put into the collaboration of all parties at the time so that we can come up with something that is generally accepted and not have to go through a complete animal welfare bill line by line.

One problem with the act as it currently stands is that it acts negatively to prohibit cruelty but does not act positively to set the standards to regulate animal health and welfare. I think my colleague Hon Dr Steve Thomas was saying that it is really just going out there and looking at the acts when things are already happening and the animals have already been hurt. What we really need to be doing is looking at the situation before that occurs.

Hon Alannah MacTiernan: Does the member understand that is what we are trying to do with this amendment bill?

Hon DIANE EVERS: I do, and I really appreciate that. My honourable colleague Hon Jim Chown said that education is a big part of this. I agree that education is really good but what he may forget is that the majority of people who care for animals in their control actually know what they are supposed to be doing and they actually care about the animals and are doing the right thing. That is all well and good except for the other people who either do not know or do not care, or need to cut corners for one reason or another, and their animals are being treated cruelly or may be treated cruelly in the near future. Some people trim corners on things—they do not do everything completely as they should—and that effectively penalises the people who are doing the right thing. In this case, we are looking to have designated general inspectors who will go out to find the people who are cutting those corners and who are treating their animals without due regard for their welfare. That will help the part of the industry that does the right thing. Through my speech, I will be showing that the Greens support this bill. We think that the measures in it are necessary.

In its current form, it enables WA to be like other Australian jurisdictions in implementing the current and future Australian animal welfare standards and guidelines. It makes a lot of sense. Each state should have something like this so that education is not so difficult when different states have different guidelines. I will be talking further about how we can put in standards that are higher than the Australian standards if we think that is necessary. It also makes the person in charge of an animal liable for a prescribed act of cruelty to that animal, so it will no longer be a defence for a person to say, "Sorry; I was just minding it for somebody else." If that animal was in a person's care, it should be looked after regardless of ownership.

As has been said, the bill will allow inspectors to enter non-residential premises and vehicles to monitor compliance. This is vital. As with the Biodiversity Conservation Act 2016, we cannot assume that if people are given 24 hours' notice, they will leave everything as it is so that the inspector can walk in there at that time to see the problems that are going on. Sometimes the idea of surprise is the way to get something. With health regulations, I do not think inspectors call up and say, "I'm going to see how clean your kitchen is next week, so you've got time to do it." The idea is that commercial kitchens are not supposed to be in a bad shape at any time, in the same way that animals are not allowed to be treated cruelly at any time. The Greens disagree with the majority of the committee on the urgency of the matters in this bill. We feel that they are urgent and that the community is expecting things to be done.

Debate adjourned, pursuant to standing orders.

CHILDHOOD CANCER AWARENESS MONTH

Statement

HON MATTHEW SWINBOURN (East Metropolitan) [9.46 pm]: I wish to bring to the attention of the house that September is Childhood Cancer Awareness Month. This international event is symbolised by the colour gold, and particularly by gold ribbons. The colour gold was chosen for childhood cancer in recognition of the strength, courage and resilience shown by all children who have been afflicted by cancer. As part of the awareness month, organisations and people are encouraged to show their support by going gold. To go gold, people can wear a gold ribbon, as I am wearing today, to raise awareness about childhood cancers. There is also a campaign for iconic buildings and landmarks to be illuminated gold. I am pleased to advise that, once again, the Western Australian Parliament will be illuminated gold—I believe it may already be illuminated gold, or that it is about to be. Next time members go out the front, they should have a look. I particularly thank Madam President for helping to organise and make possible the going gold of the WA Parliament, and I also thank those on the Parliamentary Services Committee who were involved in that decision.

I hope that members of this house show their support by also going gold this month by wearing gold, by wearing a gold ribbon, by participating in any of the events or by using their networks and social media to raise awareness about childhood cancers. Australia and WA have an enviable survival rate for children with childhood cancers. However, childhood cancer is still the biggest cause of death by disease for children. Sadly, nearly three children and adolescents die from cancer in Australia every week. We can all help to reduce this by raising awareness, supporting our healthcare system and supporting the continued funding of our highly successful childhood cancer researchers. So go gold this September!

WORLD SUICIDE PREVENTION DAY

Statement

HON ALISON XAMON (North Metropolitan) [9.48 pm]: Yesterday was World Suicide Prevention Day, so I wanted to rise to mark that event and to speak about how we are going in relation to suicide prevention at the moment in Western Australia. The theme of the 2018 World Suicide Prevention Day, "Working together to prevent suicide", was chosen because it highlights one of the most essential ingredients for effective global suicide prevention—that is, collaboration. We need an ongoing reminder that we all have a role to play and that we all need to do our part in order to effect change. This is about helping people when they are in need, by ensuring that we refer them to the right services in a timely way and making sure that our community-managed mental health services and public services are pulling together to provide optimal support. Those are key to saving and improving lives.

The impact of suicide is profound and lifelong for the people left behind. The research tells us that hundreds of people are impacted by each death by suicide. In terms of how we are faring in Western Australia at the moment, most members will be familiar with some of the statistics. While speaking about World Suicide Prevention Day, I think it is worth reminding ourselves of how we are currently going in Western Australia. I think the numbers speak volumes about why it is important to have a continued focus on suicide prevention, and why we should be treating it as a matter of urgency. In Western Australia in 2015, 394 people died by suicide, and if we then also consider the number of people who attempted suicide we are talking about 20 to 30 times that number. That is anywhere up to 11 000 people in any given year. The youth suicide rate is the highest it has ever been. The last annual report of the WA Ombudsman showed that 42 per cent of the sudden deaths of 13 to 17-year-olds between 2009 and 2017 were as a result of a suicide. The figures are, frankly, trending the wrong way. In the 2016–17 financial year, 19 teenagers between the ages of 13 and 17 died by suicide, compared with nine suicide deaths in 2009. In July 2016, a report released by the Kimberley Mental Health and Drug Service found that between 2005 and 2014 the suicide rate for Aboriginal people in the Kimberley was 74 per 100 000 people, as compared with the suicide rate of all Australians of 12.2 per 100 000 people in 2014. I will say that again: 74, as opposed to 12.2. That is an extraordinary number of people. We also know that almost one in two transgender young people in WA have attempted suicide, and we are seeing an increasing trend in the rate of suicide amongst older Australians.

I acknowledge the government's stated commitment to suicide prevention, but I was concerned—I raised it at the time during the estimates hearings—to see that in the budget there were no provisions in the forward estimates for ongoing funding once the current suicide prevention strategy comes to an end. I understand the need to evaluate the strategy—that is good and proper—but I think it is problematic to not have funds at least allocated specifically to suicide prevention beyond 2019, even if we do not know exactly how those funds will be utilised until the strategy is in place. I think that creates enormous uncertainty for people who work in the suicide prevention sector, and I am not sure it is particularly helpful as a message.

It is really crucial that the services that are working well—there are a number—are able to continue without disruption. It is essential that we avoid eroding the work undertaken so far. I really am looking to seeing the next iteration of the state suicide prevention strategy. I hope it will address emerging trends such as the increasing rate of suicide amongst older people, and I really hope it will build on some of the newer services that were established in the current suicide prevention strategy, such as the pilot program for children bereaved by suicide. That not only needs to continue, but also be made available in the regions. At the moment it is not, and that is a real deficit in a desperately needed service.

Many other services fall out of the funding remit of the suicide prevention strategy, but they are still really essential when we look at the continuum of services needed to prevent suicide. Of great concern is that the sector seems to have to advocate to even maintain existing levels of community support, despite the desperate need for additional prevention and community support services being so clearly articulated in the 10-year plan. The increasing rate of suicide shows that to clearly be the case. I have spoken recently in this place about the uncertain funding situation for men's sheds in Western Australia. We know that men's sheds have a successful track record in reducing social isolation, particularly among older men. I have also raised on several occasions the issue of funding for Living Proud. I spoke to members of the board about that again only this weekend. This much-needed agency is struggling to remain open and meet the level of demand and has to rely on project-based funding. Kids Helpline is also unable to keep pace with demand. It is particularly concerning that 56 per cent of the calls made to Kids Helpline in 2017 did not get through. Kids Helpline is appropriately being widely advertised and has an established reputation as a first point of contact for children and young people who need urgent advice or counselling. I acknowledge that this is a federally-funded service, so the federal government needs to lift its game. However, it helps paint a picture about the state of service provision in Western Australia. We should do everything we can to build the capacity of these much-needed services. We certainly should not do anything that will weaken them.

Members, the aim of World Suicide Prevention Day is to increase awareness about the problem of suicide and the many ways in which we can work to reduce suicide rates and the incidence of suicidal behaviours. I am pleased to be able to use the opportunity that marking World Suicide Prevention Day brings to again highlight the critical need for greater investment in preventing suicide in Western Australia. I am one person who has been intimately affected by the impacts of suicide, and I know that the impact is lifelong and never leaves you.

WHITE BALLOON DAY

Statement

HON COLIN de GRUSSA (Agricultural) [9.56 pm]: I want to bring to the attention of the house that White Balloon Day was held last Friday. I notice that a number of members in both this and the other place are wearing their little badges for White Balloon Day, as I am. This is Australia's largest and longest running child protection campaign dedicated to the prevention of child sexual assault. I was certainly very proud to wear my badge on Friday as I travelled around my electorate. A number of people asked me what the badge was about, and I was happy to explain it to them, and they certainly agreed that we all should do more to ensure the prevention of child sexual assault.

White Balloon Day is championed by Hetty Johnston and her team at Bravehearts, an organisation founded in 1997 by Hetty Johnston following her daughter's disclosure of sexual assault. Finding that there was not anyone to turn to for help, she established this organisation to provide advice and support for those affected. In every 90 minutes in Australia, a child is sexually assaulted. That is one in five children who are sexually harmed in some way before their eighteenth birthday. That is an appalling statistic and is totally unacceptable in our society. White Balloon Day was started in Belgium in 1996 when 300 000 people gathered together in solidarity with the parents of children who had been the victims of a previously convicted and released paedophile. In 1999, the White Balloon Day campaign resulted in a 514 per cent increase in disclosures of child sexual assault to Queensland police headquarters. That is a staggering figure and is certainly testament to the importance of this day.

The White Balloon Day badge represents a symbol of hope to survivors of child sexual assault and encourages them to break their silence by speaking out. It is a day on which communities unite to make a commitment to protect our children. As a dad to five young girls, I am acutely aware of how precious our children are and how precious their childhood is. We must do all we can to ensure that our children do not have their childhood stolen from them by any act of abuse, no matter how it is perpetrated. This work is always ongoing for us in this place and in the community. I am very proud of the work we did in this place in passing the Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Bill 2017. That legislation was, and is, incredibly important. I know it will have a profound effect on those who have suffered abuse as children. However, we must do all we can to prevent child sexual assault from happening, and I know that Bravehearts is certainly working hard to make sure that is the case, as should we.

BILLABONG ROADHOUSE

Statement

HON DR STEVE THOMAS (South West) [9.59 pm]: I just take this brief opportunity to raise an issue that is actually not in my electorate, but since I have plenty of members of the Mining and Pastoral Region present tonight, I ask each of them to have a look at the situation of some degree of business conflict at the Billabong Roadhouse, which I think would be in the Shire of Shark Bay. The issue has been brought to my attention by a number of people driving up and down, because a lot of the people of the south west go up to Shark Bay for the holidays. I think half the people in my area of Donnybrook and Nannup end up holidaying in Shark Bay, and they love it too; it is a fantastic spot. At the moment, as we drive to the Billabong Roadhouse we can see that it is obviously in conflict with its business neighbour, who has parked a truck right along the side of its boundary. That would be a bit tricky, but they have also attached a corrugated iron sheet to the top of the truck with steel struts directly in front of the signage of the Billabong Roadhouse. A little bit of competition is not a bad thing, but surely we all have to play by the rules. I would have suggested that a truck parked there is probably not the end of the world, but surely it is a bit over the top to put a significantly sized piece of corrugated iron with a couple of steel struts on top of the truck to make sure that nobody can see the signage for the Billabong Roadhouse coming from that direction.

I take this opportunity to ask the Minister for Environment, because it is in his electorate, to have a look at that. I will send him the pictures that were sent to me of this particular circumstance. The other members in this house representing that electorate are Hon Ken Baston, Hon Jacqui Boydell—Hon Robin Scott is away on urgent parliamentary business saving the world —

Hon Robin Scott interjected.

Hon Dr STEVE THOMAS: I am sorry, Hon Robin Chapple is away; Hon Robin Scott is here. Hon Kyle McGinn also represents that electorate. I forget, because he is in Kalgoorlie and we forget that it is still a part of the Mining and Pastoral Region.

Hon Kyle McGinn interjected.

Hon Dr STEVE THOMAS: It is the southern part of the state, Hon Kyle McGinn.

I know there is a long way to drive in the Mining and Pastoral Region electorate and things are a long way apart. In the South West Region, everything is a bit closer and a reasonably fair bit nicer, but let us not go there! The Mining and Pastoral Region is a very broad seat. When all six of those members drive up past the Billabong Roadhouse on the way through their electorates, could they please have a look at that for me? It appears to me that we have somehow gone back to kindergarten to put that sort of obstruction in front of a competitor. If those members have the capacity to contact the Shire of Shark Bay, if they have some influence over those outcomes, I urge them to involve themselves. Let us at least have a fairly sensible approach. I do not mind healthy competition, I am all for it, but putting a piece of tin in front of a road sign I would say is probably a bit beyond the pale, and I hope members take the opportunity to do something about it.

TOBACCO PRODUCTS CONTROL AMENDMENT BILL 2017

Returned

Bill returned from the Assembly without amendment.

House adjourned at 10.03 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

HEALTH — HOSPITAL COSTS REIMBURSEMENT

1439. Hon Martin Aldridge to the parliamentary secretary representing the Minister for Health:

I refer to Legislative Council question on notice No. 1188, in relation to private patients admitted to public hospitals, and I ask:

(a) are there any outstanding claims prior to 2014–15 and please detail those by year and health service; and

(b) given health insurance claims are only pursued within two years of the invoice date, what is the amount of health insurance claims abandoned in each financial year from 2014–15?

Hon Alanna Clohesy replied:

I am advised that:

(a) The below table identifies any outstanding claims prior to 2014–2015 by year and health service.

Health Service	Year	Amount
Child & Adolescent Health Service	2013/14	$353.15
East Metropolitan Health Service	2012/13	$111,511.10
East Metropolitan Health Service	2013/14	$234,143.49
North Metropolitan Health Service	2012/13	$682,057.09
North Metropolitan Health Service	2013/14	$941,294.24
South Metropolitan Health Service	2012/13	$1,082.00
South Metropolitan Health Service	2013/14	$7,539.00

(b)

Health Service	Year	Amount
Children and Adolescent Health Service	2017/18	$546,778.55
East Metropolitan Health Service	2016/17	Nil
East Metropolitan Health Service	2017/18	Nil
North Metropolitan Health Service	2017/18	$2,083,000.00
South Metropolitan Health Service	2014/15	$386,389.87
South Metropolitan Health Service	2015/16	$1,063,338.36
South Metropolitan Health Service	2016/17	$878,987.00
South Metropolitan Health Service	2017/18	$51,910.52
WA Country Health Service	2014/15	$2,445.00
WA Country Health Service	2015/16	$64,615.00

STATE DEVELOPMENT — BARROW ISLAND CO_2 INJECTION PROJECT — MODELLING

1445. Hon Robin Chapple to the minister representing the Minister for State Development, Jobs and Trade:

(1) Has any modelling of the potential financial liability of the long-awaited CO2 injection project on Barrow Island post-closure been done?

(2) If yes to (1), which agencies or organisations did the modelling and when?

(3) If yes to (1), will the Minister please table the modelling?

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

(5) If no to (1), why not, given it is nearly nine years since the State and Federal governments jointly accepted long-term liabilities associated with geo-sequestration of CO2 under Barrow Island?

(6) Does the Minister expect that the total amount of CO2 to be stored below ground on Barrow Island by the time project closes will be around 120 million tonnes?

(7) If no to (6), why not?

(8) If yes to (6), does the Minister agree that, at today's prices for Australian Carbon Credit Units (ACCU) of around $15 per tonne, the potential total liability for the CO2 injected at Barrow Island could be as much as $1.8 billion?

(9) If no to (8), why not?

(10) Does the Minister agree that the cost of carbon pollution abatement and ACCU is likely to rise over coming decades?

(11) If no to (10), why not?

(12) If yes to (10), does the Minister agree that the total potential liability could be worth in excess of $1.8 billion?

(13) If yes to (12), what is the Government's estimate?

(14) If no to (12), why not?

(15) Following project closure, what due diligence processes will be followed by the State Government before it accepts its share of the potential liability for the stored CO2?

(16) Given the Gorgon joint venture partners' significant delays and difficulties in starting CO2 injection at Barrow Island, does the Minister agree that stricter due diligence processes than those outlined in answer to (15) may be warranted?

(17) If no to (16), why not?

(18) What percentage of the total potential liability is to be carried by:

(a) the State Government; and

(b) the Federal Government?

(19) In relation to (18), what binding measures are in place to ensure the Federal Government accepts its share of the total liability should a significant amount of CO2 be found to escape?

(20) How much revenue in dollars has the State Government received from the Gorgon project to date?

Hon Alannah MacTiernan replied:

The Department of Jobs, Tourism, Science and Innovation advises:

(1) No.

(2)–(4) Not applicable.

(5) The State and Commonwealth Governments have accepted, subject to conditions, the long term post closure third party public liability relating to the storage of the injected CO2.

(6) No.

(7) The Gorgon project was approved in September 2009 subject to the development proposals submitted at the time. Chevron publicly announced around this time that about 120 million tons of CO2, or about 108 million metric tonnes, was expected to be injected over the life of the Project. Chevron's current estimation is that 100 million tonnes of CO2 will be injected into the Dupuy Formation.

(8)–(9) Not applicable.

(10) Unable to answer due to the speculative nature of the question.

(11) The future costs of carbon pollution abatement and Australian Carbon Credit Units is unknown. These are dependent upon the take-up of alternative energy sources, government policy, the implementation of new technology and other matters. Estimation of future prices is speculative.

(12)–(14) Refer to question 11.

(15) The International Energy Agency defines a 'Closure period' as the period between the 'Operation (Injection) Period' and the 'Post-closure period'. At the end of the closure period, the liability will transfer to the State and Commonwealth, 20% and 80% respectively. During the closure period, which will be for a minimum of 15 years, the Gorgon Joint Venturers will continue to monitor the behaviour of the CO2 plume to satisfy the requirements for a 'Site Closure Notice' that there is no significant risk of an adverse impact from the injected CO2. The Department of Mines and Industry Regulation and Safety (DMIRS) will continue to carry out its due diligence of the Gorgon CO2 project during the closure period to ensure that there is no significant residual risk at the time of site closure and transfer of liability. The due diligence to be carried out by DMIRS during operational and closure periods will include:

Review of the Gorgon Joint Ventures's (GJV) predictive models and its subsequent revisions.

Ongoing review of the geophysical monitoring data.

Ongoing review of the near surface groundwater and soil gas monitoring data.

Review of the post-injection decommissioning and wells plugging and abandonment (P&A) plans and monitor its implementation.

As technology related to Green House Gas (GHG) storage will evolve over the next 40 years, due diligence by DMIRS will make sure that the modelling of the plume behaviour and monitoring of the injected CO2 is based on the industry best practice prevalent at that time.

DMIRS currently has in-house capability for conducting due diligence reviews of complex GHG storage projects.

(16) No. The current due diligence processes in place are considered adequate.

(17) The Gorgon Joint Ventures' are undertaking the CO2 injection project at their own risk and have indemnified the State against all third party claims during the course of the injection project in accordance with clause 5 of the Collateral Deed. Due diligence will apply as per that outlined in question 15 following the cessation of injection.

(18) (a) On issue of the CO2 injection site closure notice; 20% of the third party liability, subject to the terms of the Intergovernmental Agreement dated 13 February 2015. A copy of the Intergovernmental Agreement was tabled in Parliament for the *Barrow Island Amendment Bill 2015*.

(b) The Federal Government will assume 80% of the long term liability post closure in accordance with the terms of the Intergovernmental Agreement.

(19) Prior to the 'Site Closure Notice', full liability rests with GJV subject to the Collateral Deed. Following the site closure, the Federal Government is bound by the terms of the Intergovernmental Agreement.

(20) The Department does not have direct access to all the information that has been requested, however, payroll tax receipts represent the bulk of the revenue received by the State during the projects construction period. An Acil Allen report of 2015 estimated this figure to total $670,000,000, and the information provided to date by Chevron supports this figure. In addition to payroll tax, more than $25,000,000 has been received from land tenure rentals and administrative fees. In regards to other revenues, including land tax receipts, these are impossible to calculate without allocating additional resources across multiple departments.

ABORIGINAL AFFAIRS — PARNPAJINYA COMMUNITY

1447. Hon Robin Chapple to the minister representing the Treasurer; Minister for Finance; Energy; Aboriginal Affairs:

I refer to the Parnparjinya Remote Aboriginal Community located north-east of Newman, and I ask:

(a) is the Aboriginal Lands Trust the responsible agency for the ongoing maintenance of Parnparjinya's basic infrastructure;

(b) if no to (a), which agency is;

(c) what are the regulations, legal frameworks or guidelines in place to ensure the responsible agency performs their infrastructure responsibilities, and will the Minister table these;

(d) is the Aboriginal Lands Trust the responsible agency for carrying out Parnparjinya's basic municipal services;

(e) if no to (d), which agency is;

(f) what are the regulations, legal frameworks or guidelines in place to ensure the responsible agency adequately delivers municipal services, and will the Minister table these;

(g) who or what organisation owns the land on which the Parnparjinya community is located;

(h) regarding the answer for (d), does this organisation have any maintenance responsibilities;

(i) are there any overlapping mining leases with Parnparjinya community land;

(j) if yes to (i), how does this mining lease interact with the current land tenure arrangement;

(k) has the Minister given any directive that this land will be given to native title;

(l) yes to (k), when did this happen;

(m) if yes to (k), how will this directive be carried out;

(n) if yes to (k), who or what organisation will take on responsibility for housing, infrastructure and municipal maintenance; and

(o) if no to (k), why not?

Hon Stephen Dawson replied:

(a) The Aboriginal Lands Trust (ALT) holds the management order for Parnpajinya Reserve 42835 and is therefore responsible for the infrastructure on the reserve. The occupied houses on the reserve are the responsibility of the Department of Communities.

(b) Not applicable.

(c) The ALT is governed by the *Aboriginal Affairs Planning Authority Act 1972* (the Act). Section 23 of the Act prescribes the functions of the ALT, which include "(c) to ensure that the use and management of the land held by the Trust, or for which the Trust is in any manner responsible, shall accord with the wish of the Aboriginal inhabitants of the area so far as that can be ascertained and is practicable". The Department of Planning, Lands and Heritage (DPLH) manages the day-to-day requirements of the land on behalf of the ALT. There are no specific guidelines or standards for managing town based reserves such as Parnpajinya; however the ALT and DPLH must comply with any legislation that binds the Crown.

(d) Refer to (a).

(e) Not applicable.

(f) Refer to (c).

(g) Parnpajinya is Crown land with a management order granted in favour of the ALT.

(h) Refer to (a).

(i) Yes.

(j) In accordance with the *Mining Act 1978.*

(k) No.

(l)–(n) Not applicable.

(o) Parnpajinya is a town based reserve and is therefore subject to the State's 'Whole-of-Government Policy Framework for the Transition of Aboriginal Town Based Reserves in Western Australia'. Under this policy, either the reserve will become a suburb of Newman or the residents will be relocated into social housing within the town. Any changes to land tenure, including divestment, would require the agreement of the registered Native Title Claimants, being the Nyiyaparli People.

MINISTER FOR HEALTH — AGENT ORANGE STATEMENTS

1448. Hon Robin Chapple to the parliamentary secretary representing the Deputy Premier; Minister for Health; Mental Health:

I refer to the Minister's statements in the *Sunday Times* article by Tony Barrass, *Agent Orange claim denied*, and I ask:

(a) will the Minister please confirm that the A/Executive Director Environmental Health Directorate, Mr Stan Goodchild responded on the Minister's behalf to a letter from Ms Alexandra Jones regarding a letter from Dr Ernest Hunter;

(b) which documents were accessed by anyone involved in the preparation of Stan Goodchild's response on behalf of the Minister;

(c) did the words "Agent Orange" appear in the documents;

(d) if yes to (e), how many times;

(e) did the words "alleged Agent Orange" appear in the documents;

(f) if yes to (e), how many times;

(g) is the Minister aware that the findings of the report by the Standing Committee on Environment and Public Affairs state that Chemical Industries Kwinana (CIK) sourced 2,4,-D and 2,4,5T from various countries and supplied them to the Agricultural Protection Board (APB);

(h) is the Minister aware that 2, 4-D and 2,4,5T are the two ingredients in Agent Orange;

(i) is the Minister aware that witnesses have confirmed drums containing 2,4,5T and 2,4-D were available to APB weeders in the Kimberley and that the words "Agent Orange" have been commonly used to describe these herbicides that were used as defoliants in the Vietnam War;

(j) is Minister aware that the Committee's findings do not support his claims, suggesting instead that 2,4-D and 2,4,5T, the two ingredients of Agent Orange, were readily available to APB weeders with tragic consequences to them and their families;

(k) if no to (g)–(j), why not;

(l) will the Minister retract his misleading statement in the *Sunday Times* that "there was no evidence Agent Orange was ever manufactured in, imported to, or used in Australia"; and

(m) if no to (l), why not?

Hon Alanna Clohesy replied:

I am advised that:

(a) Yes.

(b) The letter from Ms Jones with enclosed correspondence from Dr Ernest Hunter, alleging links to incidents involving application of certain herbicides in the Kimberley between 1975 and 1985 and contemporary stewardship of chemicals and pesticides and the Standing Committee on Environment and Public Affairs 2004 report.

(c) Yes, in Dr Hunter's correspondence and the Standing Committee on Environment and Public Affairs 2014 report.

(d) Twice in Dr Hunter's correspondence and 12 times in the 2004 report.

(e) Yes.

(f) Twice.

(g) The Standing Committee on Environment and Public Affairs 2004 report found that CIK was a supplier of a range of agricultural chemicals, not just 2,4D and 2,4,5T, to the Agricultural Protection Board and that this included chemicals or material sourced overseas or manufactured locally.

(h) 2,4-D and 2,4,5T are the two principal ingredients of the chemical known as Agent Orange. However, historical health effects have been linked to trace levels of contaminant dioxins, such as TCDD (2,3,7,8-tetrachlorodibenzo-para-dioxin), in Agent Orange.

(i) No, it is unclear which witnesses are being referred to and while the terms 2,4 D and 2,4, 5-T and Agent Orange were sometimes used interchangeably, this is incorrect, as noted in the Standing Committees report. Agent orange should not be used in reference to the chemical 2,4,5T or 2,4-D individually.

(j) No.

(k) The reference to Agent Orange in Mr Goodchild's letter was to the description by Dr Ernest Hunter of the issue that has been referred to colloquially as the Agent Orange incident. It should have been modified with the term 'alleged' for accuracy. Mr Goodchild's letter to Ms Jones was to address her comments about contemporary chemical governance, not to debate findings of previous inquiries into the use of certain herbicides in the Kimberley in the 1970s and 1980s.

(l) No.

(m) The comment attributed to me in the *Sunday Times* that a report by the Standing Committee on Environmental and Public Affairs found that there was no evidence Agent Orange was ever manufactured in, imported to, or used in Australia is correct. Please refer to Statement 7.7 on page 5 of the Standing Committee on Environment and Public Affairs 2004 report.

ABORIGINAL HERITAGE ACT 1972 — FORTESCUE METALS GROUP — DUCK CREEK ROCK ART PRECINCT

1451. Hon Robin Chapple to the minister representing the Treasurer; Minister for Finance; Energy; Aboriginal Affairs:

I refer to the new access track installed by Fortescue Metals Group (FMG) to facilitate investigations into the Eliwana Railway development near to the Duck Creek rock-art precinct on the Eastern Guruma traditional lands, and I ask:

(a) is the Department of Planning, Lands and Heritage investigating FMG for committing an offence under Section 17 of the *Aboriginal Heritage Act 1972* because of the impact of the track on Aboriginal sites:

  (i) if yes to (a), how long does the Minister expect the investigation will take; and

  (ii) if no to (a), why not;

(b) how many Aboriginal sites hay have been impacted by the installation of the access track;

(c) is the Minister aware that the archaeologist who recorded the sites in 2008 described one of these sites as rare and stated that it should be protected because of its importance to the cultural heritage of Western Australia:

  (i) if no to (c), does the Minister think it is appropriate to install an access track in an area delineated as holding great cultural heritage significance; and

  (ii) if yes to (c), does the Minister think it is appropriate to install an access track in an area delineated as holding great cultural heritage significance; and

(d) is the Minister aware that FMG received written advice from an archaeologist and the Eastern Guruma people that stated the requirement of consent under Section 18 of the *Aboriginal Heritage Act 1972* if FMG intended impacting the sites near to the Duck Creek rock-art precinct:

(i) if no to (d), why not;

(ii) if yes to (d), does the Minister believe that FMG has demonstrated intent to impact the sites near to the Duck Creek rock-art precinct by installing a new access track to facilitate investigations into the Eliwana Railway development; and

(iii) has FMG applied for a section 18 permit with the intent to impact Aboriginal heritage sites near to the Duck Creek rock-art precinct?

Hon Stephen Dawson replied:

(a)–(b) The Department of Planning, Lands and Heritage is investigating the circumstances around the installation of a track in the Duck Creek area. A site visit has been arranged for 23 August 2018. The timeframe for individual investigations depends on a range of factors.

(c) There are no Aboriginal sites identified on the department's database at the location supplied by the parties. The Aboriginal Cultural Material Committee determines whether a place should be recorded as an Aboriginal site.

(d) These issues form part of the investigation currently being undertaken.

CROSS COUNTRY NATIVE TITLE SERVICES — ABORIGINAL SITES — CORRESPONDENCE

1453. Hon Robin Chapple to the minister representing the Minister for Aboriginal Affairs:

I refer to the correspondence between the Minister and Cross Country Native Title Services on both 17 March 2018 and 3 April 2018, concerning the Minnie Creek and Central Bore Aboriginal sacred sites, and I ask:

(a) has the Minister received both pieces of correspondence;

(b) if yes to (a), what action is being taken;

(c) have any significant Aboriginal cultural materials been damaged or removed by any party from the Minnie Creek and/or Central Bore area;

(d) was consent sought under section 18 of the *Aboriginal Heritage Act 1972* by Gold Road Resources for the proposed Gruyere gold mine; and

(e) if material was removed, destroyed or damaged without consent under section 18, what action will the Minister undertake?

Hon Stephen Dawson replied:

(a) The Minister received correspondence from the Cross Country Native Title Services in March and April 2017, and responded on 16 May 2017.

(b) The Minister referred the matter to the Registrar of Aboriginal Sites. The Registrar met with Aboriginal informants in Kalgoorlie and Laverton on 25 April 2017 to discuss the concerns raised. The Registrar also met with representatives from Gold Road Resources on 3 May 2017 following discussions with Aboriginal stakeholders in the Goldfields.

(c) A complaint was received by the Department of Planning, Lands and Heritage in May 2018 that artefacts were being removed from the Cosmo Newberry Aboriginal Reserve and being stored at the Cosmo Newberry Aboriginal Community. An investigation into the matter is underway.

(d) On 17 May 2017, a notice was submitted by Gold Fields Australia Pty Ltd, on behalf of Gruyere Mining Company Pty Ltd and Gold Road Resources, under section 18 of the *Aboriginal Heritage Act 1972*. The notice sought consent over a portion of the Gruyere gold mine for the construction, operation and maintenance of the Gruyere Gold Project Gas Pipeline and communications cable. Consent with conditions was granted on 30 October 2017. No other notices under section 18 relating to the proposed Gruyere gold mine have been received.

(e) The outcome of the investigation into the removal of artefacts from the Cosmo Newberry Aboriginal Reserve will determine what action (if any) will be taken.

GORGON GAS PROJECT — CO_2 STORAGE

1454. Hon Robin Chapple to the minister representing the Minister for Mines and Petroleum:

I refer to the technical problems with seals and corrosion issues in the infrastructure that have delayed CO2 storage at the Gorgon gas plant, and I ask:

(a) what caused the technical problems with seals and corrosion issues;

(b) was a sub system installed prior to the technical problems;

(c) has a sub system been installed since the technical problems;

(d) were the issues caused by a cleaning injecting system or something similar;

(e) were the issues caused by old water pipes and systems designed to be temporary with a four year life span that are now six years old;

(f) how many incidents of bursts and leaks have occurred over the life of the project, please list year and incident;

(g) have there been any incidents with the main fire safety system;

(h) have any of the fire pumps caught on fire;

(i) have there been any fires caused by the heat insulation being worn; and

(j) have there been any fires caused by the overheating and/or overheating of the sound insulation?

Hon Alannah MacTiernan replied:

(a) A number of construction issues were identified by Chevron during the normal pre-commissioning / pre start up checks prior to planned start up in 2017. Isolation valves in the pipeline and at the CO2 injection well centres were found to be passing and needed either refurbishment or replacement, Small-bore valves located on the pipeline pig launcher and receiver were found to not meet the relevant corrosion standards and required replacement. The main CO2 header, pipeline and drill centres were identified as having low points where water could potentially accumulate causing corrosion issues. All of these issues needed to be addressed prior to start-up of CO2 injection to ensure the long-term operation of the CO2 injection system over the planned life of the Gorgon Project.

(b) No, the issues in (a) were identified as part of normal pre-commissioning checks prior to start up.

(c) The identified valves that did not meet the required isolation or corrosion standard specifications are being refurbished or replaced and any low points eliminated.

(d)–(e) No.

(f) None that DMIRS is aware of.

(g)–(j) No.

URANIUM MINING — MULGA ROCK

1456. Hon Robin Chapple to the minister representing the Minister for Mines and Petroleum:

The Office of the Chief Economist with the Department of Industry Innovation and Science released the *Resources and Energy Quarterly report*. In this report it is indicated that there is an operating uranium mine in Western Australia, which is in the approximate location of the proposed Mulga Rock uranium mine. I ask:

(a) will the Minister please clarify whether the Mulga Rock uranium mine is an operational uranium mine;

(b) are there any operational uranium mines in Western Australia;

(c) if Mulga Rock is considered an operational mine, will the Minister please provide details for the following:

(i) whether the company has met the Federal conditions of providing an offset plan for the Sandhill Dunnart and is meeting all the State conditions;

(ii) whether the company is meeting all the State conditions;

(iii) a copy of the offset plan;

(iv) any evidence about the company meeting State conditions;

(v) the commencement date of the mine; and

(vi) the following Federal approvals which are required by the company before any mining can commence:

(A) Uranium Export Approval C(PE)R (DIIS);

(B) Safeguards Approvals (NNP(S)A) (ASNO);

(C) Permit to possess Nuclear Material s13(1) (ASNO);

(D) Permit to transport Nuclear Material s16(1) (ASNO); and

(E) Permit to Establish Facility s16A(1) (ASNO);

(d) if the Mulga Rock uranium proposal is not considered an operational mine and there are in fact no operational uranium mines in Western Australia, why is it that the Department of Industry, Innovation and Science are representing otherwise;

(e) will the Minister resolve this inaccurate information being promoted through the department;

(f) if yes to (e), how and when; and

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

Hon Alannah MacTiernan replied:

(a) The Mulga Rock Project is not an operational mine.

(b) No.

(c) See (a).

(i)–(v) See (a).

(vi) (A)–(E) This is a matter for the Australian Government.

(d)–(e) This is a matter for the Department of Industry, Innovation and Science.

(f) Not applicable.

(g) This is a matter for the Department of Industry, Innovation and Science.

MINES AND PETROLEUM — HAWTHORN RESOURCES — PINJIN PASTORAL STATION

1458. Hon Robin Chapple to the minister representing the Minister for Mines and Petroleum:

I refer to Department of Mines and Petroleum (DMP) specific advice given to the Appeals Convenor and Minister for the Environment report/ decision, dated January 2016, concerning potential clearing impacts of dust, noise being generated by Hawthorn Resources and concerns about the proximity of clearing in relation to the homestead and amenity impacts on Pinjin Station well before the Mining Proposal was lodged with the department seeking approval with a document, dated 26 November 2015, and I ask:

(a) can the Minister explain why the DMP provided incorrect and misleading advice to the Appeals Convenor concerning section 20(5) of the *Mining Act 1978* indicating that firstly the applicant (Hawthorn) will be required to comply with section 20(5) of the *Mining Act 1978* and secondly that any non compliance will be deemed a breach of condition which may result in a penalty being imposed or tenement forfeited given the department has now allowed/permitted on a growing scale and magnitude hundreds of thousands of dollars of infrastructure and occupied buildings to be totally obliterated/destroyed and damaged including bedding, personal items, cooking equipment, lighting, water tanks, and many other items without taking any action for a deemed breach of condition resulting in a penalty being imposed or the tenement being forfeited;

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

(c) can the Minister state the specific measures by the DMP to ensure that both dust and noise levels were clearly and adequately covered with operating commitments in the mining proposal, dated 26 November 2015, or recommending and imposing further tenement conditions to address these matters before giving any approval to Hawthorn Resources to protect occupied buildings including the amenity and health of people living on the station; and

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

Hon Alannah MacTiernan replied:

(a) Firstly, the applicant (Hawthorn) are required to comply with section 20(5) of the Mining Act 1978. Secondly, due to human error, a mistake was made in late 2015 by the then Department of Mines and Petroleum when it indicated that failure to comply with Section 20(5) of the Mining Act would constitute a breach of tenement conditions. Section 20(5) of the Mining Act does not link to the tenement condition breach provisions within the Act, and hence cannot, in itself, be considered a breach of tenement conditions. Failure to comply with section 20(5) may, however, constitute an offence under other sections of the Mining Act, which can result in penalties being imposed.

(b) Not applicable.

(c) The Mining Proposal was assessed to meet the requirements of the Guidelines for Mining Proposals in Western Australia (February 2006). Tenement conditions have been imposed, as necessary, and monitored, within the scope of the condition setting powers of the Mining Act 1978.

(d) Not applicable.

HEALTH — PM10 DUST — PORT HEDLAND

1459. Hon Robin Chapple to the parliamentary secretary representing the Minister for Health:

(1) Regarding the maximum microgram per cubic metre (density) limit on PM10 dust and allowable annual exceedances of this limit in the Port Hedland region, I ask:

(a) what is the current limit on PM10 dust densities in Port Hedland;

(b) have there been any exceedances of the interim 70 micrograms per cubic metre limit on PM10 dust and allowable 10 annual 24-hour exceedances for the time in which it was implemented;

(c) if yes to (1)(b):

(i) how many exceedances occurred;

(ii) on what dates did the exceedances occur;

(iii) where did the exceedances occur; and

(iv) by how much was the limit exceeded; and

(d) have dust levels increased since the maximum PM10 dust density allowable was increased from the national standard of 50 to 70?

(2) In the 2016 Health Risk Assessment (HRA) prepared for the Department of Health by Toxikos, the Executive Summary stated "there is sufficient evidence of potential impacts on human health from dust, specifically PM10 in the Toxikos HRA to warrant dust management controls and strategic land-use planning to reduce community exposure to dust". Referring to recommendations in this HRA:

(a) have any of the recommendations been implemented;

(b) if yes to (2)(a):

(i) which recommendations were implemented; and

(ii) when were they implemented;

(c) if no to (2)(a), why not;

(d) are there plans to implement any of the recommendations not currently implemented; and

(e) if yes to (2)(d), when are these recommendations going to be implemented?

(3) The *Port Hedland Air Quality and Noise Management Plan Fact Sheet 2: Dust and Health* published by the Port Hedland Dust Taskforce, states "residence of Port Hedland could tolerate a higher level of dust than would be tolerated in cities because of the unique characteristics of Port Hedland dust", to what unique characteristics was this statement referring?

Hon Alanna Clohesy replied:

I am advised that:

(1) (a) There is no PM10 limit for Port Hedland. The current PM10 guideline is 70 micrometres per cubic metre and applies to areas east of Taplin Street. Currently it is a target for areas between the Port and Taplin Street.

(b)–(d) This question should be directed to the Minister for Environment.

(2) This question should be directed to the Minister for Innovation and ICT; Science.

The HRA is one report that informed the recommendations contained within the Port Hedland Dust Management Taskforce Report to Government (the Report) coordinated and led by Department of Jobs, Tourism, Science and Innovation (JTSI) as Chair of the Hedland Dust Management Taskforce. JTSI have advised that the Report is still being considered.

(3) The Fact Sheet was published in 2010 prior to the Health Risk Assessment and has been superseded. The JTSI website now links to the new Department of Health (DOH) Fact Sheet – *Dust and health, and the Port Hedland Health Risk Assessment – August 2017*.

The statement in the 2010 Fact Sheet was based on the knowledge at that time that suggested crustal dust, which is the main type of dust in Port Hedland, was less potent than urban dust, which mostly comes from combustion sources (e.g. vehicle exhaust). The current Fact Sheet reflects more recent scientific reviews and no longer suggests that Port Hedland dust can be tolerated at higher levels than dust from cities.

SCHOOLS — NON-TEACHING STAFF

1460. Hon Alison Xamon to the Minister for Education and Training:

I refer to the provision of contracted services in Western Australian government schools, and I ask:

(a) does the Department of Education record complaints made against contracted non-teaching staff;

(b) if yes:

(i) what specific details about each complaint are required to be recorded; and

(ii) please list the number of complaints and the role undertaken by the individual against whom each complaint was made, for each of the years:

(A) 2014;

(B) 2015;

(C) 2016;

(D) 2017; and

(E) 2018 to date; and

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

Hon Sue Ellery replied:

(a) Yes.

(b) (i) Incident description, including date of incident, reporting person, reporting person's contact details, reporting date, any affected parties or witnesses, the respondent's (the person against whom the complaint was made) name and contact details, correspondence with the parties involved, evidence associated with the incident, allegation(s) and their particulars, as well as any interviews and outcomes of the complaint.

(ii) (A)–(E) There is no field in the Department of Education's misconduct case management system that records the type of contract nor distinguishes between contractors and other employees.

The level of information requested, including the role of the contractor, may be included in the investigation report. However, this information can only be obtained by reviewing each case individually. This would take significant time and resources to check the years 2014 to 2018 inclusive.

For this response, "contracted non-teaching staff" has been interpreted as non-teaching staff on fixed-term contracts with the Department of Education.

(c) Not applicable.

ABORIGINAL HERITAGE ACT 1972 — WINTAWARI GURUMA ABORIGINAL CORPORATION — SPEAR HILL

1462. Hon Robin Chapple to the minister representing the Minister for Aboriginal Affairs:

I refer to the Section 16 permit under the *Aboriginal Heritage Act 1972* issued to Wintawari Guruma Aboriginal Corporation (WGAC) for sites in the Spear Hill Area in September 2017, and I ask:

(a) will the Minister confirm the proposed activity of the WGAC section 16 application;

(b) on what date did the Registrar issue the section 16 permit number 578 to WGAC;

(c) will the Minister confirm that WGAC was initially required to provide a report to the Department of Planning, Lands and Heritage by 30 November 2017;

(d) will the Minister confirm on what date he became aware of the section 16 permit granted to WGAC by the Registrar;

(e) will the Minister confirm that the Registrar extended the deadline for WGAC to submit the report to the Department of Planning, Lands and Heritage from 30 November 2017 to 1 March 2018; and

(f) will the Minister confirm when he became aware of the Registrar's decision to grant the extension to the reporting deadline from 30 November 2017 to 1 March 2018?

Hon Stephen Dawson replied:

(a) The purpose of the section 16 application was to undertake a cultural investigation of 14 sites.

(b) 22 September 2017.

(c) Yes.

(d) Section 16 permits are issued by the Registrar of Aboriginal Sites on the advice of the Aboriginal Cultural Material Committee and there is no requirement for the Minister to be advised. In this instance, the Minister was made aware of the section 16 permit on 27 September 2017 as part of a section 18 notice.

(e) Yes, the deadline was extended at the request of the WGAC.

(f) Section 16 permits are a matter for the Registrar of Aboriginal Sites, and accordingly the Minister was not made aware of the extension to the reporting deadline.

PREVENTION OF FAMILY AND DOMESTIC VIOLENCE — WOMEN INELIGIBLE FOR GOVERNMENT ASSISTANCE

1463. Hon Alison Xamon to the Leader of the House representing the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:

I refer to women who are ineligible for government assistance including, but not limited to, those on bridging visas, student visas and spouses of men on 457 visas, and I ask:

(a) is the Minister aware how many of these women seek refuge from family and domestic violence in Western Australia each year;

(b) if yes to (a), how many;

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

(d) is the Minister aware how many of these women are accommodated in refuges in Western Australia;

(e) if yes to (d):

(i) how many were accommodated in 2017; and

(ii) what was their average length of stay in a refuge;

(f) is the Minister aware of how many women who are not eligible for government assistance are turned away from refuges;

(g) if yes to (f), how many were turned away in 2017;

(h) if no to (f), why not; and

(i) what funding is available for refuges to enable them to support women who experience family and domestic violence and who are ineligible for government support?

Hon Sue Ellery replied:

(a)–(h) Data regarding the use of specialist homelessness services, including women's refuges, is managed by the Australian Institute of Health and Welfare, the national agency for information and statistics on Australia's health and welfare issues. Not-for-profit community sector organisations contracted by the Department of Communities are required to provide services appropriate and accessible to women and children experiencing family and domestic violence. No person should be denied a service because of culture, race, disability, sexuality or inability to pay for the service.

Data is collected according to the type of assistance being sought, however, data is not collected on clients' ineligibility for government assistance and the information is not differentiated by residency or visa status. Therefore it is not possible to answer the Member's question.

(i) Across the State, the Department of Communities provides approximately $24.2 million per year in funding to family and domestic violence accommodation and support services The Department of Communities has a Grant Agreement with the Women's Council for Domestic and Family Violence Services (WA) Inc. to provide support directly to women accommodated at a women's refuge who are ineligible for government assistance. In 2018–19, the Department provided $10,000 (GST exclusive) under the Grant Agreement.

FAMILY AND DOMESTIC VIOLENCE — REFUGES — YOUNG WOMEN

1464. Hon Alison Xamon to the Leader of the House representing the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:

I refer to young women between 14 and 18 years of age seeking refuge from family and domestic violence, and I ask:

(a) how many Western Australian refuges accept young women in this age group;

(b) how many beds are available to this cohort on any given night; and

(c) how many of these beds are located in regional areas?

Hon Sue Ellery replied:

(a) Refuges provide supported and/or safe accommodation to women, with or without accompanying children, who are homeless or at imminent risk of homelessness as a result of family and domestic violence or other crisis. The Department of Communities currently manages contracts with 38 refuges. While the primary client group for refuges is women over 18 years with or without children escaping family and domestic violence, services are flexible in their approach to accommodate younger women under 18 years, if they have capacity.

In addition, Rise Network Inc's Kira House Refuge (Kira House) located in the metropolitan area specifically provides accommodation to young women between 14 and 18 years of age, with or without children, escaping family and domestic violence.

(b) On any given night, Western Australian refuges can provide crisis accommodation to 37 single women and 174 families across Western Australia who are experiencing family and domestic violence. As per part (a), some of these women may be between 14 and 18 years of age. Of these beds, Kira House can provide accommodation to six young women between 14 and 18 years of age and their children.

(c) In regional areas, there is capacity to accommodate 87 families who are experiencing family and domestic violence. As per part (a), some of these women may be between 14 and 18 years of age.

NON-GOVERNMENT SCHOOLS — GRANTS

1470. Hon Alison Xamon to the Minister for Education and Training:

I refer to per capita grants provided by the Western Australian Government to non-government schools, and I ask:

(a) for each non-government school, please list:

(i) how much total funding has been allocated for 2018; and

(ii) the per student funding rate for 2018?

Hon Sue Ellery replied:

(a) (i)–(ii) [See tabled paper no 1743.]

Funding is determined and calculated bi-annually according to the February and August censuses. The table of grants in the tabled paper represents the grants paid in Semester 1, 2018. A similar quantum of payments will be paid in Semester 2, 2018, subject to the movements in enrolments at a particular school. Per-student funding rates vary depending on the level of schooling and the funding category of a particular school. Special education loadings of 110%, 210% and 360% are provided for eligible students with disabilities on top of the base rates given below. A high-support needs grant is provided for students with very severe disabilities. Special education and high-support need grants are included in the grant totals reported in the tabled paper, according to the categories in the following table:

Funding Category	Kindergarten	Primary	Middle School	Upper Secondary
	(4 sessions) 2018 $	(PP–Y6) 2018 $	(Y7–Y10) 2018 $	(Y11–Y12) 2018 $
A	2 536	1 690	2 484	2 566
B	2 922	1 946	2 862	3 156
C	2 934	1 957	2 875	3 233
D	3 026	2 017	2 966	3 329
E	3 175	2 116	3 109	3 475
F	3 311	2 206	3 243	3 588
G	3 415	2 277	3 347	3 718
GA	5 088	3 393	4 987	5 534
H			4 987	5 534
I	6 769	4 514	6 635	7 312
J	0	9 810	14 421	15 888
HSN (High Support Needs)	14 631	36 577	36 577	36 577

The funding categories can be generally described as follows:

A	High-Fee Schools
B,C,D	Mid to high-fee schools
E	Mid-fee schools
F	Low-fee schools
G	Very low fee, predominantly rural schools
GA	Very low fee, rural boarding schools, catering for Aboriginal students
H	Curriculum and Re-Engagement Schools
I	Remote, sole provider Aboriginal community schools
J	Agricultural Schools

Six of the current State funding categories (A to G) are based on the original 12 Commonwealth Education Resources Index (ERI) funding categories. The ERI was a measure of revenue-raising ability. Additional high-needs categories also exist for students at non-mainstream non-government schools (GA to J).

Although the Commonwealth replaced the ERI with the socio-economic status and capacity to contribute models, reviews of the State's funding methodology in 2002 and 2015 recommended that the existing ERI-based model be retained.

Retention of the model was supported by the non-government school sector in Western Australia.

PUBLIC SCHOOLS — FUNDING

1471. Hon Alison Xamon to the Minister for Education and Training:

For each public school in Western Australia, would the Minister please list:

(a) the Federal funding contribution for 2018;

(b) the State funding contribution for 2018; and

(c) the estimated School Resource Standard percentage met by:

(i) Federal funding; and

(ii) State funding?

Hon Sue Ellery replied:

(a)–(b) In 2017–18, the Commonwealth Government's Quality Schools funding contribution towards public schools in Western Australia was $658.9 million. A further $78.3 million was provided for special projects, including funding allocated for capital projects.

The Commonwealth's contribution is combined with the State's funding contribution and allocated to public schools through the State's student-centred funding model (SCFM). As a result, the specific Commonwealth and State contributions for each public school cannot be determined.

The information you request is available for every public school at Schools Online – https://www.det.wa.edu.au/schoolsonline. I table the attached information. [See tabled paper no 1744.]

This document outlines funding for all public schools in 2018 as at 28 March 2018. Further disability adjustments, targeted initiatives, operational response allocations and regional allocations may occur during the school year.

(c) (i)–(ii) As the specific Commonwealth and State funding contributions cannot be determined for individual public schools, the School Resource Standard percentage cannot be calculated at an individual school level for Commonwealth and State funding.

SCHOOLS — BUILDING CONDITION ASSESSMENTS

1472. Hon Alison Xamon to the Minister for Education and Training:

(1) Have Building Condition Assessment (BCA) surveys now been completed for each Western Australian government school?

(2) If no to (1), how many schools have BCA surveys outstanding?

(3) Why were the surveys not completed by the November 2017 timeline provided in the department's request for quote tender documents?

(4) Will the BCA survey results be publicly available?

(5) If yes to (4):

(a) when will they be made available; and

(b) how will the public be able to access the results?

(6) If no to (4), why not?

(7) What is the estimated total cost of repairs for all public schools based on the current survey results?

Hon Sue Ellery replied:

(1) All public schools and facilities owned by the Department of Education across the State have been inspected. However, the individual Building Condition Assessment (BCA) reports are not yet finalised, as a quality assurance process of each inspection report is being undertaken.

(2) Not applicable.

(3) The Department of Finance – Building Management and Works (BMW) issued a Request for Quote for the metropolitan schools, which identified that the inspectors were to complete the school inspections by November 2017. This date was revised to February 2018 due to the decision to refine the methodology to reflect a staged approach to inspections, to ensure inspectors were provided with sufficient time to up-skill and gain understanding of the new data collection approach.

The BCA inspections of the regional schools were procured through a separate Request for Quote and these inspections were completed in June 2018. Since the conclusion of the inspections, BMW has been undertaking a comprehensive quality assurance process to ensure a high level of accuracy in the information provided by the inspectors and consistency across the assessments.

(4)–(5) (b) Each school will be provided with its own BCA report, which will be available to the school community. It is estimated that all schools will have received the report by 30 November 2018. Members of the school community who wish to view the BCA can request it from their school.

The Department of Education does not normally provide all individual reports to the public.

The current BCA are more comprehensive, and will include the provision of three reports. A typical secondary school will receive:

a high-level PDF report of around 50–70 pages;

a spreadsheet that includes all the data that was collected through the BCA, which the school can sort and analyse for their requirements; and

a range of photos collected from the school showing defects and elements of assets, which could be around 150 pages.

The current BCA process is more thorough and has used a different assessment approach from previous surveys, so the results will not be able to be compared to previous surveys.

(6) Not applicable.

(7) The total cost of repairs will be known once all survey data has been quality assured. This is estimated to be completed by the end of 2018.

EDUCATION AND TRAINING — ABORIGINAL TEACHING AND LEARNING DIRECTORATE

1473. Hon Alison Xamon to the Minister for Education and Training:

I refer to the five vacancies in the Aboriginal education teaching and learning directorate identified by the Minister in her response to question on notice No. 1216, answered on 26 June 2018, and I ask:

(a) please advise the position title of the positions identified as vacant on 26 June 2018;

(b) have any of these positions subsequently been filled;

(c) if yes to (b), which ones;

(d) have any other positions become vacant; and

(e) if yes to (d), please advise the position title(s) of any position which has become vacant?

Hon Sue Ellery replied:

(a) Principal Consultant, Aboriginal Education Teaching and Learning.

(b) No.

(c) Not applicable.

(d) No.

(e) Not applicable.

CHILD PROTECTION — SERVICES CAPACITIES AND UNMET DEMAND

1474. Hon Alison Xamon to the Leader of the House representing the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:

I refer to the June 2016 report of the Joint Standing Committee on the Commissioner for Children and Young People, *Everybody's Business – An examination into how the Commissioner for Children and Young People can enhance WA's response to child abuse*, and specifically to Recommendation 1, 'that the Government takes immediate action to investigate capacity limitations and unmet demand within support services for child abuse victims and the provision of appropriate service models and funding', and I ask:

(a) has any work been undertaken to address this recommendation;

(b) if yes to (a), please provide information about any work undertaken, including any relevant timeframes; and

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

Hon Sue Ellery replied:

(a) Yes.

(b) The Department of Communities currently contracts 13 community service organisations to provide Child Sexual Abuse Therapeutic Services (CSATS). These services provide healing, support, counselling and therapeutic responses to children, young people and their families affected by child sexual abuse, people who have experienced childhood sexual abuse and children and/or young people who are responsible for, or at risk of, sexually abusing other children.

In 2018–19, the Department of Communities provides annual funding of $3,857,178 (excluding GST) to the CSATS providers.

The current service agreements for the provision of CSATS is to 30 September 2019. The consultation and procurement process for the establishment of new service agreements will incorporate the recommendations from the Joint Standing Committee Report and the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse.

The Department of Communities is cognisant of the urgency in implementing the recommendations of the Joint Standing Committee and the Final Report of the Royal Commission and is progressing with the implementation accordingly.

The Department of Communities is working with the Department of Health to progress recommendations in relation to advocacy, support and therapeutic treatment services.

(c) N/A

MENTAL HEALTH — NON-RESIDENTIAL DRUG AND ALCOHOL SERVICES

1475. Hon Alison Xamon to the parliamentary secretary representing the Minister for Mental Health:

I refer to the provision of non-residential drug and alcohol services for young people from 18 to 24 years, and I ask:

(a) how many places are available in Western Australia; and

(b) how many of these places are available to young people in the adult or youth justice system, specifically:

(i) young people on bail;

(ii) young people on parole or supervised release orders; and

(iii) young people otherwise accessing community justice or correctional services?

Hon Alanna Clohesy replied:

I am advised that:

(a) In total, there are 24 non-residential alcohol and other drug services available in Western Australia provided free of charge to people who require support, aged 18 years and over.

The services include: the state-wide network of community alcohol and drug services (who provide treatment and support for young people 14 years and over); regional and metropolitan outpatient counselling services; diversion services; pharmacotherapy support; and specialist services providing treatment for specialised target groups (such as women and Aboriginal people).

(b) There is no set number of places in the above services for young people in the adult or youth justice system. However, priority assessment and access is provided to people referred through the Western Australian Diversion program. Access for young people aged 18 to 24 years, who are: on bail; parole or on a supervised release order; or otherwise, accessing community justice or correctional services is determined jointly between the service provider and the Department of Justice.

MENTAL HEALTH — RESIDENTIAL DRUG AND ALCOHOL SERVICES

1477. Hon Alison Xamon to the parliamentary secretary representing the Minister for Mental Health:

I refer to the provision of residential drug and alcohol services for young people from 18 to 24 years, and I ask:

(a) how many beds are available in Western Australia; and

(b) how many of these beds are available to young people in the adult or youth justice system, specifically:

(i) young people on bail;

(ii) young people on parole; and

(iii) young people otherwise accessing community justice or correctional services?

Hon Alanna Clohesy replied:

I am advised that:

(a) In 2018/19, the Mental Health Commission (MHC) will purchase a total of 258 beds for people aged 18 and over. The 258 beds consists of 226 residential alcohol and other drug (AOD) treatment beds, 15 low medical withdrawal beds and 17 high/complex withdrawal beds.

Specifically for the youth cohort aged 12 to 22 years, the MHC funds Mission Australia to provide eight youth high/complex medical withdrawal and respite beds (integrated partnership with Next Step, located at East Perth) and 10 Youth Residential Treatment beds (Carlisle). As part of this service, following completion of residential treatment, a transitional accommodation service is available for up to three youth.

(b) Of the total 258 adult beds, none are specifically quarantined for the youth justice system. However, priority pre-entry assessment and support is given to young people aged 18 to 24 years or older who are referred to AOD residential treatment services through Western Australian Diversion programs.

Access and eligibility to residential treatment for a young person aged 18 to 24, who are on bail or parole or otherwise accessing community justice or correctional services, is determined jointly between the service provider and the Department of Justice.

MENTAL HEALTH — RESIDENTIAL DRUG AND ALCOHOL SERVICES

1478. Hon Alison Xamon to the parliamentary secretary representing the Minister for Mental Health:

I refer to the provision of residential drug and alcohol services for young people under the age of 18 years, and I ask:

(a) how many beds are available in Western Australia; and

(b) how many of these beds are available to young people in the youth justice system, specifically:

(i) young people on bail;

(ii) young people on supervised release orders; and

(iii) young people otherwise accessing community youth justice services?

Hon Alanna Clohesy replied:

I am advised that:

(a) In Western Australia, there are eight alcohol and other drug withdrawal beds and 10 residential alcohol and drug treatment beds for young people under the age of 18 years.

(b) (i)–(iii) Of the 18 beds available for young people under the age of 18 years, none are quarantined for young people in the youth justice system. However, priority access and support is given to young people who are referred to the youth withdrawal or residential treatment service through Western Australian Diversion programs.

Access and eligibility to youth withdrawal or youth residential treatment for a young person aged 12 to 22, who are on bail or parole or otherwise accessing community justice or correctional services, is determined jointly between the service provider and the Department of Justice.

COMMERCE AND INDUSTRIAL RELATIONS — SECOND-HAND CRASH HELMET SALES

1480. Hon Alison Xamon to the minister representing the Minister for Commerce and Industrial Relations:

I refer to existing legislation that allows for the sale of second hand crash helmets, and I ask:

(a) given that there is no method of visually assessing if a second hand crash helmet is safe is the Government considering introducing legislation to ban their sale;

(b) if yes to (a), when; and

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

Hon Alannah MacTiernan replied:

(a) No.

(b) Not applicable.

(c) The responsibility for making voluntary and mandatory product safety standards and permanent product bans sits with the Commonwealth. The requirements of the Australian Consumer Law applies to the sale of all second hand products by businesses meaning that the goods must be of acceptable quality; free from defects; match the description given; and be fit for purpose.

HEALTH — INJURY MATTERS — BOARD

1481. Hon Alison Xamon to the parliamentary secretary representing the Minister for Health:

I refer to the composition of the board of Injury Matters, and I ask:

(a) will the Minister consider implementing a requirement for health professionals to be represented on the board so that their perspectives and expertise can enhance injury prevention strategies;

(b) if yes to (a), when; and

(c) if not to (a), why not?

Hon Alanna Clohesy replied:

I am advised that:

(a) No.

(b) Not applicable.

(c) Injury Matters is an independent, not-for-profit organisation. The board of directors are elected by members at the Annual General Meeting.

CONSUMER PROTECTION — RETIREMENT VILLAGE CONTRACTS

1483. Hon Alison Xamon to the minister representing the Minister for Commerce and Industrial Relations:

I refer to the Minister's commitment made in August 2017 that Consumer Protection would undertake a proactive investigation of retirement village contracts, and I ask:

(a) has the investigation been completed;

(b) if yes to (a), will the Minister please table the findings;

(c) if no to (a), when is the investigation due to be finalised;

(d) does the Minister intend to undertake broader legislative reform in relation to retirement villages as identified as part of the 2010 statutory review of the *Retirement Villages Act 1992*, and started through the *Retirement Villages Act 2012*;

(e) if yes to (d), when; and

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

Hon Alannah MacTiernan replied:

(a) No.

(b) Not applicable.

(c) Consumer Protection is continuing to proactively investigate retirement village contracts and assist residents. It does not have a finalisation date for this work. Consumer Protection intends to share its learnings with other consumer protection agencies.

(d) Yes.

(e) Consumer Protection is finalising a public consultation paper on issues arising from the statutory review and changes in the sector since that time. I expect the consultation paper to be released before the end of this calendar year.

(f) Not Applicable.

LEGAL AFFAIRS — ARCHITECTURAL DRAWING ARCHIVING

1485. Hon Alison Xamon to the minister representing the Minister for Finance:

I refer to the Recommendation 3 of the Coroner's report 19/13, which recommended that the Government act to ensure that copies of all architectural drawings commissioned by a government body be archived with one government organisation, and I ask:

(a) has a government body been identified to be the custodian of these types of documents:

(i) if yes to (a), which body; and

(ii) if no to (a), why not;

(b) has any funding been allocated to create such an archive;

(c) has any such archive of documents been created; and

(d) if work has not commenced on this recommendation, can the Attorney General please advise whether this will be progressed during this term of Parliament?

Hon Stephen Dawson replied:

(a)–(d) For non-residential building projects, the Department of Finance retains a copy of the architectural drawings for the projects it manages on behalf of other government agencies.

I am advised the Department does not consider it feasible or pragmatic for one agency to consolidate the documentation for the significant volume of building and construction projects undertaken across government every year.

This responsibility more appropriately sits with line agencies as the asset owner, responsible for asset maintenance and funding decisions, as well as ensuring that any relevant drawings remain relevant and accessible.

PLANNING — "A GUIDE TO MANAGING CONFLICT OF INTEREST" REPORT

1489. Hon Alison Xamon to the minister representing the Minister for Planning:

I refer to the New South Wales Government's Independent Planning Commission document A *Guide to Managing Conflict of Interest*, and I ask:

(a) is the Minister aware of this document;

(b) do any of the following planning assessment bodies have a similar conflict of interest policy:

(i) Western Australian Planning Commission;

(ii) Metropolitan Redevelopment Authority;

(iii) City of Perth Local Development Assessment Panel;

(iv) any of the five Metropolitan Joint Development Assessment Panels; and

(v) any of the three Regional Development Assessment Panels;

(c) if yes to (b), please table those policies; and

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

Hon Stephen Dawson replied:

(a) No

(b) (i) Yes – WAPC Governance Guide

(ii) Yes – Code of Conduct

(iii)–(iv) Yes – Development Assessment Panel Code of Conduct and Development Assessment Panel Standing Orders

(c) [See tabled paper no 1747.]

(d) Not applicable.

SCHOOLS — SHENTON COLLEGE — TRANSPORT

1493. Hon Alison Xamon to the Minister for Education and Training:

I refer to modes of transportation to arrive at and depart from Shenton College, and I ask:

(a) has the Government collected any data on the modes of transport students use to arrive at and leave from Shenton Park College;

(b) if yes to (a), can the Minister please provide:

(i) how many students arrive and depart by train;

(ii) how many students arrive and depart by regular bus service;

(iii) how many students arrive and depart by school special bus service;

(iv) how many students arrive and depart by bicycle;

(v) how many students arrive and depart by walking;

(vi) How many students arrive and depart by being dropped off/picked up in a private vehicle; and

(vii) how many students drive themselves;

(c) has the Government collected any data on the modes of transport staff use to arrive at and leave from Shenton College;

(d) if yes to (c), can the Minister please provide:

(i) how many staff arrive and depart by train;

(ii) how many staff arrive and depart by bus;

(iii) how many staff arrive and depart by bicycle;

(iv) how many staff arrive and depart by walking; and

(v) how many staff drive; and

(e) if no to (a) and (c), will the department collect that information and use it when considering the transport needs of other schools near large public transport infrastructure?

Hon Sue Ellery replied:

(a) and (c) The Department of Education does not collect data on the modes of transport students and staff use to get to and from individual schools. However, Shenton College has anecdotal data and the approximate range is available. It should be noted that modes of transport vary depending on the season and weather.

(b) (i)–(ii) 1500–1700

(iii) 5

(iv)–(v) 100–200

(vi) 200–250

(vii) 20–40

(d) (i)–(ii) 30–40

(iii)–(iv) 10–15

(v) 200–220

(e) No. However, the Department of Education engages independent traffic engineers to provide transport assessments for specific school sites when undertaking major capital works projects.

Additionally, many schools, including secondary schools, participate in the Department of Transport's *Your Move* program. This is a free program that encourages students to become more active by increasing their walking, scooting and riding to school.

EDUCATION AND TRAINING — DOUBLEVIEW PRIMARY SCHOOL SITE

1494. Hon Alison Xamon to the Minister for Education and Training:

I refer to the old location of the Doubleview Primary School and the proposed redevelopment of the site, and I ask:

(a) will the Minister please specify exactly how many trees will be cut down to facilitate the redevelopment;

(b) will the Minister please specify how much canopy coverage will be lost from the site in this process;

(c) when will the redevelopment and loss of trees commence;

(d) can the Minister please specify how many trees will be replanted;

(e) will the Minister please advise how long it will take before the lost canopy is fully replaced, if it is intended that it be fully replaced; and

(f) has, or will, groundwork start on the site prior to the current sunset date of 31 August 2018?

Hon Sue Ellery replied:

(a) 70.

(b) Approximately 27%.

(c) September 2018.

(d) 127 new trees, along with approximately 11 500 new plants and 5 400m^2 of turf.

(e) The new trees will take 20 to 50 years to reach full maturity.

(f) A deed of amendment is currently being executed by both parties, which revises the sunset date to 28 February 2019.

SCHOOLS — INTERNATIONAL SCHOOL OF WESTERN AUSTRALIA — DEMOUNTABLE CLASSROOMS

1495. Hon Alison Xamon to the Minister for Education and Training:

I refer to the International School of Western Australia's (ISWA) location on the Doubleview Primary School site, and I ask the Minister to commit to refusing to allow any demountable classrooms to be installed on that site for the use of ISWA?

Hon Sue Ellery replied:

The relocation of the International School of Western Australia (ISWA) to the Doubleview Primary School site includes the relocation of two transportable classroom units from the City Beach site. This is to allow a like-for-like replacement of facilities.

Should ISWA wish to increase its capacity, a separate development application and traffic management study would need to be provided.

LANDS — OCEAN REEF MARINA — BUSINESS CASE

1496. Hon Alison Xamon to the minister representing the Minister for Transport; Planning; Lands:

I refer to the answer to question on notice No. 352, asked on 5 September 2017, regarding the completed business case for the Ocean Reef Marina, and I ask, if the non-commercial aspects of the business case can now be released?

Hon Stephen Dawson replied:

A summary Business Case will be available from the end of October 2018.

LANDS — OCEAN REEF MARINA — MEMORANDUM OF UNDERSTANDING

1497. Hon Alison Xamon to the minister representing the Minister for Transport; Planning; Lands:

I refer to the Memorandum of Understanding signed by the City of Joondalup and Landcorp regarding the Ocean Reef Marina development and the City of Joondalup's request that the environmental value of the site be reflected in best practice sustainable development, and I ask:

(a) has Landcorp received the City of Joondalup's request regarding sustainable development on the site;

(b) will LandCorp explicitly seek expertise in sustainable development when tendering for the design phase of this project; and

(c) when is it anticipated that detailed design work will commence for this project?

Hon Stephen Dawson replied:

(a) Yes.

(b) LandCorp, through a competitive tender process has secured the services of an accredited Sustainability Consultant to support internal resources on the project team.

(c) It is expected that detailed design work will commence in 2019.

MINISTER FOR CHILD PROTECTION — MEETINGS — SOUTH METROPOLITAN REGION

1498. Hon Nick Goiran to the Leader of the House representing the Minister for Child Protection:

I refer to your answers to questions without notice Nos 386 and 446, answered on 28 November 2017 and 5 December 2017, respectively and I ask:

(a) are you aware of Auditor General Report 1 (February 2018) which found that in that instance the Minister for Education's failure to provide information to Parliament was not reasonable and therefore not appropriate;

(b) have you since that time been contacted by the Office of the Auditor General reminding you of your obligation under Section 82 of the Financial Management Act 2006;

(c) if yes to (b), when was that contact made;

(d) Further to (c):

(i) if that contact was written, will the Minister table that document; and

(ii) if that contact was verbal, will the Minister table the document/s created which made a record of that verbal contact;

(e) has the Minister now fulfilled the obligation under Section 82 of the Act;

(f) if yes to (e), when was this done; and

(g) if no to (e), will the Minister now table the documents received or created during or in preparation for the engagements on 5 October 2017 and 18 October 2017 in the South Metropolitan Region?

Hon Sue Ellery replied:

(a) Yes.

(b)–(c) The Office of the Auditor General made telephone contact with the Minister's office on the 13 June 2018, to inquire if the Minister was going to give notice of a section 82 of Financial Management Act 2006. Following the phone call, the Minister's office made contact with the Office of the Auditor General to advise that the office did not submit a Section 82 as they believe that it is not required in this particular circumstance.

(d) [See tabled paper no 1745.]

(e)–(g) N/A

LOCAL GOVERNMENT — SHIRE OF BROOME — EIGHTY MILE BEACH CARAVAN PARK

1506. Hon Robin Chapple to the Leader of the House representing the Minister for Local Government:

(1) Has the Shire of Broome gained approval from the Minister for Local Government to increase the rates of the 80 Mile Beach Caravan Park by 387.62% over three years?

(2) Is the reason for the rate rise to create an even playing field with similar business's within the shire?

(3) If no to (2), what is the reason?

(4) Is the Minister aware that during the consultation process the owners of the caravan park pointed out via mail and phone the complexities and expense of remote, self contained seasonal tourism compared to caravan parks within the Broome Townsite and that the playing field was fairly level as it was?

(5) Is the Minister aware that the caravan park is 360km from Broome and the differences are obvious, for instance just getting a service person on site when needed is often a challenge as is staffing and logistics?

(6) Is the Minister aware that the shire provides little in the way of services to the area and that the owners of the caravan park have correspondence showing that the shire are distancing themselves from responsibility for the 80 Mile Beach Road to a point where they will no longer place road closures on their website during the wet season even though a past Shire Engineer provided signage and training for this purpose?

(7) Is the Minister aware that the owners have appealed against the rate rise?

(8) Does the Minister believe that in approving the change to the rating method he was fully briefed on the location and complexities?

(9) If yes to (8), why?

(10) If no to (8), will the Minister investigate the matter further?

Hon Sue Ellery replied:

(1)–(3) Rate setting is outlined in the *Local Government Act 1995*.

(4) Neither the owners of the caravan park nor the Shire have included the Minister in these discussions.

(5) The Minister is aware of the location of the caravan park and the challenges of operating in regional and remote areas.

(6) The Minister has not been provided with any information regarding the level of services provided by the Shire.

(7) No.

(8) The Department of Local Government, Sport and Cultural Industries has advised that the method of valuation for the caravan park, which affects rating, was changed in January 2017 under the delegated authority of the previous Minister for Local Government.

(9)–(10) Not applicable.

TREASURY AND FINANCE — AGENCIES — VOLUNTARY TARGETED SEPARATION SCHEME

1512. Hon Tjorn Sibma to the minister representing the Treasurer; Minister for Finance; Energy; Aboriginal Affairs:

Regarding the implementation of the Voluntary Targeted Separation Scheme (VTSS) separations for each agency under the Minister's control, I ask for the following information:

(a) a table outlining the number of positions, position title, substantive level, and value of the separation entitlements paid as at 30 June 2018;

(b) an indication of departmental/agency performance as at 30 June 2018, against the original VTSS targeted established; and

(c) how many and which particular positions are targeted for separation over the forward estimates?

Hon Stephen Dawson replied:

The Voluntary Targeted Separation Scheme (VTSS) is a Budget repair tool whilst also assisting workforce renewal by enabling agencies to retain 20% of the savings. The VTSS is open to all general government employees, though priority is being given to agencies impacted by the MoG changes (which took effect from 1 July 2017). The VTSS, once fully implemented, is expected to save in excess of $150 million annually across Government.

(a) Department of Treasury

The table below includes the termination payment, 12 week incentive payment, additional incentive payment ($500 for employment transition expenses) and leave component:

Ref	Position	Level	Separation Entitlement
1	Manager	8.3	$185,832
2	Manager Human Resource Management	7.3	$129,571
3	Principal Policy Officer	7.3	$87,474
4	Principal Taxation Advisor	7.3	$152,996
5	Senior Analyst	7.3	$224,185
6	Senior Analyst	6.4	$84,238
7	Analyst	5.4	$119,943
8	Analyst	5.4	$102,215
9	Administrative Assistant	2.4	$38,466

Department of Finance

Position Title	Substantive Level	Value of Separation Entitlement $
Executive Officer	5	144,760
Executive Assistant	3	69,248
Business Support Coordinator	4	134,490
Senior Procurement Manager	7	180,487
Asset Planning Project Officer	4	75,763
Senior Project Manager	7	120,901
Senior Project Officer	5	161,782
Internet Services Manager	7	193,767
Records Indexing Officer	2	33,598
Senior Project Officer	5	110,049
Project Support Officer	3	117,335
Senior Procurement Officer	5	127,268
Project Officer	4	62,441
Administrative Assistant	2	40,222

Senior Project Manager	7	133,110
Senior Project Officer	5	80,585
Principal Project Manager	8	173,561
Human Resource Consultant	5	126,815
Project Analyst	4	111,498
Executive Assistant	3	58,015
Executive Assistant	3	71,803
Senior Project Manager	7	152,543
Project Assurance Project Manager	8	168,230
Client Service Officer	2	53,292
Senior Project Manager	7	189,399
Business Development Officer	4	88,163

Western Australia Treasury Corporation

Not applicable.

Economic Regulation Authority

Number of Positions	Position Title	Substantive Level	$ Value	Date Ceased
1	Financial Management Officer	Level 5	$123,266 (Gross) $105,727 (Net)	31/12/2017

Department of Planning, Lands and Heritage (Aboriginal Affairs)

Total number of positions: 16

Position title	Substantive level	Value of separation entitlement (including annual and long service leave)
Business Support Officer	2	$82,601.02
Corporate Communications Coordinator	6	$170,732.87
Corporate Information Coordinator	5	$154,185.16
Director, Economic Development	8	$201,689.21
Director, Governance and Coordination	8	$117,118.00
Director, Priority Projects	8	$142,535.02
Finance Manager	7	$206,814.21
Heritage Officer	4	$135,969.29
Heritage Support Officer	3	$78,460.87
Indexing Officer	2	$62,428.75
Land Operations Officer	5	$132,057.85
Operations Services Manager	7	$173,991.26
Principal Legal Officer	SCL6	$171,855.62
Principal Policy and Project Officer	7	$148,789.78
Senior Cartographer	5	$147,187.58
Senior Communications Coordinator	7	$85,884.78
Total		**$2,212,301.27**

Aboriginal Policy and Coordination Unit

Please refer to Legislative Council Question on Notice 1523.

Western Power

Not applicable.

Synergy

Not applicable.

Horizon Power

Not applicable.

Government Employees Superannuation Board

Not applicable.

Fire and Emergency Services Superannuation Fund

Not applicable.

Insurance Commission of Western Australia

Position Title	**Substantive Level**	**Number of Separations**	**Value of the Separation Entitlements (including leave)**
Applications Developer	L4/6	1	$148,026
Applications Development Manager	L7	1	$126,762
Business Improvement Manager	Special Contract	1	$178,850
Business Support Officer	L2	1	$87,457
Business Systems & Analysis Manager	Special Contract	1	$173,285
Claims Officers	Level 1 – 4	17	$1,079,556
Commercial Claims Manager	Special Contract	1	$189,109
Commercial Claims Officer	L2/4	1	$66,551
Crash Investigations Officer	L2	1	$50,872
Enterprise Architect (Information Integration)	L8	1	$114,772
Executive Research and Policy Advisor	L7/8	1	$57,307
Financial Analyst	L6	1	$57,682
Freedom of Information Officer	L4	1	$64,272
General Manager Human Resources	Special Contract	1	$418,476
Insurance Advisory Coordinator	L6	1	$169,211
Investments Accountant	L6/7	1	$59,804
Liability Claims Officer	L5 – 6	2	$249,513
Network Engineer (Middleware)	L5/6	1	$87,916
Officer	L2 – 5	4	$252,390
Principal Management Accountant	Special Contract	1	$255,184
Project Administration Officer	L3	1	$38,177
Secretary	L2	1	$90,374
Senior Finance Accountant	L6/7	1	$195,292
Senior Systems Support Officer	L5/6	1	$141,601
Settlement Officer	L5/6	3	$474,482

Settlements Booking Officer	L2	1	$89,743
Team Leader	L6	3	$350,382
Technical and Process Advisor	L5/6	1	$183,627
Training Coordinator	L5/6	1	$142,104
Number of Positions	53		
Total Value of the Separation Entitlements		$5,592,777	

Office of the Auditor General

Not applicable.

(b)–(c) Please refer to Legislative Council Question 1523.

MINISTER FOR CHILD PROTECTION — PORTFOLIOS — STAFF — ANNUAL LEAVE

1525. Hon Tjorn Sibma to the Leader of the House representing the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:

As at 30 June 2018, for each agency/department within the Minister's portfolio, can you provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom these balances apply, for leave balances of the following periods of time:

(a) four to five weeks;

(b) five to six weeks;

(c) six to seven weeks;

(d) seven to eight weeks; and

(e) greater than eight weeks?

Hon Sue Ellery replied:

This answer covers multiple Ministers' portfolios, including Disability Services, Volunteering, Seniors and Ageing, Housing, Youth, Veterans Issues, as well as Child Protection, Women's Interests, Prevention of Family and Domestic Violence and Community Services portfolios.

With respect to the Department of Communities, as at 30 June 2018:

Question	Leave balance in weeks	Number of staff	Total dollar value
(a)	4 – 5 weeks	473	$3,657,618.00
(b)	5 – 6 weeks	400	$3,837,871.06
(c)	6 – 7 weeks	297	$3,354,086.93
(d)	7 – 8 weeks	220	$2,897,662.87
(e)	Greater than 8 weeks	648	$12,577,911.48

MINISTER FOR HOUSING — PORTFOLIOS — STAFF — ANNUAL LEAVE

1526. Hon Tjorn Sibma to the minister representing the Minister for Housing; Veterans Issues; Youth:

As at 30 June 2018, for each agency/department within the Minister's portfolio, can you provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom these balances apply, for leave balances of the following periods of time:

(a) four to five weeks;

(b) five to six weeks;

(c) six to seven weeks;

(d) seven to eight weeks; and

(e) greater than eight weeks?

Hon Stephen Dawson replied:

Please refer to Legislative Council Question On Notice 1525.

MINISTER FOR TRANSPORT — PORTFOLIOS — STAFF — ANNUAL LEAVE

1527. Hon Tjorn Sibma to the minister representing the Minister for Transport; Planning; Lands:

As at 30 June 2018, for each agency/department within the Minister's portfolio, can you provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom these balances apply, for leave balances of the following periods of time:

(a) four to five weeks;

(b) five to six weeks;

(c) six to seven weeks;

(d) seven to eight weeks; and

(e) greater than eight weeks?

Hon Stephen Dawson replied:

Department of Planning, Lands and Heritage

(a) $447,979.16 – 53

(b) $706,206.35 – 63

(c) $641,907.50 – 50

(d) $661,444.30 – 41

(e) $1,602,907.63 – 73

Department of Transport

(a) $1,180,730 – 152

(b) $870,057 – 91

(c) $429,490 – 38

(d) $207,751 – 16

(e) $224,981 – 11

Main Roads Western Australia

(a) $816,430.54 – 81

(b) $1,041,992.80 – 83

(c) $800,095.90 – 54

(d) $921,400.59 – 53

(e) $6,966,748.77 – 262

Public Transport Authority

(a) $2,869,678.68 – 403

(b) $2,015,701.39 – 232

(c) $1,039,965.91 – 101

(d) $1,113,173.73 – 88

(e) $2,327,211.72 – 125

Fremantle Ports Authority

(a) $321,401 – 42

(b) $346,572 – 27

(c) $416,016 – 27

(d) $551,642 – 24

(e) $1,168,227 – 50

Kimberley Ports Authority

(a) $34,901.44 – 3

(b) $30,847.09 – 1

(c) $31,855.41 – 2

(d) $17,376.40 – 1

(e) $647,137.77 – 15

Mid West Ports Authority

(a) $136,890 – 14

(b) $111,282 – 7

(c) $224,618 – 11

(d) $132,103 – 7

(e) $292,935 – 6

Pilbara Ports Authority

(a) $182,281.50 – 16

(b) $223,910.46 – 16

(c) $142,805.68 – 9

(d) $163,736.48 – 7

(e) $945,067.23 – 25

Southern Ports Authority

(a) $223,177 – 23

(b) $263,969 – 19

(c) $138,339 – 10

(d) $199,904 – 12

(e) $941,237 – 27

Landgate

(a) $210,025.27 – 23

(b) $149,341.07 – 14

(c) $203,691.90 – 15

(d) $125,166.20 – 8

(e) $339,462.87 – 12

Metropolitan Redevelopment Authority

(a) $120,471.52 – 12

(b) $102,672.67 – 10

(c) $202,786.38 – 14

(d) $151,208.41 – 9

(e) $498,538.76 – 22

Landcorp

(a) $189,773 – 18

(b) $131,159 – 13

(c) $164,658 – 13

(d) $137,684 – 7

(e) $680,484 – 17

MINISTER FOR MINES AND PETROLEUM — PORTFOLIOS — STAFF — ANNUAL LEAVE

1528. Hon Tjorn Sibma to the minister representing the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

As at 30 June 2018, for each agency/department within the Minister's portfolio, can you provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom these balances apply, for leave balances of the following periods of time:

(a) four to five weeks;

(b) five to six weeks;

(c) six to seven weeks;

(d) seven to eight weeks; and

(e) greater than eight weeks?

Hon Alannah MacTiernan replied:

(a)–(e) [See tabled paper no 1748.]

MINISTER FOR TOURISM — PORTFOLIOS — STAFF — ANNUAL LEAVE

1529. Hon Tjorn Sibma to the minister representing the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests:

As at 30 June 2018, for each agency/department within the Minister's portfolio, can you provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom these balances apply, for leave balances of the following periods of time:

(a) four to five weeks;

(b) five to six weeks;

(c) six to seven weeks;

(d) seven to eight weeks; and

(e) greater than eight weeks?

Hon Alannah MacTiernan replied:

Tourism Portfolio

Tourism Western Australia

Please refer to Legislative Assembly Question on Notice 1541.

Rottnest Island Authority

Please refer to Legislative Assembly Question on Notice 1537.

Racing and Gaming Portfolio

For the Racing, Gaming and Liquor Division of the Department of Local Government, Sport and Cultural Industries please refer to Legislative Assembly Question on Notice 1533.

Racing and Wagering Western Australia (RWWA)

Period of leave	**Dollar value**	**Number of Staff**
(a) four to five weeks	345,767	44
(b) five to six weeks	213,798	23
(c) six to seven weeks	388,327	31
(d) seven to eight weeks	242,604	19
(e) greater than eight weeks	476,301	30

Western Australian Greyhound Racing Association (WAGRA)

Period of leave	**Dollar value**	**Number of Staff**
(a) four to five weeks	33,176	3
(b) five to six weeks	5,120	1
(c) six to seven weeks	–	–
(d) seven to eight weeks	13,648	1
(e) greater than eight weeks	332,293	12

Burswood Park Board (BPB)

Period of leave	**Dollar value**	**Number of Staff**
(a) four to five weeks	6,096	1
(b) five to six weeks	–	–
(c) six to seven weeks	–	–
(d) seven to eight weeks	23,544	1
(e) greater than eight weeks	–	–

Small Business Portfolio

Small Business Development Corporation value

	Total dollar	**Number of staff**
(a) four to five weeks	29 567	3
(b) five to six weeks	15 187	1
(c) six to seven weeks	0	0
(d) seven to eight weeks	0	0
(e) greater than eight weeks	15 408	1

Defence Issues Portfolio

Please refer to Legislative Assembly Question on Notice 1549.

Citizenship and Multicultural Interests Portfolio

Please refer to Legislative Assembly Question on Notice 1533.

TREASURER — PORTFOLIOS — STAFF — ANNUAL LEAVE

1530. Hon Tjorn Sibma to the minister representing the Treasurer; Minister for Finance; Energy; Aboriginal Affairs:

As at 30 June 2018, for each agency/department within the Minister's portfolio, can you provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom these balances apply, for leave balances of the following periods of time:

(a) four to five weeks;

(b) five to six weeks;

(c) six to seven weeks;

(d) seven to eight weeks; and

(e) greater than eight weeks?

Hon Stephen Dawson replied:

Department of Treasury

		Number of staff	**$ Amount**
(a)	4 to 5 weeks	21	$186,936
(b)	5 to 6 weeks	27	$320,486
(c)	6 to 7 weeks	17	$271,918
(d)	7 to 8 weeks	12	$244,597
(e)	> 8 weeks	34	$977,651

Department of Finance

Leave Balance Category	**Total Value $**	**Number of Staff**
(a) Four to five weeks	650,182	70
(b) Five to six weeks	598,488	54
(c) Six to seven weeks	365,217	6
(d) Seven to eight weeks	373,632	24
(e) Greater than eight weeks	563,375	25

Western Australia Treasury Corporation

No of Weeks	**$**	**Staff No**
(a) four to five	29,937	4
(b) five to six	89,790	6
(c) six to seven	41,062	2
(d) seven to eight	68,341	5
(e) > eight	499,009	9

Economic Regulation Authority

Weeks	$ value	Number of staff
4 to 5 week	$163,952.15	12
5 to 6 weeks	$49,955.17	4
6 to 7 weeks	$79,018.96	4
7 to 8 weeks	$0	0
>8 weeks	$14,850.54	1

Department of Planning, Lands and Heritage

(a)–(e) Please refer to Legislative Council question on notice 1527.

Aboriginal Policy and Coordination Unit

(a)–(e) Please refer to Legislative Council question on notice 1541.

Western Power

Number of Weeks	Number of Employees	Annual Leave Balance
4–5 weeks	274	$2,898,715
5–6 weeks	194	$2,667,758
6–7 weeks	162	$2,526,482
7–8 weeks	125	$2,384,607
8+ weeks	263	$7,260,704

Synergy

Synergy	Four to five weeks	Five to six weeks	Six to seven weeks	Seven to eight weeks	Greater than eight weeks
Total $ value	$846,478	$633,407	$495,692	$769,572	$6,459,538
Number of employees	76	47	27	39	139

Horizon Power

Weeks	Sum of Entitlement Amount	Count of Employees
4–5	$479,130.39	45
5–6	$300,090.60	24
6–7	$339,846.17	17
7–8	$270,292.78	12
>8	$2,189,928.89	54

Government Employees Superannuation Board

No of Weeks	Accrued Annual Leave	No of Staff
(a) four to five weeks	$ 30 336.22	3
(b) five to six weeks	$ 63 687.26	5
(c) six to seven weeks	$18 426.22	1
(d) seven to eight weeks	$17 596.62	1
(e) greater than eight weeks	$48 222.73	3

Fire and Emergency Services Superannuation Fund

(a)–(d) Nil.

(e) See below –

Dollar Value	No. of Staff
$39,321	1

Insurance Commission of Western Australia

	Accrued annual leave balances as at 30 June 2018	**Number of employees**	**Dollar value**
(a)	Four to five weeks	24	$231,433.41
(b)	Five to six weeks	28	$309,007.99
(c)	Six to seven weeks	26	$336,193.81
(d)	Seven to eight weeks	16	$255,507.22
(e)	Greater than eight weeks	18	$502,746.12

Office of the Auditor General

	Number of weeks	**Number of staff**	**Accrued annual leave liability dollar value**
(a)	4–5 weeks	8	$66,084
(b)	5–6 weeks	12	$133,851
(c)	6–7 weeks	5	$66,882
(d)	7–8 weeks	5	$79,452
(e)	Greater than 8 weeks	12	$344,529
Total		42	$690,800

MINISTER FOR SENIORS AND AGEING — PORTFOLIOS — STAFF — ANNUAL LEAVE

1531. Hon Tjorn Sibma to the Leader of the House representing the Minister for Seniors and Ageing; Volunteering; Sport and Recreation:

As at 30 June 2018, for each agency/department within the Minister's portfolio, can you provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom these balances apply, for leave balances of the following periods of time:

(a) four to five weeks;

(b) five to six weeks;

(c) six to seven weeks;

(d) seven to eight weeks; and

(e) greater than eight weeks?

Hon Sue Ellery replied:

Department of Communities

(a)–(e) Please refer to the response to Legislative Council Question on Notice 1525.

Sport and Recreation (WA)

(a)–(e) Please refer to the response to Legislative Council Question on Notice 1533.

MINISTER FOR LOCAL GOVERNMENT — PORTFOLIOS — STAFF — ANNUAL LEAVE

1533. Hon Tjorn Sibma to the Leader of the House representing the Minister for Local Government; Heritage; Culture and the Arts:

As at 30 June 2018, for each agency/department within the Minister's portfolio, can you provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom these balances apply, for leave balances of the following periods of time:

(a) four to five weeks;

(b) five to six weeks;

(c) six to seven weeks;

(d) seven to eight weeks; and

(e) greater than eight weeks?

Hon Sue Ellery replied:

Department of Local Government, Sport and Cultural Industries

	Number of Employees in each category	**Total Dollar Value of accrued annual leave balances**
(a)	30	$316 841.75
(b)	27	$329 618.06
(c)	14	$231 372.11
(d)	13	$257 282.80
(e)	38	$1 032 298.33

State Records Office

	Number of Employees in each category	**Total Dollar Value of accrued annual leave balances**
(a)	2	$16 692.72
(b)	0	0
(c)	1	$9 072.23
(d)	0	0
(e)	1	$12 335.39

Art Gallery of Western Australia

	Number of Employees in each category	**Total Dollar Value of accrued annual leave balances**
(a)	8	$70 561.55
(b)	4	$44 890.68
(c)	3	$61 983.73
(d)	2	$38 823.09
(e)	4	$111 428.32

Perth Theatre Trust

	Number of Employees in each category	**Total Dollar Value of accrued annual leave balances**
(a)	6	$51 922.15
(b)	5	$55 220.91
(c)	4	$48 683.05
(d)	3	$41 866.91
(e)	5	$89 897.62

State Library of Western Australia

	Number of Employees in each category	**Total Dollar Value of accrued annual leave balances**
(a)	16	$126 118.41
(b)	12	$137 964.91
(c)	12	$151 403.69
(d)	3	$60.479.25
(e)	2	$40 908.05

Western Australian Museum

	Number of Employees in each category	**Total Dollar Value of accrued annual leave balances**
(a)	20	$164 175.41
(b)	12	$122 378.86

(c)	3	$29 248.38
(d)	2	$24 622.66
(e)	1	$10 189.65

Metropolitan Cemeteries Board

	Number of Employees in each category	**Total Dollar Value of accrued annual leave balances**
(a)	10	$ 62,467.61
(b)	12	$ 100,816.60
(c)	6	$ 78,453.10
(d)	0	0
(e)	3	$ 64,115.88

National Trust of Western Australia

	Number of Employees in each category	**Total Dollar Value of accrued annual leave balances**
(a)	1	$7 207.88
(b)	0	0
(c)	2	$22 736.06
(d)	0	0
(e)	3	$98 910.51

Department of Planning, Lands and Heritage

(a)–(e) Please refer to Legislative Council question on notice 1527.

MINISTER FOR REGIONAL DEVELOPMENT — PORTFOLIOS — STAFF — ANNUAL LEAVE

1535. Hon Tjorn Sibma to the Minister for Regional Development; Agriculture and Food; Minister Assisting the Minister for State Development, Jobs and Trade:

As at 30 June 2018, for each agency/department within the Minister's portfolio, can you provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom these balances apply, for leave balances of the following periods of time:

(a) four to five weeks;

(b) five to six weeks;

(c) six to seven weeks;

(d) seven to eight weeks; and

(e) greater than eight weeks?

Hon Alannah MacTiernan replied:

(a)–(e) [See tabled paper no 1749.]

MINISTER FOR EDUCATION AND TRAINING — PORTFOLIOS — STAFF — ANNUAL LEAVE

1538. Hon Tjorn Sibma to the Minister for Education and Training:

As at 30 June 2018, for each agency/department within the Minister's portfolio, can you provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom these balances apply, for leave balances of the following periods of time:

(a) four to five weeks;

(b) five to six weeks;

(c) six to seven weeks;

(d) seven to eight weeks; and

(e) greater than eight weeks?

Hon Sue Ellery replied:

Department of Education

(a)–(e)

As at 30 June 2018	**Number of Staff**	**Accrued Leave Balances ($)**
(a) four to five weeks	324	2 078 735
(b) five to six weeks	259	2 155 300
(c) six to seven weeks	169	1 597 365
(d) seven to eight weeks	148	1 817 761
(e) greater than eight weeks	315	6 234 819

Department of Training and Workforce Development

(a)–(e)

	Number of staff to whom these balances apply	**Total dollar value of accrued annual leave balances**
(a) Four to five weeks	13	$88,854.24
(b) Five to six weeks	10	$115,344.73
(c) Six to seven weeks	7	$102,813.97
(d)Seven to eight weeks	9	$141,175.80
(e) Greater than eight weeks	5	$157,752.13

North Metropolitan TAFE

(a)–(e)

	Number of staff to whom these balances apply	**Total dollar value of accrued annual leave balances**
(a) Four to five weeks	39	$275,414.90
(b) Five to six weeks	21	$197,368.36
(c) Six to seven weeks	15	$136,732.12
(d)Seven to eight weeks	6	$60,132.73
(e) Greater than eight weeks	9	$111,226.85

South Metropolitan TAFE

(a)–(e)

	Number of staff to whom these balances apply	**Total dollar value of accrued annual leave balances**
(a) Four to five weeks	57	$475,282.21
(b) Five to six weeks	34	$305,262.24
(c) Six to seven weeks	17	$182,189.22
(d)Seven to eight weeks	10	$109,225.55
(e) Greater than eight weeks	20	$327,592.14

North Regional TAFE

(a)–(e)

	Number of staff to whom these balances apply	**Total dollar value of accrued annual leave balances**
(a) Four to five weeks	13	$110,721.30

(b) Five to six weeks	14	$143,432.02
(c) Six to seven weeks	1	$10,940.05
(d)Seven to eight weeks	5	$48,845.69
(e) Greater than eight weeks	6	$84,824.93

Central Regional TAFE

(a)–(e)

	Number of staff to whom these balances apply	**Total dollar value of accrued annual leave balances**
(a) Four to five weeks	21	$150,783.88
(b) Five to six weeks	19	$178,006.06
(c) Six to seven weeks	8	$65,949.22
(d)Seven to eight weeks	6	$67,891.76
(e) Greater than eight weeks	19	$373,972.76

South Regional TAFE

(a)–(e)

	Number of staff to whom these balances apply	**Total dollar value of accrued annual leave balances**
(a) Four to five weeks	14	$83,273.68
(b) Five to six weeks	11	$110,409.29
(c) Six to seven weeks	11	$122,058.34
(d)Seven to eight weeks	3	$35,181.98
(e) Greater than eight weeks	15	$292,969.38

Building Construction Industry Training Fund

(a)–(e)

	Number of staff to whom these balances apply	**Total dollar value of accrued annual leave balances**
(a) Four to five weeks	3	$21, 578
(b) Five to six weeks	2	$19,601
(c) Six to seven weeks	1	$27,690
(d)Seven to eight weeks	Nil	Nil
(e) Greater than eight weeks	1	$35 636

MINISTER FOR STATE DEVELOPMENT, JOBS AND TRADE — PORTFOLIOS — STAFF — ANNUAL LEAVE

1540. Hon Tjorn Sibma to the minister representing the Minister for State Development, Jobs and Trade:

As at 30 June 2018, for each agency/department within the Minister's portfolio, can you provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom these balances apply, for leave balances of the following periods of time:

(a) four to five weeks;

(b) five to six weeks;

(c) six to seven weeks;

(d) seven to eight weeks; and

(e) greater than eight weeks?

Hon Alannah MacTiernan replied:

The Department of Jobs, Tourism, Science and Innovation advises:

	Weeks	No.Staff	Financial Value $
(a)	4–5	17	186,280
(b)	5–6	16	223,389
(c)	6–7	13	204,220
(d)	7–8	7	103,796
(e)	8+	31	722,331

PREMIER — PORTFOLIOS — STAFF — ANNUAL LEAVE

1541. Hon Tjorn Sibma to the Leader of the House representing the Premier; Minister for Public Sector Management; Federal–State Relations:

As at 30 June 2018, for each agency/department within the Minister's portfolio, can you provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom these balances apply, for leave balances of the following periods of time:

(a) four to five weeks;

(b) five to six weeks;

(c) six to seven weeks;

(d) seven to eight weeks; and

(e) greater than eight weeks?

Hon Sue Ellery replied:

Department of the Premier & Cabinet:

Annual leave balance	Total dollar value of accrued annual leave balances	Number of staff
(a) four to five weeks	Approximately $245 000	31 staff
(b) five to six weeks	Approximately $299 000	29 staff
(c) six to seven weeks	Approximately $196 000	14 staff
(d) seven to eight weeks	Approximately $260 000	20 staff
(e) greater than eight weeks	Approximately $970 000	44 staff

The Public Sector Commission advises:

Accrued annual leave balance	Number of staff	Total dollar value
(a) Four to five weeks	Six	$46,055.07
(b) Five to six weeks	Six	$76,529.93
(c) Six to seven weeks	Four	$74,705.77
(d) Seven to eight weeks	Four	$69,243.57
(e) Greater than eight weeks	Eight	$169,037.61

Goldcorp

Weeks Accrued	Count	Value ($)
(a) 4–5 Weeks	37	243,307
(b) 5–6 Weeks	33	260,605
(c) 6–7 Weeks	19	153,985
(d) 7–8 Weeks	14	194,877
(e) >8 Weeks	11	318,625
Grand Total	**114**	**1,171,399**

Lotterywest

As at the 30 June 2018 Lotterywest's dollar value of accrued annual leave balances and the number of staff whom these balances apply for leave balances of the following periods of time:

Weeks Accrued	Number of Staff	Value ($)
(a) four to five weeks	26	$231,565.82
(b) five to six weeks	10	$115,026.78
(c) six to seven weeks	12	$160,140.71
(d) seven to eight weeks	7	$118,305.78
(e) greater than eight weeks	47	$1,098,328.06

Salaries and Allowances Tribunal:

(a)–(e) Nil.

MINISTER FOR WATER — PORTFOLIOS — STAFF — ANNUAL LEAVE

1542. Hon Tjorn Sibma to the minister representing the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science:

As at 30 June 2018, for each agency/department within the Minister's portfolio, can you provide in tabular form, the total dollar value of accrued annual leave balances and the number of staff to whom these balances apply, for leave balances of the following periods of time:

(a) four to five weeks;

(b) five to six weeks;

(c) six to seven weeks;

(d) seven to eight weeks; and

(e) greater than eight weeks?

Hon Alannah MacTiernan replied:

Aqwest

[See tabled paper no 1750.]

Busselton Water

[See tabled paper no 1750.]

ChemCentre

[See tabled paper no 1750.]

Department of Primary Industries and Regional Development

Please refer to Legislative Council question on notice 1535.

Department of Water and Environmental Regulation

[See tabled paper no 1750.]

Forest Products Commission

[See tabled paper no 1750.]

Department of Jobs, Tourism, Science and Innovation

Please refer to Legislative Council question on notice 1540.

Office of the Government Chief Information Officer

[See tabled paper no 1750.]

Water Corporation

[See tabled paper no 1750.]

PREMIER AND CABINET — STAFF — SECURITY CLEARANCE

1543. Hon Tjorn Sibma to the Leader of the House representing the Premier:

The budget papers demonstrate that the Department of Premier and Cabinet (DPC) is engaged in serious work on security and emergency matters, and I ask:

(a) is it still departmental policy that senior DPC officers undergo a national security clearance vetting process;

(b) which positions within DPC require security vetting and to what level of clearance; and

(c) have all individuals appointed to these positions undertaken this security vetting to the appropriate clearance level and, if not, why not?

Hon Sue Ellery replied:

(a)–(c) DPC officers that have, or may have, a need to access classified information are required to undergo a national security clearance vetting process. Until these officers receive a national security clearance they do not access classified information, unless the Australian Government approves a short term access arrangement.

MINISTER FOR LOCAL GOVERNMENT — PORTFOLIOS — BOARDS AND COMMITTEES

1544. Hon Tjorn Sibma to the Leader of the House representing the Minister for Local Government; Heritage; Culture and the Arts:

(1) Can the Minister please provide a list of all boards and committees within their portfolios as at March 2017?

(2) Can the Minister please provide a list of all boards and committees within their portfolios as at May 2018?

(3) For each set of information in (1) and (2), can the Minister provide, in table form, the names of all committee members belonging to their relevant committees, the organisations which the member represents, frequency of meeting dates of each committee and any sitting fees paid to individuals?

Hon Sue Ellery replied:

(1)–(3) Please refer to Legislative Council question on notice 1552.

MINISTER FOR POLICE — PORTFOLIOS — BOARDS AND COMMITTEES

1547. Hon Tjorn Sibma to the minister representing the Minister for Police; Road Safety:

(1) Can the Minister please provide a list of all boards and committees within their portfolios as at March 2017?

(2) Can the Minister please provide a list of all boards and committees within their portfolios as at May 2018?

(3) For each set of information in (1) and (2), can the Minister provide, in table form, the names of all committee members belonging to their relevant committees, the organisations which the member represents, frequency of meeting dates of each committee and any sitting fees paid to individuals?

Hon Stephen Dawson replied:

Please refer to the response to Legislative Council Question on Notice 1552.

MINISTER FOR EDUCATION AND TRAINING — PORTFOLIOS — BOARDS AND COMMITTEES

1549. Hon Tjorn Sibma to the Minister for Education and Training:

(1) Can the Minister please provide a list of all boards and committees within their portfolios as at March 2017?

(2) Can the Minister please provide a list of all boards and committees within their portfolios as at May 2018?

(3) For each set of information in (1) and (2), can the Minister provide, in table form, the names of all committee members belonging to their relevant committees, the organisations which the member represents, frequency of meeting dates of each committee and any sitting fees paid to individuals?

Hon Sue Ellery replied:

Please refer to Legislative Council Question on Notice 1552.

MINISTER FOR HEALTH — PORTFOLIOS — BOARDS AND COMMITTEES

1550. Hon Tjorn Sibma to the parliamentary secretary representing the Deputy Premier; Minister for Health; Mental Health:

(1) Can the Minister please provide a list of all boards and committees within their portfolios as at March 2017?

(2) Can the Minister please provide a list of all boards and committees within their portfolios as at May 2018?

(3) For each set of information in (1) and (2), can the Minister provide, in table form, the names of all committee members belonging to their relevant committees, the organisations which the member represents, frequency of meeting dates of each committee and any sitting fees paid to individuals?

Hon Alanna Clohesy replied:

Please refer to the response to Legislative Council Question on Notice 1552.

MINISTER FOR STATE DEVELOPMENT, JOBS AND TRADE — PORTFOLIOS — BOARDS AND COMMITTEES

1551. Hon Tjorn Sibma to the minister representing the Minister for State Development, Jobs and Trade:

(1) Can the Minister please provide a list of all boards and committees within their portfolios as at March 2017?

(2) Can the Minister please provide a list of all boards and committees within their portfolios as at May 2018?

(3) For each set of information in (1) and (2), can the Minister provide, in table form, the names of all committee members belonging to their relevant committees, the organisations which the member represents, frequency of meeting dates of each committee and any sitting fees paid to individuals?

Hon Alannah MacTiernan replied:

"Please refer to the response to Legislative Council Question on Notice 1552."

PREMIER — PORTFOLIOS — BOARDS AND COMMITTEES

1552. Hon Tjorn Sibma to the Leader of the House representing the Premier; Minister for Public Sector Management; Federal–State Relations:

(1) Can the Minister please provide a list of all boards and committees within their portfolios as at March 2017?

(2) Can the Minister please provide a list of all boards and committees within their portfolios as at May 2018?

(3) For each set of information in (1) and (2), can the Minister provide, in table form, the names of all committee members belonging to their relevant committees, the organisations which the member represents, frequency of meeting dates of each committee and any sitting fees paid to individuals?

Hon Sue Ellery replied:

Department of the Premier and Cabinet

(1)–(2) The Boards and Committees database is updated regularly and is accessible on the Department of the Premier and Cabinet web site. [See tabled paper no 1746.]

(3) In accordance with the Public Sector Commission Annual Reporting framework 2017/18, agencies are required, in their annual reports, to report on the individual and aggregate costs of remunerating all positions on boards and committees as defined in Premier's Circular 2017/08 – State Government Boards and Committees.

MINISTER FOR SENIORS AND AGEING — PORTFOLIOS — BOARDS AND COMMITTEES

1554. Hon Tjorn Sibma to the Leader of the House representing the Minister for Seniors and Ageing; Volunteering; Sport and Recreation:

(1) Can the Minister please provide a list of all boards and committees within their portfolios as at March 2017?

(2) Can the Minister please provide a list of all boards and committees within their portfolios as at May 2018?

(3) For each set of information in (1) and (2), can the Minister provide, in table form, the names of all committee members belonging to their relevant committees, the organisations which the member represents, frequency of meeting dates of each committee and any sitting fees paid to individuals?

Hon Sue Ellery replied:

(1)–(3) Please refer to the response to Legislative Council Question on Notice 1552.

TREASURER — PORTFOLIOS — BOARDS AND COMMITTEES

1555. Hon Tjorn Sibma to the minister representing the Treasurer; Minister for Finance; Energy; Aboriginal Affairs:

(1) Can the Minister please provide a list of all boards and committees within their portfolios as at March 2017?

(2) Can the Minister please provide a list of all boards and committees within their portfolios as at May 2018?

(3) For each set of information in (1) and (2), can the Minister provide, in table form, the names of all committee members belonging to their relevant committees, the organisations which the member represents, frequency of meeting dates of each committee and any sitting fees paid to individuals?

Hon Stephen Dawson replied:

Please refer to the response to Legislative Council Question on Notice 1552.

MINISTER FOR TOURISM — PORTFOLIOS — BOARDS AND COMMITTEES

1556. Hon Tjorn Sibma to the minister representing the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests:

(1) Can the Minister please provide a list of all boards and committees within their portfolios as at March 2017?

(2) Can the Minister please provide a list of all boards and committees within their portfolios as at May 2018?

(3) For each set of information in (1) and (2), can the Minister provide, in table form, the names of all committee members belonging to their relevant committees, the organisations which the member represents, frequency of meeting dates of each committee and any sitting fees paid to individuals?

Hon Alannah MacTiernan replied:

Please refer to the response to Legislative Council Question on Notice 1552.

MINISTER FOR MINES AND PETROLEUM — PORTFOLIOS — BOARDS AND COMMITTEES

1557. Hon Tjorn Sibma to the minister representing the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

(1) Can the Minister please provide a list of all boards and committees within their portfolios as at March 2017?

(2) Can the Minister please provide a list of all boards and committees within their portfolios as at May 2018?

(3) For each set of information in (1) and (2), can the Minister provide, in table form, the names of all committee members belonging to their relevant committees, the organisations which the member represents, frequency of meeting dates of each committee and any sitting fees paid to individuals?

Hon Alannah MacTiernan replied:

(1)–(3) Please refer to the response to Legislative Council Question on Notice 1552.

MINISTER FOR ENVIRONMENT — PORTFOLIOS — BOARDS AND COMMITTEES

1558. Hon Tjorn Sibma to the minister representing the Minister for Transport; Planning; Lands:

(1) Can the Minister please provide a list of all boards and committees within their portfolios as at March 2017?

(2) Can the Minister please provide a list of all boards and committees within their portfolios as at May 2018?

(3) For each set of information in (1) and (2), can the Minister provide, in table form, the names of all committee members belonging to their relevant committees, the organisations which the member represents, frequency of meeting dates of each committee and any sitting fees paid to individuals?

Hon Stephen Dawson replied:

Refer to Legislative Council Question on Notice 1552.

MINISTER FOR HOUSING — PORTFOLIOS — BOARDS AND COMMITTEES

1559. Hon Tjorn Sibma to the minister representing the Minister for Housing; Veterans Issues; Youth:

(1) Can the Minister please provide a list of all boards and committees within their portfolios as at March 2017?

(2) Can the Minister please provide a list of all boards and committees within their portfolios as at May 2018?

(3) For each set of information in (1) and (2), can the Minister provide, in table form, the names of all committee members belonging to their relevant committees, the organisations which the member represents, frequency of meeting dates of each committee and any sitting fees paid to individuals?

Hon Stephen Dawson replied:

Please refer to the response to Legislative Council Question on Notice 1552.

MINISTER FOR CHILD PROTECTION — PORTFOLIOS — BOARDS AND COMMITTEES

1560. Hon Tjorn Sibma to the Leader of the House representing the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:

(1) Can the Minister please provide a list of all boards and committees within their portfolios as at March 2017?

(2) Can the Minister please provide a list of all boards and committees within their portfolios as at May 2018?

(3) For each set of information in (1) and (2), can the Minister provide, in table form, the names of all committee members belonging to their relevant committees, the organisations which the member represents, frequency of meeting dates of each committee and any sitting fees paid to individuals?

Hon Sue Ellery replied:

Please refer to the response to Legislative Council Question on Notice 1552.

MINISTER FOR WATER — PORTFOLIOS — BOARDS AND COMMITTEES

1561. Hon Tjorn Sibma to the minister representing the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science:

(1) Can the Minister please provide a list of all boards and committees within their portfolios as at March 2017?

(2) Can the Minister please provide a list of all boards and committees within their portfolios as at May 2018?

(3) For each set of information in (1) and (2), can the Minister provide, in table form, the names of all committee members belonging to their relevant committees, the organisations which the member represents, frequency of meeting dates of each committee and any sitting fees paid to individuals?

Hon Alannah MacTiernan replied:

Aqwest, Busselton Water, ChemCentre, Department of Primary Industries and Regional Development, Department of Fisheries, Department of Water and Environmental Regulation, Department of Water, Forest Products Commission, Department of Jobs, Tourism, Science and Innovation, Office of the Government Chief Information Officer and Water Corporation

(1)–(3) Please refer to the response to Legislative Council Question on Notice 1552.

HEALTH — LOTTERYWEST AND HEALTHWAY — ADMINISTRATIVE MERGER

1562. Hon Tjorn Sibma to the Leader of the House representing the Premier:

(1) What is the cost to date of the amalgamation of Healthway and Lotterywest:

(a) can the Minister please provide an itemised breakdown of this cost?

(2) What is the projected total cost of the merger:

(a) can the Minister please provide an itemised breakdown of this total cost?

Hon Sue Ellery replied:

So far, the amalgamation has realised gross savings of $688,000 in leasing and staffing.

(1) The cost of implementation to-date is $238,963.

(a) Itemised breakdown:

System configuration $34,689

Communications $420

Office relocation and signage $13,728

Staff redundancies and support $190,127

(2) The projected total cost of implementing the amalgamation $311,931.

(a) Itemised cost breakdown:

Communications $2,920

Staff redundancies and support $219,023

System configuration $34,689

Office relocation and signage $55,300

DEPARTMENT OF THE PREMIER AND CABINET — REGISTER OF GIFTS

1563. Hon Tjorn Sibma to the Leader of the House representing the Premier:

I refer to the Department of Premier and Cabinet's (DPC's) administration of services to executive government, and I ask:

(a) does DPC maintain a register(s) of gifts to Ministers' offices;

(b) what process do Ministers and their staff follow so that they declare these gifts; and

(c) can DPC provide copies of this/these gift register(s) for each Minister and their office for gifts received up to and including 30 June 2018?

Hon Sue Ellery replied:

(a)–(c) As part of good corporate governance practices, ministerial offices retain a record of gifts received by the Minister and in this regard, I refer the Hon. Member to Legislative Assembly questions on notice 1007 to 1023 from 2017 and Legislative Council questions on notice 895 to 946 from 2018. In addition, ministerial staff are required to seek approval from the Department of the Premier and Cabinet prior to accepting a gift or attending an event.

RACING AND GAMING — GOLDEN MILE TROTTING CLUB

1570. Hon Colin Holt to the minister representing the Minister for Racing and Gaming:

(1) Is the Minister aware of business modelling prepared by Racing and Wagering Western Australia to justify its decision not to allocate further race dates to the Golden Mile Trotting Club in Kalgoorlie?

(2) If yes to (1), was the Minister provided a copy of the business modelling?

(3) If yes to (2), will the Minister table a copy of the business modelling?

(4) Is the Minister satisfied with Racing and Wagering Western Australia's decision to limit the harness racing industry to the metropolitan area and the South West?

(5) Was the Minister consulted prior to the closure of Western Australia's second oldest harness club, the Golden Mile Trotting Club?

Hon Alannah MacTiernan replied:

(1) Yes, the Minister is aware of the analysis and modelling undertaken by Racing and Wagering Western Australia (RWWA) on its decision regarding the Golden Mile Trotting Club (GMTC).

(2) Yes.

(3) Yes. [See tabled paper no 1751.] A summary of the analysis and modelling for the Minister as provided by RWWA.

(4) Allocation of race dates is decided on a case-by-case basis.

A number of factors are taken into account to reach an outcome that supports the sustainability of the industry including the level of industry participation and community engagement at specific race meetings, the performance of those race meetings, the broadcasting of those race meetings and the programming and scheduling of race meetings across all three codes of racing.

Unfortunately, the cost to industry to support the GMTC was not deemed sustainable and therefore, in the best interests of the industry going forward.

(5) The GMTC has not been closed; RWWA does not have the authority to close any race club.

The Minister was provided with briefings on the process as it was being undertaken with the GMTC and the Harness Code Committee.

The Minister acknowledges that the outcome is unfortunate for the GMTC, however following thorough analysis and consultation with the industry, the outcome reached was necessary for the sustainability of the wider industry.

HEALTH — METH HELPLINE

1571. Hon Nick Goiran to the parliamentary secretary representing the Deputy Premier; Minister for Health; Mental Health:

I refer to funding cuts to the Meth Helpline, and I ask:

(a) what was the Alcohol and Other Drug Support Service's budget in 2017–18 and how does this compare to the 2018–19 budget for the same service;

(b) how much of the Alcohol and Other Drug Support Service's budget for 2018–19 has been allocated to staffing and promotion of the Meth Helpline;

(c) for the year 2016–2017, for each of the following services, how many people, and what percentage of callers, were unable to get through to a person immediately and required a call back for the:

(i) Meth Helpline;

(ii) Parent and Family Drug Support Line; and

(iii) Alcohol and Other Drug Support Line; and

(d) what were the number of meth-related calls, and total calls, received by the Alcohol and Other Drug Support Service for the years 2015–2016, 2016–2017 and 2017–2018?

Hon Alanna Clohesy replied:

I am advised that:

(a) The Alcohol and Drug Support Service (ADSS) budget was $1,551,664 in 2017–18, and is $1,397,664 in 2018–19.

(b) The Meth Helpline was previously, and continues to be, resourced by the staff of the ADSS. There is no budget for the promotion of the Meth Helpline in 2018/19.

(c)

	Number of people unable to get through	**Percentage of callers unable to get through**
(i) Meth Helpline	203	24%

(ii) Parent and Family Drug Support Line	267	19%
(iii) Alcohol and Drug Support Line	1,373	24%

Unable to report on the number called back.

(d)

	Meth related calls[1]	**Alcohol and Drug Support Service calls[2]**
2015–16	3,112	23,698
2016–17[3]	5,086	20,676
2017–18	4,225	19,295

[1] Includes meth related calls to both the Meth Helpline and the ADSS.

[2] Quitline ceased 1 July 2016.

[3] The Meth Helpline commenced September 2016.

PUBLIC SCHOOLS — INTERNET CONNECTIONS

1581. Hon Martin Aldridge to the Minister for Education and Training:

I refer to the internet connection at each public school, and I ask:

(a) what technology is utilised by each school for connection;

(b) what is the connection speed for each school connection;

(c) has the school connected to the national broadband network;

(d) if no to (4), and the national broadband network is available, why has connection not occurred;

(e) what is the Department of Education's policy with respect to school connection to the national broadband network; and

(f) who is contracted to provide internet services to public schools in Western Australia?

Hon Sue Ellery replied:

(a) The following technologies are used for broadband as at 21 August 2018:

783 sites are connected via fibre optic services;

20 sites are connected via satellite services;

10 sites are connected via 3G/4G mobile services; and

two sites connected via copper.

(b) The connection speed is determined by student numbers. As at 21 August 2018:

630 sites at 10 megabits per second (Mb/s) symmetrical (download and upload are both 10Mb/s);

81 sites at 20 Mb/s symmetrical;

53 sites at 50 Mb/s symmetrical;

14 sites at 100 Mb/s symmetrical;

15 sites at 4/0.5 Mb/s asymmetrical (download is 4Mb/s upload is 0.5Mb/s);

17 sites at 10/2 Mb/s asymmetrical;

two sites at 25/4 Mb/s asymmetrical; and

two sites at 2 Mb/s symmetrical.

(c)–(d) Only the schools at Christmas and Cocos Islands have been connected to the National Broadband Network (NBN) because NBN is the only solution available in these territories.

Until now, the NBN has not had the technology solution to meet the Department's security requirements. The Department is negotiating with the GovNext prime contractors to determine the capability of NBN services. In the interim, the Department is allowing schools to implement NBN broadband services for access to online systems that do not require higher levels of corporate/secure application and associated data (eg Internet).

(e) NBN is a wholesale service provider and there is no specific policy related to NBN.

(f) The Department has maintained a contract with Telstra to provide private secured network connections to schools. A recent network security design change at schools has enabled schools to supplement the centrally provided broadband service with a low-cost locally funded residential grade internet connection. The solution, named School Managed Internet (SMI), was recently announced to schools, and allows them to procure internet services provided through retail service providers, which may include NBN.

Internet services are provided to the Department via ServiceNet, a business unit of the Department of Finance. For schools that implement SMI, the internet service will be delivered from a range of providers.

_____