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LEGISLATIVE COUNCIL

Wednesday, 12 September 2018

THE PRESIDENT (Hon Kate Doust) took the chair at 1.00 pm, read prayers and acknowledged country.

CITY OF MELVILLE — BUILDING MATTERS — INQUIRY

Petition

HON ROBIN CHAPPLE (Mining and Pastoral) [1.02 pm]: I present a petition containing eight 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 conduct and performance of the City of Melville in respect to building compliance matters associated with the construction of a 4 unit complex at 37 Harris St Bicton; matters that have caused Mr Crawford together with his family and the other owners significant loss and unwarranted distress. We the undersigned also support Mr Crawford's serious concerns about the apparent inability of current building legislation to enforce compliance with building legislation in relation to building defects caused by builders.
>
> Your petitioners therefore respectfully request the Legislative Council inquire into the conduct and performance of the City of Melville, the adequateness of the current building legislation and whether the City of Melville should pay compensation to the owners of 37 Harris St Bicton.
>
> And your petitioners as in duty bound, will ever pray.

[See paper 1766.]

TEACHER REGISTRATION ACT — REVIEW

Statement by Minister for Education and Training

HON SUE ELLERY (South Metropolitan — Minister for Education and Training) [1.03 pm]: Earlier in 2018, the Department of Education's higher education and legislative review directorate undertook a statutory review of the Teacher Registration Act 2012 pursuant to the requirement of the act. The review considered the operation and effectiveness of the act and regulations, the effectiveness of the make-up and operations of the board, the need for the continuation of the functions of the board, and the need for amendments to the act. The Department of Education was assisted by a stakeholder reference group that included representatives from Catholic Education Western Australia, the Association of Independent Schools of Western Australia, the State School Teachers' Union of WA, the Independent Education Union of WA and a ministerial nominee, Ms Sabine Winton, MLA, member for Wanneroo. Twenty-four submissions were also received.

The comprehensive report contains 78 recommendations covering elements of the act and regulations that deal with registration coverage, categories and requirements, renewal and transition, disciplinary matters, impairment matters, enforcement powers, fees, composition of the board and other areas. To progress the review's recommendations, I have established a strategic implementation group to consider the impacts and implications of each recommendation, which of those I should implement, consider legal advice, assess implementation issues, and propose an implementation time frame. The strategic implementation group includes representatives from the same organisations represented on the stakeholder reference group, with the addition of a representative from the Teacher Registration Board of Western Australia. The strategic implementation group will report back to me by the end of October. I table the report.

[See paper 1767.]

RENEWABLE HYDROGEN INDUSTRY

Statement by Minister for Regional Development

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [1.05 pm]: There is a new global industry that can be a real winner for Western Australia if we are prepared to seize the opportunity. WA has the potential to export globally significant amounts of renewable hydrogen given our access to some of the nation's best wind and solar resources, our strong technical and commercial skill base in delivering global-scale export products, especially liquefied natural gas, and our proximity to key export markets. The three linked factors of decarbonisation drivers, emerging export markets and falling renewable energy costs mean that the hydrogen narrative is no longer one of technology development but of market activation. Japan, South Korea

and Singapore have made the decision that they want hydrogen as a key component of their energy mix, but these countries have neither the renewable energy resources nor the available land to generate enough hydrogen to meet their emissions reduction targets. When China needed iron ore, WA met the demand. When Japan needed LNG, WA stepped up. Now the McGowan government is taking steps to ensure that WA can meet the demand for renewable hydrogen and bring this job-creating industry to regional Western Australia.

During the break, we hosted the Renewable Hydrogen Conference, bringing more than 300 leading scientists, industry and government representatives to Perth to chart the course for a renewable hydrogen industry. The buzz was well and truly there. We are seeing real interest in renewable hydrogen projects in the Pilbara and opportunities in the midwest.

Several members interjected.

Hon ALANNAH MacTIERNAN: I know it is probably really hard for members opposite to imagine it exciting anyone!

The PRESIDENT: Order!

Hon ALANNAH MacTIERNAN: At the conference, the Premier and I announced that a renewable hydrogen council would be established to advise on industry development in WA. The council will bring together experts from the private and public sector, including senior representation from the Department of Jobs, Tourism, Science and Innovation, the Public Utilities Office and research institutions, and will be supported by the Department of Primary Industries and Regional Development to develop a WA hydrogen plan. The council will report back to government on key findings early in the new year and will also inform the state's contribution to the proposal for the development of a national hydrogen strategy by Australia's Chief Scientist, Dr Alan Finkel. The first meeting of the renewable hydrogen council is scheduled to be held in late October 2018. Our government was elected on a platform of job creation and economic growth, and hydrogen is the next plank in our plan to diversify regional Western Australia.

PAPERS TABLED

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

STANDING COMMITTEE ON UNIFORM LEGISLATION AND STATUTES REVIEW

116th Report — "Fair Trading Amendment Bill 2018 — Extension of time" — Tabling

HON MICHAEL MISCHIN (North Metropolitan — Deputy Leader of the Opposition) [1.10 pm]: I am directed to present the 116th report of the Standing Committee on Uniform Legislation and Statutes Review titled "Fair Trading Amendment Bill 2018 — Extension of time".

[See paper 1768.]

Hon MICHAEL MISCHIN: On 27 June 2018, the Legislative Council referred the Fair Trading Amendment Bill 2018 to the Standing Committee on Uniform Legislation and Statutes Review for consideration and report. The referral was made under standing order 128, and the reporting date was 14 August 2018, being the first sitting day following the expiry of the 45-day reporting time frame. On 28 June 2018, the committee sought an extension of the time in which it was to report to the Legislative Council from 14 August 2018 to 18 September 2018. That extension of time was granted on 28 June 2018.

The committee has identified two key parliamentary sovereignty issues raised by the bill, including, firstly, that on commencement of the bill, amendments made to the Australian Consumer Law by six commonwealth acts will automatically apply as the law of Western Australia. The bill makes no provision for parliamentary scrutiny of those commonwealth acts. Secondly, there is the issue of the automatic incorporation of future amendments to the Australian Consumer Law into the Australian Consumer Law (WA), unless the amendments are disallowed by Parliament. The proposed tabling and disallowance mechanism is novel. The committee has concerns about this mechanism. The concerns include how those amendments will be subject to parliamentary scrutiny. The committee received evidence that the tabling and disallowance mechanism proposed in the bill may be used in future national scheme legislation. This may have implications for parliamentary procedure, and the committee has requested further information from the department and, through it, from Parliamentary Counsel's Office. The parliamentary sovereignty issues raised by the bill are significant and relevant to the future national scheme legislation as it will be applied in Western Australia. These issues require further detailed consideration.

On 27 August 2018, the committee resolved to seek a further extension of time in which to report on the bill. This extension of time is requested to enable the committee to properly discharge its reporting obligations to the house, due to the need to consider the significant parliamentary sovereignty and process issues raised by the bill. The committee therefore seeks a further extension of time in which to report on the bill, from 18 September to 20 November 2018. The committee will use its best endeavours to report to the Council earlier than 20 November; however, it has requested this date to ensure that no further extension is required.

Extension of Reporting Time — Motion

HON MICHAEL MISCHIN (North Metropolitan — Deputy Leader of the Opposition) [1.13 pm] — without notice: I move —

> That the reporting date for the committee inquiry into the Fair Trading Amendment Bill 2018 be extended from 18 September 2018 to 20 November 2018.

I seek leave to continue my remarks at a later stage of the day's sitting.

[Leave granted for the member's speech to be continued at a later stage of the sitting.]

Debate thus adjourned.

[Continued on page 5660.]

SELECT COMMITTEE INTO ALTERNATE APPROACHES TO REDUCING ILLICIT DRUG USE AND ITS EFFECTS ON THE COMMUNITY

Establishment — Amendment to Notice of Motion

Hon Alison Xamon gave notice, pursuant to standing order 62(a), of an amended form of motion 3, Select Committee into alternate approaches to reducing illicit drug use and its effects on the community, as follows —

(1) A select committee examining alternate approaches to reducing illicit drug use and its effects on the community is established.

(2) The select committee is to inquire into and report on —

(a) other Australian state jurisdictions and international approaches (including Portugal) to reducing harm from illicit drug use, including the relative weighting given to enforcement, health and social interventions;

(b) a comparison of effectiveness and cost to the community of drug-related laws between Western Australia and other jurisdictions;

(c) the applicability of alternate approaches to minimising harms from illicit drug use from other jurisdictions to the Western Australian context; and

(d) consider any other relevant matter.

(3) The select committee is to report no later than 12 months after the motion is agreed to.

(4) The select committee shall consist of five members: Hon Alison Xamon (Chair); Hon Samantha Rowe (Deputy Chair); Hon Colin de Grussa; Hon Michael Mischin; and Hon Aaron Stonehouse.

PAYROLL TAX

Motion

Resumed from 29 August on the following motion moved by Hon Robin Scott —

> That as an incentive for Western Australians to expand and operate businesses in the productive remote areas of Western Australia, this house calls upon the government of Western Australia to —
>
> (a) halve payroll taxes from 5.5 per cent to 2.75 per cent for businesses with fewer than 100 employees operating in zone B as defined by the Australian Taxation Office in the Australian zone list for Western Australia; and
>
> (b) eliminate payroll tax for businesses with fewer than 100 employees operating in zone A as defined by the Australian Taxation Office in the Australian zone list for Western Australia.

HON DR STEVE THOMAS (South West) [1.15 pm]: I have a short time available to mostly recap where we got to, unless members would like me to start over!

Several members interjected.

Hon Dr STEVE THOMAS: Perhaps not!

This is an excellent motion. Members might remember that the purpose of this motion is to, effectively, stimulate the economy of particularly those remoter regions of Western Australia by seeking a reduction in payroll tax for the regions that are listed for reductions to personal tax through zone rebates by the commonwealth government. Given that the intent of the member's motion is to stimulate business and the economy in his regions, he is to be commended. It is great to see somebody thinking outside the box about how we might provide a stimulus for business and the economy. I am particularly pleased that Hon Robin Scott focused on stimulating business, rather than simply handouts; I think that is absolutely critical, and something we lose track of in Western Australia. We have become very used to people coming cap in hand for grants and handouts. So I commend Hon Robin Scott for

his motion and his attempt to actually stimulate business, provide employment and make sure that those communities can build a future by building their own economies and growing off that. Unfortunately, that is a little tricky, and the Liberal Party will not be able to see its way to support this motion, largely for the reasons I outlined last time, but it is very hard for any party that covers the entire state to pick winners and losers in giving rebates.

During my last address, I gave the list of places to which zone rebates apply. That list is available on the commonwealth government's Australian Taxation Office website, and members can look at that to see where they apply. Of course, I have a difficulty at a personal level with a proposal that gives a payroll tax advantage to a company in one area, but does not apply it to the south west, for example. I am sure that other members have a similar problem. I will go a fraction further with that in the little time available.

From a cursory look at where the boundaries might sit, for example—the honourable member may correct me if I have made a mistake in my research—it appears, using the zone rebate proposal, that a business in Southern Cross would get a payroll tax advantage and a business down the road in Merredin would miss out. It appears to me, for example, that a business in Ravensthorpe on the south coast would get a payroll tax advantage and a business in Jerramungup, which is sort of the next town along the strip, would miss out. Ultimately, that is the problem I have with the proposal before the house. As bold and well meant an initiative as it is, in my view the problem remains that it is very difficult for any government or Parliament to pick winners and losers based on a particular geographical area. Historically, I do not think government has done that very well. I remain of the view that we need to reduce payroll tax for everybody, to stimulate business, to have the government live within the means of its expenditure so it has the capacity to provide payroll tax relief, to have government remove itself as an impediment to business growth and development, to make sure it provides the best opportunities for business by minimising the impost of applying for various licences and registration, to make the approvals process as streamlined as it could possibly be, and to remove all those tripping and blocking points that almost every business comes across all the time. That would be a really, really good investment for any government to take on. As I said last time, I have been around long enough to see red-tape reduction programs. To my mind, they have traditionally been a furphy, because no-one was using the bits of legislation that were removed anyway. A genuine attempt to remove the roadblocks and the imposts on business is where I think the focus should be.

The zone rebates apply largely in the Mining and Pastoral Region, and I see some good signs there. I think the mining industry is showing some good signs. The gold industry, with the exploration we see in that area, is great, and the iron ore industry continues to do well. I see a bit of a boom in oil and gas. I am a bit cautious, because I mentioned in my 2008 budget speech as shadow Treasurer that I thought oil and gas would boom a bit more, and that was the part I got a bit wrong. I think there are some good signs there that it is going to do exactly that. I think those regions are going to see significant economic development over the next 10 years, but not the boom we had previously. It should not be the boom; the boom is problematic. We need to aim at long-term, sustainable, systemic growth, with two per cent, three per cent or four per cent growth per annum in those regions' economies. Government has to get out of the way and allow that to happen. This is a great motion, but unfortunately I cannot support it.

HON COLIN HOLT (South West) [1.22 pm]: I will just make some quick remarks on this motion. I thank Hon Robin Scott for moving it. I think there is broad agreement, at least within the Nationals WA, that payroll tax is in many ways an anti-development tax. We really want to see our businesses grow, especially our small businesses, and to be able to make decisions about future employment and expanding it. There is no doubt that when those companies start to hit some of those payroll tax thresholds, there is a disincentive to employ more people and pay them a bigger wage, because it all adds up to reaching the threshold and paying some of that money back in tax. The Nationals broadly recognise that. We took a policy of raising the payroll tax threshold to the last election in recognition of that fact and to say that we need to stimulate the economy and employment, especially in the small to medium business sector. We need to provide incentives by raising the threshold so they can employ more people and drive the economy. In that policy discussion, we realised that we needed to find a revenue source to pay for it. We suggested that to pay for that, we increased the special lease rental as well as a variety of other mechanisms, including paying down some of the debt. That was in recognition of the fact that when responsible policies such as that one are implemented, we have to find a way to substitute for the lost revenue to government. We are in opposition and Hon Robin Scott is on the crossbench, and that is probably one of the gaps in this motion. Hon Robin Scott is suggesting that the threshold be raised, but if that happens, the government will lose out on some revenue, and how do we pay for it? It is not Hon Robin Scott's responsibility to come up with that plan. That is what governments have to tussle with and balance every time there is a debate about incentivising and investing in the community and how to pay for it. That is the beauty of being on the crossbench: we can come up with ideas, but how they are paid for is someone else's problem. That is not too bad; we can do that from this side of the house and we do it a great deal. When the Nationals were in government, leading up to the last election we had a policy of raising thresholds across the board to encourage that stimulation.

The motivation behind this motion is to improve employment opportunities in regional areas, in this instance remote areas and special tax zones, because there is a recognition that we need to drive employment. Employment is a key factor in any regional development outcome; there has to be employment. Obviously, I would put access

to education, good health care and housing into that mix too. When we last sat, there was debate in non-government business about that sort of investment, and I think we were talking about roads. Hon Colin Tincknell might have moved a motion on that. The debate was about transport, and I think I raised the point before that there has to be broader investment to make sure that people and businesses establish themselves and their workforces in Western Australia. Although this motion is fairly narrow in focus and only refers to a payroll tax incentive, it is important to keep those other things in mind, because this is not the only solution that would drive regional development in the sense put in the motion.

I commend Hon Robin Scott for moving this motion. We would expect him to move it as a representative of the Mining and Pastoral Region. He is representing his region and trying to drive outcomes and develop opportunities for the people who live there. On the other side of that, because the motion has such a narrow focus, it means that people like me and Hon Dr Steve Thomas, who represent the South West Region, find it much harder, as Hon Dr Steve Thomas also indicated, to support a motion that will disadvantage or disincentivise investment in the south west of the state. That is the nature of representative politics and policy making, and that is the nature of this place. We need to keep the people we represent in mind and the reasons we represent them. Although I commend Hon Robin Scott for moving this motion, I will not be able to support it for the simple fact that it potentially disincentivises investment and development in the south west and incentivises it in the Mining and Pastoral Region. I have lived in that region too, and this type of investment would be good. We need to expand it and incentivise payroll tax across the board. Something like the Nationals' policy would have been something to adopt. When the government brought payroll tax legislation to this house, we moved an amendment to increase the threshold to $1 million, if my mind serves me right, for which we got various levels of support in the chamber. On that occasion Hon Robin Scott supported it, because he realised that payroll tax is one of those insidious anti-development taxes that we have somehow found ourselves relying on so heavily. We find ourselves really tied to it and it is hard to change our outlook on it. I note that some other states are looking at it really seriously. There has been a change somewhere just recently, I think in Victoria.

Hon Rick Mazza: Tasmania.

Hon COLIN HOLT: Yes; is it Tasmania? One of the states over there has really made some sweeping changes. They can, of course, because they have a revenue source called the GST, which helps them out on a massive scale. That is the challenge we have as a government: how do we replace the lost opportunity of government funding in this space? With those few words, I am afraid I cannot support this motion as it stands. If Hon Robin Scott moves another motion referring to raising payroll tax thresholds in the whole of regional Western Australia, including the south west, I am sure my support would change depending on how it was worded.

HON SIMON O'BRIEN (South Metropolitan) [1.29 pm]: We have already heard that Liberal members will not support this motion, with apology. Regardless of that, I will not support it, without apology. I want to address a few remarks to the mover in a constructive way. I think the sentiments and the motivation behind this motion are admirable and supportable. I take the opportunity, if it is not too bold to do so, to congratulate the honourable member on the way he goes about representing the interests of his region and those who reside and work within it. I certainly congratulate him on that and the motivation behind this motion. What I do say with the greatest respect is that I think, on this occasion, payroll tax is the wrong target. As Hon Dr Steve Thomas said, there are probably better ways of delivering the outcome that the member wants to achieve. So it is in that constructive sense that I offer these remarks now.

Everyone knows that payroll tax is bad, do we not? Yes, we all know that. We all know that payroll tax has to be got rid of or tinkered with or the threshold varied and so on. Why? I would not invite unruly interjection, but I could almost summon up a chorus of "because it is a tax on jobs". Rubbish! It is not, and I will demonstrate to members why. Payroll tax, like any tax, is something that no-one wants to pay and it has the effects that flow from that. That is not the only evil. Not only is it something that people do not want to pay and it affects their bottom line and profitability, but also it is what we have traditionally called in Western Australia one of the three ugly sisters. I am referring to stamp duty, land tax and payroll tax. If they were so bad, we would have contrived a way to get rid of them if we possibly could. But the fact of the matter is that the vertical fiscal imbalance in this nation means that the sources of actual revenue for the state government, quite apart from fees for service and cost-recovery mechanisms, are very restricted and are basically restricted to those that I have outlined. High Court challenges have been upheld in the past when governments have sought to impose levies or duties that in fact were excise and, of course, they were found to be unconstitutional. The capacity to levy income tax was temporarily referred to the commonwealth in 1942 to fight World War II. The feds have turned a blind eye ever since to the fact that World War II finished in 1945. Even if we allow for some transition after 1945, it is well and truly over. I am starting to get the idea that the feds are not going to give us back that power any time soon. I am sorry to be negative, but I think that is about where we are at. We have a vertical fiscal imbalance. Even when we managed to find a growth tax for the states commensurate with the size of their economies, as taxes need to be, in the form of the GST, somehow that was mucked up as well because of the damn centralists and socialists in Canberra and people mucking around with what should have been an enduring benefit for all the states.

Hon Stephen Dawson: Didn't the Liberal government sign up to that?

Hon SIMON O'BRIEN: No. What happened is the Labor Party and others wanted to pay politics about that. I was intending to be brief, but if the honourable member interjecting wants me to explain a bit more, I will take a bit more time to do that.

Let us come back to payroll tax. State governments of whatever colour have to rely on these forms of revenue, including payroll tax, to fund their operations; and, if there is some other avenue of recourse that anyone can suggest, successive Treasurers would love to hear about it. Unfortunately, we are stuck with, amongst other things, payroll tax. If we did away with payroll tax at this time, we would soon discover that the budget would be in a very unsustainable position.

Hon Colin Tincknell: If we stopped spending so much we wouldn't need so much tax.

Hon SIMON O'BRIEN: Indeed.

Getting back to payroll tax, I want to make the following observations, and I am trying to be helpful in doing this. I have had ministerial responsibility for the Office of State Revenue. I have been in opposition and I have been in government. I have been involved in debates about taxes on jobs in relation to payroll tax and so on. As Minister for Small Business, I did forums here, there and everywhere with small businesses and we sat down and had round tables and found out what things were occurring that government had control of that were stopping them from expanding and thriving—the sorts of forums that need to be held with any sector for which a minister has responsibility. We got a lot of useful feedback from those forums. Red tape is a generic term, but that is a subject for another day that I have strong views on that are not orthodox views. Dispute resolution and recovery of costs and debts is another one, and that is one reason I brought in the office of the Small Business Commissioner to go with a dispute resolution service that is basically available to small business. That has been a very welcome addition to the small business landscape in Western Australia. I mention that as an aside to my good friend Hon Robin Scott, because I did hold out the view in my opening remarks that there are better ways that we might be able to achieve what we are about. I cite that as one thing that has been done that has delivered benefits and continues to deliver benefits that is not involved with taxation.

Payroll tax has been presented to me—it may sound like heresy—by the Commissioner of State Revenue as about the purest form of tax there is. I almost choked on what we have been brought up to believe here in the shallow pool of public politics—that it is somehow the most evil form of tax we can have. In fact, I do not believe it is the most evil form of tax that we have. Again, that could lead us on to other matters. In terms of payroll tax, let us deal with a couple of these suggestions that we have heard repeated. Is payroll tax a tax on jobs? That is the orthodoxy: it is a tax on jobs. I put it to members that we perhaps need to change the definition a little. It is, in fact, a tax on payroll, not necessarily a tax on jobs. My experience in talking with small businesses, medium-sized businesses and large businesses in the forums that I mentioned earlier, in other forums and in one-on-ones—a whole range of experiences—is that if the idea of cutting payroll tax, eliminating payroll tax or raising the threshold comes up, that is all seen as a step in the right direction, because it is a tax on jobs and we want to have more jobs. Then go and ask those small businesses that if the rate of payroll tax were to change from 5.5 per cent to five per cent, which would result in the loss of a very large sum of money to the state's coffers, how many more people would they employ. Do members know what the answer will be if they get an answer? It will be zero. When that question is asked, we get a whole lot of glancing down at the ground, because the truth is that payroll tax does not stop people from hiring people. Sure, labour costs in toto will stop businesses from taking on people, but what is involved in labour costs? Straight up, of course, there are wages and salaries, which is a big expense. That is then compounded by on-costs on top of that—that is, providing annual and other forms of leave, and providing uniforms, staff amenities and places in business premises to accommodate staff. I am talking about not only offices and desks, but also the other things that are needed, whether it is uniforms, safety equipment and all that. They are all legitimate expenses and I am not suggesting that they should not be paid, but where else does it go? What else is debated even within this chamber that impacts directly in dollar terms on the cost of every person employed? It is workers' compensation insurance premiums. They are a significant cost for any business. Does anyone say, "No, you can't do that because it's a tax on jobs"? Of course not. For every employee, superannuation has to be paid; that is considerably more than payroll tax. Is anyone saying that superannuation should not be a standard cost for employing anyone? Of course not, but it starts to put payroll tax into perspective. If the rate of payroll tax is changed by tinkering with the percentage, that will cost the state a colossal amount, and I do not believe businesses will employ anybody else.

Look at it from another point of view. Someone who needs to employ an extra person in their business to do a specific job and they have added up the sums—the extra business that they can generate from employing an extra person or persons—will contemplate all the costs I have just enumerated and more. Yes, payroll tax will be there somewhere in the mix, but it is not going to be the make-or-break factor about whether another employee is taken on. Let me make it quite clear: I have never known a small business that has not taken on someone they need because of payroll tax, nor have they let anybody go because of payroll tax. If someone is trying to tell us so, apply the real test and examine it closely. We will find it to be a different case. But that is enough on that matter; I think I have made my point. Some may want to argue with it, but it is a strong argument.

Please do not think I am trying to be weaselly; they are the words of successive Commissioners of State Revenue who have views on these matters. They have been very objective in their views as they have set about implementing the legislation that has been passed in this place. Payroll tax is directly proportionate to the size of a business, because it is an ad valorem rate on payroll with certain exemptions, and a threshold, of course. Those who hate payroll tax might be thinking, "Hang on, you are really trying to gild the lily", but when payroll tax is compared with other forms of taxation, it is, in the purest of senses, equitable and easily administered. However, there is one aspect of payroll tax that causes considerable problems for small or medium-sized businesses in particular, and that relates to the threshold. Members will have noticed that all successive governments and oppositions have wanted to tinker with the rate of payroll tax, and I have already discussed that. If the rate were to change from 5.5 per cent to six per cent, or down to five per cent, there would be a massive change in the state's bottom line. Similarly, sums are often done to raise the threshold for payroll tax so that thousands of small businesses will be exempted. Thousands of businesses would benefit from that, but the losses that would be offset to the state could be applied to businesses at the top by giving them a higher rate to pay, because that would be only the big guys like Woolies, Coles and other major employees, and, heck, they can afford it! That would fail on two grounds. Firstly, the main problem for payroll tax with small to medium-sized businesses—because, let us face it, all small businesses want to become medium businesses—is whether they have to pay payroll tax. That is the point. It is not the quantum. What would happen to a business if it went over the payroll threshold by, let us say, $50 000, and sales tax is applied at, say, 5.5 per cent? Members can do the calculations. It starts off as a very small impost. That is why I say in those terms that it is not a decider between whether a business employs or un-employs somebody. The big difference is when a business becomes part of the payroll tax regime, because then a business has to be registered with the Office of State Revenue and returns have to be put in monthly, or something like that, then there is the administrative burden. Ironically, businesses find that they have to take on another person as an administrator because of the extra burden of that tax and the regime that goes with that, and the reporting requirements and so on, once they have been lifted over the threshold. It means that they have a whole new burden of administration that they did not have before. Then there are the groups—there are thousands of them—that are at about the threshold level. A government might one day decide that it is going to boost small business by raising the threshold. A whole lot of businesses would suddenly go below the threshold and that would leave their administration costs suspended, because they would want to expand anyway and by the time they employ another person it would take them over the threshold again. Conversely, a government that found itself in difficult times might agree that everyone has to put their shoulder to the wheel and decide to lower the threshold, even though a whole lot of businesses—thousands of them—would then be paying payroll tax. Heck, an increase to 5.5 per cent might be only a few hundred or few thousand dollars per annum, but the administrative burden of being in or out of the system remains the problem.

I will move now to the motion and the proposal to halve payroll tax for certain businesses from 5.5 per cent to 2.75 per cent for businesses with fewer than 100 employees operating in zone B. One thing that we can do wrong with payroll tax is introduce multiple levels at which it is charged. That does not do anyone a favour, from state Treasury right through to the employee. It is a fairly marginal thing, but it is difficult to administer. Again, I am not trying to dismiss the member's intent; I am just trying to highlight some of the practical problems that will arise. Firstly, a reduction from 5.5 per cent to 2.75 per cent is an arbitrary figure. Any government that is seriously looking at doing this would work out the actual costs and so on. However, I would be pulling figures out of the air, although there will be costs and they will be in the millions. Administration would get difficult when an Office of State Revenue, as we have in this state, had to administer that in good faith, without fear or favour. What problems could arise? Are we going to see businesses with 101 employees, operating in zone B, suddenly shed two employees to reduce their payroll tax burden? I do not know. Are we going to see some creative accounting from some of those firms? I bet we would. All of that would complicate the job of collecting a fairly straightforward and easily understood tax, and ironically we would end up paying more to employ more officers at the Office of State Revenue to police it and to audit what is paid. There are some real practical difficulties.

Part (b) of Hon Robin Scott's motion is about eliminating payroll tax entirely for certain classes of businesses in certain remote areas. Without going into any detailed view on that, it would actually have a greater prospect of success than halving the rate, as proposed in part (a) of the motion; that is my view, anyway.

To move on to a more positive footing, I would like to echo some of the matters raised by Hon Dr Steve Thomas in his contribution. There are plenty of other ways for incentives to be given to small businesses to operate in remote areas. Some of them have been mentioned here before, but, again, it is about reducing the administrative burden on businesses and letting them get on with the parts of their businesses that actually create product, generate revenue, generate throughputs and get people doing productive things—people on the tools and people operating the equipment, whatever the business or industry might be. That is how we generate prosperity in small businesses and it means that, in turn, they can employ more people, as necessary, in their own growing administrations, hopefully not to be mucked around by what is often referred to as "red tape".

I will draw my remarks to a close at that point. I think I have succeeded in putting forward my views, but I really wanted to succeed in putting forward the following things. Firstly, I offer a vote of congratulations to the mover

of the motion for the dogged way he goes about promoting the interests of his region and his tireless efforts in promoting business and employment in his region. I mean that most sincerely. I also wanted to share with members some of my own observations about the relative merits of payroll tax and to perhaps dismiss some of the things that I, too, have in the past accepted as absolutes. When we examine this issue, the reality is actually a bit different from what we all lead ourselves to believe, but enough on that. Penultimately, I wanted to encourage all members—particularly those in government—to identify other ways of reducing the burdens on small businesses, specifically burdens of pointless regulation. I could give members examples of successfully getting rid of certain elements of red tape, but maybe that is something for another day. Finally, in debating whether payroll tax is or is not a desirable thing in the current climate, I wanted to urge Hon Aaron Stonehouse to debate the issue with me. I know he is probably just busting to, so if he has not already made a contribution, he probably will. Whatever, it is important that we in this place have this sort of dialogue. I hope it improves our collective understanding and is a vehicle to help us focus on what is really important.

I congratulate Hon Robin Scott for moving this motion for debate, and I will conclude my remarks at that point.

HON DIANE EVERS (South West) [1.54 pm]: First, I would like to reiterate that the Greens' policy is to reduce or remove regressive taxes such as payroll tax and stamp duty in favour of progressive taxes such as income tax, land tax and corporate taxes, when the percentage of income decreases as wealth decreases. As I said, we believe it would be useful to end up without payroll tax, but getting rid of it in a piecemeal fashion is not the way to do it. We need a complete review of payroll tax and to determine the necessary methods for raising revenue for the state. All of us in this place are, from time to time, asking for more services or more infrastructure, and we cannot have those if we do not have any revenue.

It is interesting to note that a decrease in state revenue has been suggested by Hon Robin Scott, who also spoke quite enthusiastically against the increase in the gold royalty. Both decreases would greatly benefit his constituents in the Mining and Pastoral Region, but they would also be detrimental to the state and its ability to provide the services the member requests. I also represent a regional area, and in the regions we are always looking for hospitals, roads, the MRI machine that the honourable member was looking for, and aged-care facilities. These have all been mentioned, but to put them in place we need some funding.

I am getting the hang of this idea of government and opposition. The government wants to raise revenue and the opposition does not. The opposition wants to spend it, and the government makes cuts. It is an interesting situation to be in, but I feel we can do better. I feel we could use our collective knowledge—there are a lot of clever people in this house—to maybe work out what revenue we are prepared to raise and what services we know we must deliver, and work forward to that point.

I think Hon Dr Steve Thomas mentioned that this would make so much more sense than handouts. I remind members that when we give handouts to people in need, the money is spent in the community and goes around several times. The multiplier effect is shown to work very much in favour of getting money into the hands of the people who need it, but that is not what we are discussing here. We are looking at a decrease in payroll tax. We may refer to small businesses as those with fewer than 100 employees, but for 100 employees we are looking at probably a minimum payroll of $10 million, and very likely at least a turnover of $20 million, and that is not small in the eyes of most people. We are talking about giving these small businesses some tax relief, which they may choose to use by employing more people; by investing in their community; by investing in imported equipment from overseas, which basically sends the money overseas; or they may just decide to keep it amongst the owners and invest it wherever they choose, which could also very likely be overseas. Again, that would not help our community.

There is another way of helping these communities directly, and that is investment by the government in the services and infrastructure items that members of Parliament request. If we invest money in these regional areas, the money stays in those communities. Local suppliers will employ people directly in their local communities to deliver services that are very, very much needed in the regional areas, and bring them up to a level of equity with service provision in the metro area. That is another way we can get this money into the regions on a more equitable basis, rather than giving it to businesses with turnovers of more than $20 million. I recognise that we need to provide incentives for businesses to establish in the areas indicated in this motion, but one would think that the vast amount of minerals and the associated industry might be sufficient incentive in the regional areas. We have a lot of mining in WA. As the member may recall, I have spoken at length in the past regarding Western Australian resources—the resources of everyone in this state—which are being extracted and exported with great profits to the international corporations that own them. If we want to discuss how we will pay for those services and infrastructure—those roads, hospitals, people and support we want for regional areas—I think we must look back to the mining industry. We have mentioned the gold royalty. Gee! It is excellent that they found a whole lot more gold recently.

Hon Jacqui Boydell interjected.

Hon DIANE EVERS: Absolutely. Because those owners will get a handsome profit for our gold—the gold that belongs to everyone in Western Australia.

Hon Jacqui Boydell interjected.

Hon DIANE EVERS: I agree. We need to look at every mining agreement we enter into. There is a lot we cannot do about the agreements established by previous governments. From this point forward, we need to at least agree that whenever we can increase that royalty that we would like to get for our assets being extracted such as for gold, we should be looking at the options available to us. As a state that is about to enter into another boom, another time in our history when we will find lots of money coming in and lots of ore going out, we should find out how we can hang on to some of the value in those mineral resources.

Just one other thing before I finish. As I said before, we should realise that as a boom and bust state, there will be a time ahead of this boom—it could be 10 years from now; who knows—when we should make sure we have held on to some of the royalties that, hopefully, we have increased over that time in some way so that when we come to the next down time, we do not end up the way we did during the last two years with significant falling prices on assets, but go through that time and not be struggling as we are now trying to manage the debt that built up over the past boom.

The Greens will not support this motion. We would strongly support some sort of collaboration among the 36 members in here to work out what we do agree on so that we can address where we will raise our revenue and how it will be spent rather than fighting all the time about the issue.

HON AARON STONEHOUSE (South Metropolitan) [2.02 pm]: I was not going to speak on this motion but I felt somehow encouraged to add a couple of points very briefly. I support the motion moved by Hon Robin Scott, although I admit that it is perhaps not perfect; some of the numbers in the motion seem a little arbitrary. It reminds me of the special economic zones that other countries have employed with some success, for example, the Iskandar development region in Singapore, established in 2006. In a period of less than six years, more than 3 500 Singaporean businesses have been created in that region. Over 70 per cent of businesses established have been small and medium-sized enterprises. It has certainly worked for Singapore. In China, Shenzhen city was establish in 1979. Since its establishment, Shenzhen has gone from a relatively small fishing village to a thriving metropolis. It has been China's fastest growing city for nearly three decades. Between 2001 and 2005, its economy grew by an average of 16.3 per cent annually. These are special economic zones; they are not simply recipients of tax cuts or tax incentives. There is more to it than that. There is obviously a large amount of government investment in infrastructure. Probably more important is the huge cuts to red tape in those regions, combined with the tax cuts, to create an environment conducive to business growth. I think that is something we could learn from. Anyone wanting to invest in Australia, in WA in particular, is looking at the highest payroll tax in the country with one of the lowest thresholds. It is also facing duplication of red and green tape from state and federal government. I would like to see us attracting foreign and domestic investment from other jurisdictions in Australia by creating the right economic environment for businesses to thrive. I think the regions and the whole state generally would certainly benefit from that. Some proposals have been on the table to create a free trade or special economic zone for the shipbuilding facilities at Henderson.

Hon Alannah MacTiernan: Have you thought about the impact this would have on the GST if we don't charge payroll tax? You can't just walk away from the tax.

Hon AARON STONEHOUSE: That is a good point. I have not done the maths in my head yet, but the minister raises a good point about the GST. However, part of the reason we have such a low GST allocation is that our other sources of revenue are so high. Payroll tax and our royalties are very high.

Hon Alannah MacTiernan: It is averaged out with what other states are actually charging.

Hon AARON STONEHOUSE: There is a four-year delay.

Hon Alannah MacTiernan: No; I am just saying, read them within any one year.

Hon AARON STONEHOUSE: I take the minister's point. I would posit that if we want to address our GST allocation, one of the first things we could do is look at easing back slowly over time on our payroll tax rate. As that decreases along with our stamp duty fees and royalties, over four years, GST will be equalised and our GST receipts will increase. I think this is the point Hon Steve Thomas makes from time to time. I agree. I think a lot of the fulminating over GST is often misplaced.

Hon Alannah MacTiernan: That is not how it is calculated.

Hon AARON STONEHOUSE: I will not speak for long. I want to address one point that was brought up in the debate; namely, the idea that we have to pay for our tax cuts. Tax cuts will cost us and we will have to find the revenue somewhere else. That may sometimes be the case but I feel that perhaps some members are unfamiliar with the Laffer curve. I do not have a degree in economics but I drew a little doodle of what the Laffer curve looks like. This is only on A4-sized paper. I can have this tabled if appropriate. I labelled the axes. The horizontal axis is the tax rate; the vertical axis is tax revenue. Obviously, if a tax revenue is zero per cent of whatever the tax rate is, we would have zero tax revenue. If the tax rate is 100 per cent, we would also have, presumably, zero tax revenue because no-one would establish a business in a state that has 100 per cent tax.

Hon Simon O'Brien interjected.

Hon AARON STONEHOUSE: We would have achieved perhaps a socialist utopia if we had a 100 per cent tax rate. Therefore, there is a curve and a sweet spot somewhere in this curve where tax revenue is maximised at the right tax rate. It depends on what models we look at and whose research we follow to determine where we think that rate is. I think in the US some people have posited that the sweet spot where revenue is maximised is about 30 per cent for different corporate tax rates. This may be a simplistic model; obviously, other factors contribute to tax revenue. The point is that if we are on the left side of the curve and we decrease taxes, we may actually increase our tax revenue. In some cases, depending on where we are on this curve, tax cuts will not only pay for themselves, but will also increase state revenue. In fact, Arthur Laffer was, I think, the chief economic adviser to Ronald Reagan, "the Gipper", that great President of the United States. During his term as President between 1980 and 1988, he brought in one of the largest tax cuts in US history. Over that period, tax revenue increased. While he passed some of the largest tax cuts in US history, between 1980 and 1988, his tax receipts increased from $517 billion to $909 billion.

Hon Alannah MacTiernan: You're not falling into the post hoc, therefore propter hoc era are you?

Hon AARON STONEHOUSE: No, but he did increase government debt over that time because he also increased spending quite drastically and rebuilt the US fleet and whatnot. So long as we do not engage in any massive spending exercises, we will be okay. The point I wanted to make there is: let us not get caught in the trap of thinking our tax cuts have to be paid for somehow. In many cases, they will pay for themselves through the increased business activity that tax cuts, among other things, can create.

That being said, I am more than happy to support this motion, even if not perfect, merely for the principle behind it; that is, with the right economic settings, we can attract business activity and perhaps more population to our regions.

HON DARREN WEST (Agricultural — Parliamentary Secretary) [2.09 pm]: I intended to speak on this motion today and I also acknowledge and thank Hon Robin Scott for moving it. I think it is important to have these economic discussions, whether they be at a microeconomic reform level, which was a great term used by Treasurer Keating in the 1980s, or whether we have them on a broader scale. I would prefer that we kept to the broader economic debates. Today we find ourselves discussing payroll tax, which is a very important issue, especially in the regions. Like Hon Robin Scott, I have some experience in running a business in the regions, although my business is not large enough to be above the threshold required to pay payroll tax. I was recently at the Riverside Hotel in Northam having dinner when I bumped into a friend of mine, David Knipe, and his wife, Leonie, who are farmers in the Northam area who also run the Nissan and Toyota dealerships. We had a chat about which is the better business: the farming business or the car business. The answer was that the farming business is better because the car business is suffering as a consequence of payroll tax. They cited that as a legitimate issue and a constraint on their business. We know of course that payroll tax is a regressive tax. It is seen as a disincentive to employ, although I will touch on that a little more later. I concur with Hon Simon O'Brien that there are many other factors as well.

To be successful in business, one simple rule is to spend less than one earns so that there is a profit. That is the whole idea of business. Under the law, corporations are required to act in the best interests of their shareholders to make profits. I think that is really important. Although government is in the business of providing services for which it charges taxpayers to provide, I do not see why governments should always be looking through general economic times that may be different in really good times or really difficult times. But in general economic times, why should the government not always be looking for that little bit of revenue left over either to provide extra services or to store away for when the headwinds blow and times get tough? That is a major criticism I have of the previous government. Through prosperity, it blundered the finances and Western Australia somehow found itself, after the greatest boom ever seen, buried underneath a mountain of debt with massive budget deficits. Whilst there were some worthwhile projects, there was really not a whole lot to show for it at the end of that time.

I think it is time we moved on from that and started having a broader economic debate about how we can perhaps put finances beyond politics. I know that will be difficult in the highly charged political environment that we are in. I think it was the 1970s when the finances were no longer above partisan politics. Looking back through the increases in state and federal debt, we can see that that is about when the rot set in. The blocking of supply that eventually led to the dismissal of the Whitlam government was a significant event. From then on, I think we have been unable to keep the finances out of partisan politics, which is a shame, and I think it is getting worse. From where I sit and the way I look at the Western Australian finances and economics, it seems to me—I know others will have a view on this—that we have an opposition that is hell-bent on preventing the government from fixing the state's finances that it inherited. It seems we have an opposition hell-bent on blocking revenue measures and insisting on a greater spend by government. I really do not understand why that is. The finances should be above opposition and government. As I think Hon Diane Evers just said, perhaps it is time we all got our heads together and worked out how we can get out of the mess we find ourselves in. It is a fact that the Western Australian economy is ranked eighth in Australia. I will get to the point that I just overheard in a moment. Western Australia should always be in the top three. We should spend most of our time as the best economy in Australia. We have resources that the other states can only dream about and envy, fantastic diversity in our industry, a great agricultural sector and a sustainable rock lobster fishery that is the envy of much of the world.

Hon Simon O'Brien: Thanks to Hon Norman Moore.

Hon DARREN WEST: Indeed; credit where credit is due. Hon Norman Moore had a major say in that, but ultimately that fishery has been reasonably well managed for quite a long time. Hon Norman Moore did a terrific job in helping sustain that. It is fair to say that he perhaps put the business of the state before party politics and kept the economics out of that. That is a good example, Hon Simon O'Brien.

We all agree that payroll tax is a regressive tax. It is a burden on industry, but it is necessary. The point was made earlier that it is a survivor of successive governments, whether they be coalition governments or Labor governments. There is a reason for that—it is because we need the revenue.

I note that Hon Robin Scott makes a good point and tries to incentivise employment and business in the zones that he talked about, which, of course, I too have an issue with, like Hon Dr Steve Thomas, about where that line is because we will end up with winners and losers on each side. The notion behind the motion is sound and reasonable; it is just that the practicalities are not. I was away at the Dowerin field days last Wednesday, enduring one of the coldest days of my life out there, with the wind billowing into the front of the red Labor tent.

Hon Martin Aldridge: Is that because there was no-one in there?

Hon DARREN WEST: It did not really matter who was in there; it was freezing. We had the tent in the right direction but the wind changed and there we were, caught in the frigid bluster! I missed the contribution but I have read the *Hansard* of last week. I reiterate the comments made by Hon Stephen Dawson and I do not support this motion. However, I welcome all economic debates about how we can better manage the Western Australian government's finances. I welcome those at any time.

I do not think anyone can argue that this government is not serious about repairing the state's finances. We have a Treasurer who is a graduate of the London School of Economics and Political Science and, more importantly, is a graduate of Laverton primary school. We have somebody who understands regional Western Australia and understands economics and finances. I think we have a Treasurer who gets a little frustrated when he sits down and finds a potential revenue source in the gold industry, which retains 97.5 per cent of its gold revenue, and thinks a reduction to 96.25 per cent would be a fair and reasonable amount to retain when the gold price is over $1 200 an ounce. He was even happy to raise that threshold to $1 400 an ounce. When the gold sector is making super profits, I believe 96.25 per cent is enough for the profitable gold miners. That is a reasonable concept. That gold belongs to every Western Australian. I think every reasonable thinking Western Australian quite rightfully would say, "I would like that extra revenue to pay for schools, hospitals, roads and police and things that we need."

Hon Alison Xamon: And mental health services.

Hon DARREN WEST: And mental health services; thank you, honourable member—all of those things that government is providing. I overheard Hon Colin Tincknell say, "Spend less money." I would ask where that would be. Government has responsibilities to provide services to its people. That is why people pay tax. If we were to continue to collect tax but not provide services, I think the public would have a view about that. So we have to strike that economic balance, and it is not easy. I have never been a fan of Pauline Hanson, but whatever happened to the easy tax? Do members remember that we were going to have the easy tax in the late 1990s? Tax is not easy. It never eventuated, because tax is not easy.

I am an employer, and I employ people because I have tasks that need doing. I find suitable people to do those tasks, and I pay and look after them appropriately because they are a very important part of my business. I do not think that whether payroll tax has to be paid is a major consideration. It may be that if a business is approaching the threshold, it would perhaps resist employing a couple of extra people. That may be an instance when payroll tax may result in an employer not taking on an apprentice or worker. I do not pay payroll tax because I do not have a large enough business. But I think for the larger corporations that are well above the threshold, payroll tax does not even enter their consideration if they need to employ more staff to do a task, and ultimately they do to make the businesses more profitable. So I do not agree with the notion that employers are not employing people because of payroll tax; I do not accept that at all. Many of the areas where the member seeks to make this change have some of the lowest unemployment rates.

So we do not support the motion as moved, but I commend the member for moving a motion that allows us to talk about the state's broader finances and economics. I hope we can return to a time when we can put the financial and economic wellbeing of Western Australia and Western Australians above petty party politics, because that is where we are today. So many campaigns are run on decisions made by government—look, no-one is lilywhite on this—for the right interests, being the best economic outcome for the state. I look at the debt of all the states and that of the federal government, not only that of Western Australia, and it continues to rise; they are continuing to book it up. I do not see that as a sustainable way forward. If we do not change this pattern we find ourselves in, our children and grandchildren will have to fix it for us.

Hon Colin Tincknell interjected.

Hon DARREN WEST: I would be really interested to hear, honourable member—there will be some time left in this debate—which projects this government should not be undertaking of those it is. I do not think that list is very extensive. I think we have been quite good and reasonable financial managers. It is important that somebody steps up to the plate during these tough times to get Western Australia out of the mess we find ourselves in. It is often said that Western Australia deals with adversity particularly well, but it is not great at prosperity. I think the last 15 years exemplifies that.

So let us be a little more broad about the economic debates in this house. Let us all put the state's finances first and foremost, and come up with new and better ways that we can perhaps evolve the tax system so that it is better and fairer for Western Australians.

Hon Colin Tincknell interjected.

Hon DARREN WEST: We are all united in thinking that the goods and services tax share is a dud for Western Australia and needs to be fixed, and I think we are close with both sides of federal politics to getting a resolution on the GST. We will always suffer when we get either 34 or 47 cents in the dollar for Western Australia. The system is not good. But we rely on other forms of income, and I encourage members opposite to think again about the changes to the gold royalty proposed by the Treasurer, because I think they are fair. I genuinely believe that 96.25 per cent in a very profitable time for goldminers is enough. I do not think anyone can really seriously argue with me on that; however, that change was blocked in this house. I do not believe that was done for good economic reason; I believe it was for purely political reasons.

Point of Order

Hon PETER COLLIER: The member is reflecting on a decision that has already been made by this house, so I ask him to discontinue that.

The ACTING PRESIDENT (Hon Adele Farina): In relation to that point of order, I think the honourable member has expressed a view about the consequences of the decision, in terms of the consequence on the revenue to the state. He has not actually been critical of the decision itself or the way that the house made that decision, so I will rule that there is not a point of order but I remind members of the house that it is against standing orders to reflect adversely on decisions of the house.

Debate Resumed

Hon DARREN WEST: I take the Leader of the Opposition's point, and I will move on.

I think it is time that we put the state's finances ahead of our party political views and work together. There will be plenty of occasions for the cut and thrust of debate, but I would really like to go back to a time when we all have the state's financial interests first and foremost.

I commend the member for moving this motion; it is important that we talk about it. It is a big issue for businesses in our regional electorates. I know they would be a lot happier if we could somehow reduce or remove payroll tax, but that is not possible in this economic environment. The government does not support the motion, but I appreciate the opportunity to have the debate.

HON MARTIN ALDRIDGE (Agricultural) [2.26 pm]: In the time remaining, I rise to make a contribution to the motion before the house. I thank the mover for bringing this motion. Unlike the previous speaker, I do not mind debating issues such as this. I think the house has considered the issue of payroll tax on a number of occasions during motions on notice, and we certainly have while dealing with legislation, private members' business and non-government business. Many speakers in this debate have spoken about the complexity of payroll tax. One of the points made has been the reliance of this state government—I suspect all state governments—on payroll tax as a primary source of state taxation. Looking at this year's budget papers, we can quite clearly see that payroll tax is singularly the largest form of state taxation received by the Department of Finance. Some $3.454 billion is expected to be raised in the 2018–19 budget year. The next closest receipt is transfer duty, at $1.330 billion. A significant amount of reliance is placed on payroll tax. Other speakers have noted that that to some significant extent constrains decision-making around how we can reform and, perhaps over a long period of time, potentially even remove it and rely on other sources of taxation.

From the perspective of the Nationals WA, I think we were one of the only, if not the only, parties to take a policy on payroll tax to the last election. I will not dwell on it, but that policy was canvassed during the contribution of Hon Colin Holt today. It was largely focused on lifting the disclosure threshold, which seems to be the way in which government has reformed payroll tax in recent years. I think in the last two terms of Parliament, we went from $750 000 to $800 000 and then from $800 000 to $850 000, which is the disclosure threshold today.

Hon Simon O'Brien interjected.

Hon MARTIN ALDRIDGE: It was to lift the disclosure threshold to a level of $5 million, and as Hon Colin Holt said, it was linked with the new revenue source through an increase in this special lease rental, which obviously did not come to bear.

Looking at the evolution of the motion before us, the form in which it has been moved is its third form. It is the second amendment to the motion that I think reflects the complexity faced when trying to strike a balance in giving effect to such a measure. That is no criticism of the mover of the motion. It is certainly very difficult to do. In a moment, I will talk about some of the jurisdictional comparisons that have been addressed to some extent by other members in the debate so far. Unfortunately, like Hon Darren West, I was not here for motions on notice last week because of the Dowerin field days, which is an important event for members representing the Agricultural Region.

As we can see, the motion before us has evolved. Obviously, it has gone from its first two iterations, which were reflective of a broader arrangement that would have applied to all of regional Western Australia, to one that is more focused on the Australian Taxation Office and Australian tax zone listings, with the key measures being zones A and B. I must admit to the house that I am not that familiar with these zones, but from my very brief look at them, it would appear that generally the south west land division is excluded from zones A and B. I am not sure where the other definition of "special areas" would fit in a motion of this type, because it obviously just refers to zones A and B as the primary boundaries, but perhaps the mover, Hon Robin Scott, might consider that in reply to the debate. Obviously, the other major change to the motion has been the tax rate, as well as the number of employees and distances. It has been an evolutional process for the mover to arrive at the motion currently before the house, which refers to halving the payroll tax rate from 5.5 per cent to 2.75 per cent for businesses with fewer than 100 employees operating in zone B. The second part of the motion refers to eliminating payroll tax for businesses with fewer than 100 employees operating in zone A. That is the motion before the house today. Since the change of government, some amendments have been made to payroll tax legislation in Western Australia, and for a temporary period there was an increase in the tax rate applied to some businesses. I think that too was canvassed in the contribution by Hon Colin Holt earlier today.

Something I want to turn to now is that when I first saw this motion, the first thing that came to my mind was how such a scheme would be administered and whether there were other examples in Australia. I learnt today of what sounds like a recent example in Tasmania, where a holiday from payment of payroll tax seems to be applied for businesses relocating to regional areas in Tasmania. The time I heard quoted was three years, but I am not sure of the accuracy of that, because I have not researched it myself. It will be interesting to see from the Tasmanian example the extent to which that type of policy is successful and whether payroll taxation, or exemption from it, will be a primary factor in businesses potentially relocating from an urban area to a regional one. That will be interesting. Although Tasmania is an interesting place in its own right, it will be interesting to see the uptake of such a policy in that state.

The only other jurisdiction I am aware of that applies a regional incentive is Victoria, and that has certainly been canvassed in the debate so far. In his initial address, the mover of the motion said that the Victorian payroll tax rate was 4.85 per cent, but 3.65 per cent in regional areas, which is 1.2 per cent less than the standard rate. I was interested in how Victoria might administer this scheme and I learnt that indeed its payroll taxation rate is 4.85 per cent, as the mover suggested, but the rate of payroll tax for regional Victorian employers is 2.425 per cent, not the 3.65 per cent quoted. If this motion was to pass and the government was to implement this policy, it would not make us the lowest taxing jurisdiction in Australia, which was one of the statements made by Hon Robin Scott when he moved this motion. The State Revenue Office in Victoria defines a regional business as a business with an Australian business number registered in Victoria paying at least 85 per cent of its payroll to regional employees. That is how it defines an eligible regional business. It is not clear to me from the information I accessed today on the office's website how it defines "regional", but I assume it is similar to Western Australia and some type of planning boundary or perhaps a regional development act would provide for those lines on the map.

There has been some suggestion about administrative burden and I think that is on both sides of the fence. Obviously, if complexity is added to a scheme, whether it is a different rate, threshold, different types of businesses or different locations, that complexity affects not only the administrator of the scheme but also those engaged in the scheme. Some consideration would need to be given to the costs, both from a government perspective and a taxpayer's perspective. That is why I prefer arrangements in which taxpayers are removed from the taxation system by increasing the annual threshold for payment of payroll tax. If taxpayers paying smaller amounts of tax are removed from the taxation system, there is obviously going to be less administrative cost and burden on both the administrators and taxpayers, noting that others have different views about lifting the disclosure threshold. That has been the tool used by government in recent times to alleviate businesses, particularly the smallest of our businesses, from the payment of payroll tax. I wonder why that was not considered for a policy setting, either with the tax rate or as a different option from the tax rate. If we were to consider it to be good policy that regional business should pay less tax—I will get into that in a minute—perhaps the tax rate is not the right mechanism but maybe the disclosure threshold is for those reasons. Some considerable thought would need to be given to that.

I would be interested to hear from the mover of the motion in his reply, if there is time for that, about the consultation that occurred in developing this very specific policy that we will all exercise a vote on shortly. The mover mentioned some consultation done within the electorate, including with the Newman Hotel Motel, Chicken Treat and Topdrill, which appear to be businesses in the Mining and Pastoral Region. It will be interesting to see what consultation has been done outside of those businesses, such as with business lobbies or, indeed,

government. I know that One Nation remains very close with government at the moment and, in particular, the Treasurer. Perhaps the Treasurer has done some modelling for One Nation or One Nation has asked some questions during question time that have not been raised in the debate so far about what the cost impact might be. If the submission made by Hon Aaron Stonehouse is correct, if tax is lowered, revenue will increase. I am not sure that Treasury's modelling would reflect that in the short term, but it would be interesting to know the amount of forgone revenue we would be talking about if such a measure were to be implemented.

Hon Stephen Dawson: I did mention that when I gave my reply on behalf of the Treasurer. We weren't able to access that information, so it wasn't an easy exercise to say that it will cost X amount of dollars. It was just too cumbersome a process, so we don't know.

Hon MARTIN ALDRIDGE: So the minister is saying that it cannot be modelled.

We have before us a proposal. Like many speakers, I think there is a general sentiment around payroll tax that we can all agree on. The issue that members have with the motion before us is its specificity. A lot of members have talked about the lines on the map—who is in and who is out. It will always be a dilemma for decision-makers and governments in deciding who will receive a benefit and who will not. Having read the contributions made last week and, in particular, the contribution of the mover of the motion, as well as obviously alleviating financial pressure on businesses, one of the main reasons that have been expressed in support of this motion is the opportunity to pursue a decentralisation agenda. I will be interested to see to what extent the Tasmanian model proves successful. I am not sure that the type of measure before us would be terribly effective in driving businesses or individuals to relocate from urban to regional or, in this case, remote environments. The challenge of decentralisation is much more complex and multifaceted. I do not think tax incentives alone will drive that. In the minister's response, he talked about access to services and quality of services as the main contributing factor to somebody choosing their location to live, which I do not disagree with. We have moved on in the regional development space from the tier 1 thinking of how can government subsidise or provide services of an equal standard to those in another place—often our capital cities—to a much more deeper assessment of the drivers that will contribute to regional growth in particular locations. They will change from region to region, city to city and town to town. That is why I think the regional growth planning processes that have been undertaken over the past few years map out a much stronger medium to long-term plan to grow the economies of our regions outside of Perth, including our remote regions, to help place less pressure on the ever-increasing urban environment that is the Perth metropolitan area on the coastal plain.

For those reasons, the sentiment of the mover ought to be respected. The challenge that I and my party have is with the detail that the motion has gone into in finding those exact landing points within a payroll tax policy setting. Without being able to establish answers to the questions that I have raised, and also being unconvinced about the ability of this initiative, if it were adopted by a future government, to drive the decentralisation agenda that has been talked about, we will not be in a position to support the motion, as was outlined by Hon Colin Holt. Nevertheless, debates like this are good for the house to have. Governments should continue to address initiatives around payroll tax when they are able to. Obviously, we have seen a recent measure, which will have a sunset, for increased payroll tax revenue on larger businesses. Certainly, if the house agrees that payroll tax needs significant reform, the way to achieve that is by either finding a significant revenue source to replace it, which I think is very difficult given the $3.5 billion that is expected to be received this year, or chipping away at it over time. I think the best way to do that is by alleviating the smallest of our businesses from entering the taxation system in the first place. Others will have different views about that. Indeed, there are other ways in which we can drive that small business support or the decentralisation agenda. New South Wales has what I think is called a facilitation grant. Basically, the government in New South Wales works with businesses that are interested in relocating to a regional environment through a range of incentives. That could be through, in some cases, having accessible and suitable industrial land, it could be power and water requirements or it could simply be the costs associated with relocating a small, medium or even a large enterprise from an urban environment to a regional environment. In the short time that I have been in this place, I have had conversations with metropolitan businesses, particularly businesses involved in the transport sector that require a large footprint in the metropolitan area to operate from and are looking at opportunities for regional locations, often in the outer areas of the Perth metropolitan area and the inner areas of the Agricultural Region, and want to work with government to achieve that.

I think there is some merit in continuing to look at payroll tax but certainly not in isolation. As I have stated, many other things ought to be considered and there are many other things that government can do than to simply look at payroll tax. It is unfortunate that we will not be in a position to support the motion before us. If the sentiments had been captured in a different way, I think we could have found a way to support a motion that has expressed the collective view so far from speakers; that is, continuing to work at payroll tax reforms is a good thing for the state of Western Australia.

HON ROBIN SCOTT (Mining and Pastoral) [2.48 pm] — in reply: I thank all honourable members for their contributions. I have certainly learnt a lot in the last couple of days. I feel that I am on a sinking ship, but I have a bucket and I am bailing very fast, and I will continue to bail. How many times can we tax the same dollar? I do

not have a problem with tax. I understand that profits and capital gains are taxed, just to name a few. The difference is a business makes its profit first and then it is taxed. But with payroll tax, a business is taxed regardless of whether it makes a profit. I know some business owners who take home less pay than their employees take home due to payroll tax. Hon Rick Mazza fully understands the basis of my motion because he has been fined in his business with the soul-destroying payroll tax. The honourable member brought to the house's attention the Tasmanian government's offer for businesses that move to regional Tasmania. They will have a three-year holiday free of payroll tax. If we want people to move to regional Western Australia, we have to make sure that there are jobs for them—not just temporary jobs, but full-time permanent positions. Why would anyone give up their job in the city to move to the bush knowing that their new job is totally dependent on the whim of the state government, whereby an increase in royalties or taxes could extinguish their position overnight?

Hon Stephen Dawson, sadly, could not support my motion. He mentioned Moora and the difficulties two garages had filling two mechanics positions. People will not move to a town with an uncertain future, and Moora had a very shaky future until the federal government intervened and saved the residential college there. The same applies in my electorate where there are plenty of jobs on offer. But, again, no-one wants to move to an area that has an uncertain future and the threat of rising taxes, such as the gold tax. Why would people move house and home only to find that in six or 12 months' time their position has disappeared? The term "green shoots" has been used at every opportunity. Hon Stephen Dawson also used that expression, and I believe that the Treasurer thinks it is time to start nibbling at those shoots. We should wait until the paddock is covered with clover and then talk to the stakeholders about raising taxes. Jumping in too early would be the equivalent of spraying the paddock with Roundup. I think Hon Stephen Dawson threw me a bone when he said —

> … we are simply not in a position to reduce payroll taxes at the moment.

And, again, when he said —

> … I have no issue with looking at things such as payroll tax exemptions or other opportunities, but, at this stage, we are simply not in a place financially to do that.

I can only hope that the government will revisit payroll tax in the very near future. I do not share the minister's love for the heat. I start to wither when the temperature goes over 25 degrees. Even though I have spent 35 years in the bush, give me blue skies, red dirt and bush at 18 degrees, a barbecue with no flies and only the sounds of the bush, and a light rain shower on the way home to top off a perfect day.

I have always enjoyed listening to Hon Dr Steve Thomas reply to the many motions presented to this chamber over the last 15 months. His responses have always been well-researched and any numerical contributions have always been spot-on. Sadly, I believe he has it wrong this time. There are no winners or losers in this motion, only benefits to regional Western Australia and its employers. I have run my business in regional Western Australia for more than three decades. I have always had to compete with city-based companies and contractors coming into town and picking up work that could have been done by my employees. The royalties for regions that paid for the upgrade of Burt Street in Boulder where my office is located was completed mainly by out-of-town contractors. The reason for that is simple: their quotes were far cheaper. I will explain why they are cheaper. I could employ an electrician in Perth for $50 an hour; in Kalgoorlie or Meekatharra, I have to pay $70 an hour. If I were to give an example by making up a simple contract, the scope of works would include supply of labour for 100 hours. That would not include workers' compensation, public liability, and all the other costs of materials and the licences that I have to maintain to operate in different disciplines. The out-of-town contractor, for 100 hours, would quote $5 000.

Hon Alannah MacTiernan: Can I ask you a question there, because we are working on local procurement and we are concerned about this? Presumably, if they are bringing people up to Kalgoorlie, they have to pay their airfares and accommodation. Surely that is factored in.

Hon ROBIN SCOTT: Normally they would drive up, minister.

Hon Alannah MacTiernan: But they would have to be paid while they are up there, wouldn't they? You'd be paying accommodation.

Hon ROBIN SCOTT: I also have to pay. I have to pay accommodation and messing. There is no difference in it. The only difference is the pay rate.

Hon Alannah MacTiernan: Wouldn't the pay rate reflect the fact that they are already living up there and that's why you are having to pay them more money?

Hon ROBIN SCOTT: As I said at the beginning, I am not including insurance, materials, transport, food, messing and accommodation; I am just talking about wages. The difference in the wages would be $2 000, so that would make my quote $2 000 more and it would also put me $2 000 closer to the payroll tax threshold.

The argument about being favoured by a reduction in payroll tax, I believe, does not pass the pub test. It was my intention to assist the city unemployed as well as regional people so that they can have more confidence and stability in the jobs that they take on. People will move to the regions if they feel secure in their jobs. They will

pay higher rents and pay more for food and services—that is part and parcel of living out of Perth. The reason they are willing to pay extra for general living costs is that they will be well paid for living in the regions. The one thing that they will not do is move their families to an unsure future. The service industries servicing the resources companies will be able to alleviate the concerns of many prospective employees if the state government lowers the fine of payroll tax. The excuse that significant legislative, administrative and system changes will be required to implement tax concessions does not hold water. Any company that seeks concessions needs to register its principal business address somewhere in regional WA in tax zones A or B. Most small businesses in the regions employ fewer than 20 people. The government will still be collecting from the big players. The government has a perfect opportunity to open up regional Western Australia. The Premier and the Treasurer have had to reverse decisions made in haste. I can only hope that they reconsider the message given to me through Hon Stephen Dawson.

Hon Colin Holt asked how we would pay for the tax reduction. There is $1 billion worth of income waiting in the Yilgarn for the government. The south west is not remote. If he were to travel 600 kilometres from his region to Perth, the last 200 kilometres of his journey would be in the water. If we asked people whether they would like to go to Meekatharra or Denmark, 10 out of 10 would choose Denmark. The same applies to a choice between Kalgoorlie and Margaret River. If they could take their pick, Margaret River would be their choice.

Hon Simon O'Brien talked about stamp duty and land tax. Stamp duty and land tax is something that people choose to pay. If someone buys a car or property, they pay stamp duty. If they buy more than one property, they pay land tax. That is a choice. Businesses do not have a choice to pay payroll tax. If the rate of payroll tax dropped from 5.5 per cent to five per cent, there would be no increase in staff, but there would be upgrades in equipment. Hon Simon O'Brien also mentioned superannuation. That is not a tax; it is a pension plan for employees. He reckons Woolies and Coles would be disadvantaged by raising payroll tax. Only a few weeks ago, the Liberal Party agreed to raise the payroll tax for mining companies.

I thank Hon Diane Evers for her comments. Unfortunately, a gold tax increase will cost 3 000 jobs. Most small businesses have fewer than 20 employees. Payroll tax does not stay in the regions; it goes straight into consolidated revenue. Mining companies support all the businesses in the region. Without the mining companies, there would be no Kalgoorlie, Norseman, Southern Cross, Laverton, Leonora or Leinster.

For someone who was not going to speak to the motion, Hon Aaron Stonehouse did a really good job! Unfortunately, neither Singapore nor China is in my electorate. The Liberal Democrats have some good tax ideas; I am still trying to figure out what they are, but I appreciate the honourable member's contribution.

I am not sure, but I think Hon Darren West agreed that payroll tax is a bad tax.

We have every natural resource in this state, and the world wants and needs them, yet we are still struggling to make this state a financially strong one. Unfortunately, the Treasurer has taken the defeat of the gold tax personally. Already, one goldmine closed a couple of weeks ago, at Davyhurst, 140 kilometres north west of Kalgoorlie. Although he started his education at Laverton Primary School and finished at a London university, that means nothing. Ronald Reagan was a B-grade actor, and he managed to lead America for quite some years. Commonsense goes a long way in handling government finances.

Hon Martin Aldridge is right: let us monitor Tasmania. I thank him for correcting my mistake with the rate of 2.24 per cent, I think he said, in Victoria. No consultation was undertaken with the government on the motion. Who is in and who is out is defined by the tax zones.

Madam Acting President, I have never had a problem making a dollar here in Australia, but I am finding it very difficult to make a difference. This motion is good for all of Western Australia; there is no downside in honourable members supporting it. I commend the motion to the house.

Question put and negatived.

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

Motion

HON MARTIN ALDRIDGE (Agricultural) [3.02 pm]: I move —

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.

In speaking to the motion before the house, I want to outline some of its history, which is somewhat complex but also somewhat recent. I will try to be brief in that respect before getting on to the substance of the motion.

Members who served in the last Parliament will be aware that the Council was faced with an issue when it was in recess in which a member of the Senate, then Senator Joe Bullock, resigned on 13 April 2016. On 21 April 2016, the then Premier, Colin Barnett, announced a joint sitting of the Legislative Assembly and the Legislative Council for 28 April 2016. On the same day that announcement was made by the Premier, I believe a proclamation was made and published in the *Government Gazette* of Thursday, 21 April 2016, issue 65, signed by Governor Kerry Sanderson and Premier Colin Barnett, that both the Legislative Assembly and the Legislative Council would meet on 28 April 2016. Indeed, that sitting was for the purpose of nominating someone to fill the casual vacancy arising from the resignation of Senator Joe Bullock. To refresh members' memories, the issue we had at the time resulted in the forty-first report of the Standing Committee on Procedure and Privileges, "Recall of the Legislative Council". I do not want to delve into the complexities; they are well outlined in that committee report. The recommendations of that committee report resulted in an amendment to the standing orders, which was passed relatively swiftly on 16 November 2016, following the tabling of the report on 13 September 2016.

I will summarise those issues and leave the detail to members who wish to peruse that report. In my view and in my summary, there were differing views between the government, which was acting on the advice of the State Solicitor's Office, and the then President, acting on the expert advice of our very own Clerks, as well as external advice sought from a constitutional expert, Bret Walker, SC. That is also included in the report. It resulted in a memo being sent to members. Unfortunately, I am not able to establish from the report the date on which that memo was sent to members by Hon Barry House, the then President, but essentially he raised concerns in that memo as to the legal validity of what the government was doing, in concert with the Governor, by issuing that proclamation. To put beyond doubt the Legislative Council being recalled in that way, the President invoked the discretionary powers he held under the Parliamentary Privileges Act 1891, derived from the power of the House of Commons to recall the house. He did that through the memo that went to members, and also through a notice that appeared in *The West Australian*, advising members that the house would meet on Thursday, 28 April 2016, at 10.00 am.

That issue resulted in the forty-first report, which came about as a result of referral to the Standing Committee on Procedure and Privileges by the President and, as I said, a subsequent amendment to our standing orders. The recommendation of the report was, if I recall correctly, slightly altered when it was dealt with in November. I turn members' attention to standing order 6. The committee recommended new sub-order (3), which stated —

> When the Council is adjourned, the President may, on the request of the Leader of the House and after consultation with the Leader of the Opposition vary the day and time at which the Council will next meet.

During the debate that ensued on 16 November 2016, a relatively minor but important amendment was moved by, I think, Hon Colin Holt, then Leader of the Nationals in this place. It was accepted by all parties who spoke to the amendment, which saw the standing order amendment amended in the current form before us. Standing order 6(3) states —

> When the Council is adjourned, the President 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 will next meet.

Obviously, for those members who are following, the key difference being that consultation must occur with the leaders of all parties rather than just the Leader of the Opposition. It was mentioned during debate that in the ordinary course of events, that would usually happen. But I think the foresight of the house on that day has probably resulted in a better standing order, one that is better suited to a chamber that now has seven parties represented within it, which is an increase on the thirty-ninth Parliament.

There was obviously a change of government after the election and there were some subsequent shenanigans in relation to the government's position and regulation, with disallowance of a particular gold royalty—something mentioned in debate earlier today. It keeps coming up. I believe that there was a concern, if not a breakdown in

trust, that for the third time, the government would potentially consider the introduction of an increased gold royalty over the summer recess. Members will recall that at that time, I gave notice of a motion that was somewhat different in implementation, but pretty much contained words with the same effect as those before us. My initial intention was to create a temporary order that I thought should have been considered by the house at the time to adequately protect the house from the executive and executive action and refer the matter to the Standing Committee on Procedure and Privileges for review with that temporary order lapsing when the PPC was to report. That would have been at the beginning of this calendar year.

During the debate—not whether we should establish the temporary order—on whether we should make it the number one motion of the day, I think on the last sitting Wednesday of the year, if my memory serves me correctly, the government gave a commitment not to pursue a third regulation change to give effect to an increase in the gold royalty. I think at that point, with leave of the house, the motion was withdrawn and we moved on. Nevertheless, the motion I gave notice of stayed on the notice paper and I have now amended it slightly to give effect to the sentiment that I wanted to discuss today but retaining the referral to the Standing Committee on Procedure and Privileges for further consideration of this matter.

I think members should consider a number of issues when considering whether they should support this motion. The proposed standing order I am suggesting the house ought to consider and refer to the Standing Committee on Procedure and Privileges for consideration is modelled on those in other jurisdictions. I refer members to just two. I am sure if this motion is passed and the PPC takes a much more thorough look at this, similar provisions may apply in other jurisdictions. In the Australian Senate, standing order 55 states, in part —

> (2) The President, at the request of an absolute majority of the whole number of senators that the Senate meet at a certain time, shall fix a time of meeting in accordance with that request, and the time of meeting shall be notified to each senator.
>
> (3) For that purpose a request by the leader or deputy leader of a party in the Senate shall be deemed to be a request by every senator of that party.
>
> (4) A request may be made to the President by delivery to the Clerk, who shall immediately notify the President.
>
> (5) If the President is unavailable, the Clerk shall notify the Deputy President, or, should the Deputy President be unavailable, any one of the Temporary Chairs of Committees, who shall be required to summon the Senate on behalf of the President, in accordance with this standing order.

It is strikingly similar to the suggestion in this motion I have before the house. I draw members' attention also to the New South Wales Legislative Council standing order 36 "Recall of House", which reads —

> (1) The President, at the request of an absolute majority of members that the House meet at a certain time, must fix a time of meeting in accordance with that request, and the time of meeting must be notified to each member.
>
> (2) A request by the leader or the deputy leader of a party in the Council is deemed to be a request by every member of that party.
>
> (3) A request may be made to the President by delivery to the Clerk, who must notify the President as soon as practicable.
>
> (4) If the President is unavailable, the Clerk must notify the Deputy President, or, if the Deputy President is unavailable, any one of the Temporary Chairs of Committees, who must summon the Council on behalf of the President, in accordance with this standing order.

Those are just two examples in which we can see the striking resemblance to the suggested standing order I have in the motion standing in my name. It is certainly not something new. In fact, one would reasonably suggest that I have adequately plagiarised the standing order to a significant extent from other jurisdictions where similar orders currently apply.

Debate adjourned, pursuant to standing orders.

COMMITTEE REPORTS — CONSIDERATION

Committee

The Chair of Committees (Hon Simon O'Brien) in the chair.

Joint Standing Committee on the Corruption and Crime Commission — Seventh Report — "Unfinished business: The Corruption and Crime Commission's response to the Committee's report on Dr Cunningham and Ms Atoms" — Motion

Resumed from 29 August on the following motion moved by Hon Alison Xamon —

That the report be noted.

Consideration Postponed

Hon ALISON XAMON: I move —

> That consideration of the seventh report of the Joint Standing Committee on the Corruption and Crime Commission be postponed to the next sitting of the Council.

As has been explained in previous weeks, the subject matter of the report is still before the judiciary.

Question put and passed.

Joint Select Committee on End of Life Choices — First Report — "My Life, My Choice: The Report of the Joint Select Committee on End of Life Choices" — Motion

Resumed from 29 August on the following motion moved by Hon Colin Holt —

> That the report be noted.

Hon NICK GOIRAN: Unless another member wants to speak on this report, I want to make some brief remarks today about one aspect of the report. Members will recall that the report was tabled in both houses on 23 August. Members may have had time to make progress in their reading of the report and the minority report. This afternoon, I thought I would spend a few moments discussing the issue of palliative care. I thought I would take this opportunity this afternoon because, although it has been expressed in the past in this house that perhaps the debate on this report can await the tabling of the government's response, which ought to be done within three months of the tabling of the report, I still think there is no good reason we cannot have a discussion about certain aspects of the report or indeed the whole thing. In particular, I would like to inform members of some recent updates that I have observed on the issue of palliative care. Those members who have had an opportunity to look at the report and the minority report will know that there are a number of —

Hon Sue Ellery: I encourage people to do what you are doing, which is to take the opportunity to read the report and use this time, if they are so moved, to make a contribution about this, because whatever is going to happen in the government's response, this is a time without the pressure of us considering a potential bill or whatever and I think this is an opportunity for people to talk about what is in the report.

Hon NICK GOIRAN: Great.

What I was saying was that those members who have had the opportunity to look at the report and the minority report will know a number of findings have been made. I made this point last time: there is a difference between committees operating under the standing orders of the Legislative Assembly and committees operating under the standing orders of the Legislative Council. An ordinary standing committee or select committee of the Legislative Council does not have this problem. This issue arises only if there is a joint standing committee and the houses then have to agree which standing orders will apply. It is a matter of historical record that this particular joint standing committee happened to operate under the auspices of the Legislative Assembly's standing orders.

That is relevant to the findings and recommendations because there is no capacity, under the way that committees operate under the Legislative Assembly, for there to be a minority recommendation or a dissent expressed in the committee report. If a member wants to dissent from a finding or recommendation in a report drafted and deliberated upon under the auspices of the Legislative Assembly's structure, they have to supply a minority report. That is one option. A second option is to remain silent. But there is no capacity, for example, for a committee to say "finding 1" and then underneath perhaps have a "minority finding 1" or an alternative finding or recommendation. There is no capacity for that to happen under the auspices of committees operating under the structures of the other place. That is simply a matter of fact. It is not necessarily a complaint at this point from me; it is just an observation on the differences between how the two houses operate and how that can then impact upon a member's capacity to do things on a joint standing committee.

As members will be aware, I have tabled a very substantial minority report but, unfortunately, for the time being, with the minutes of that joint select committee not being publicly available, I feel restricted in my capacity to say to members where I may have dissented on some aspects of the committee's findings and recommendations. All of the findings and recommendations are listed there by the committee. There are 52 findings and 24 recommendations in the majority report. In the minority report, there are 127 findings and 20 recommendations. It goes without saying, obviously, that I agree with all the findings and recommendations in the minority report. That is self-evident. What members will not know is to what extent I agree with one or more of the 52 findings and 24 recommendations of the majority report. Members will know that if the minutes are revealed and provided in a transparent fashion; not in some kind of strange precedent or anything like that, but in actual fact as per the custom and practice of committees of the Legislative Assembly. It is the ordinary custom and practice of committees of the Legislative Assembly to table their reports and make them public. For members who were away on urgent parliamentary business on the last occasion this matter was last before us in committee—on Wednesday, 29 August—I set out a range of committees and all the dates and the tabled paper numbers of when those minutes had been tabled for those committees. In any event, that matter is on the notice paper for consideration by this house, with the possibility of sending a message to the other place to ask it whether the committee's minutes can be made

publicly available, as is the ordinary custom and practice of committees that operate from the other place. That is something we will debate in due course. I look forward to that debate on another occasion, but I hope that that also gives members a sense of why it might be useful for somebody like me to have those minutes made publicly available so I can speak more freely on aspects of the findings and recommendations in the committee report.

With those few introductory remarks, I want to say that I have made various findings on palliative care in the minority report. I want to touch on four of them this afternoon. I realise that we are time-limited and this is the type of topic that I could spend hours, if not days and months, talking about. At this early stage I just want to talk about findings 1 to 4. These are the findings in the minority report. Finding 1 states —

> Specialist palliative care is a relatively new discipline within the medical profession.

Members, here is yet again another example of where I think the processes under which the joint standing committee was required to operate from the other place falls down a little. It is less than desirable. I say that for this reason: do the other seven members of the committee get an opportunity at any stage to indicate to the house whether they agree with finding 1 of the minority report? Finding 1 is —

> Specialist palliative care is a relatively new discipline within the medical profession.

Without wanting to put words into any of the other seven members' mouths, if I were to have a guess, I would dare say that most probably the other seven members would agree with that finding. But, unfortunately, because of the processes under which this committee was operating, there is no opportunity for that to happen. It is not a case of the committee making a finding and then a member coming along and saying, "I'm going to have this minority finding", and some other members can effectively sign up to it. It is not like that. It is not like a petition process or anything like that.

The CHAIR: The question is that the report be noted.

Hon NICK GOIRAN: The process under which committees operate in the other place is simply that the chair's draft is provided to the members—the chair's draft. The members then get an opportunity to deliberate on the chair's draft—not the secretariat's draft; the chair's draft. At the end of that process, a report is agreed to. That process is finished. The report is done and dusted; it is effectively on its way to the printer, if you like. Members then get an opportunity to say, "Alert; yellow alert. I would like to prepare a minority report." The process under the auspices of the other place is that a member then presents the report to the committee. That is not for deliberation, not for discussion, not for people to say, "Actually, member, you make a good point at finding 1 in your minority report, specialist palliative care is a relatively new discipline within the medical profession. We also agree with that." There is no opportunity. I think that that is a less than desirable process. I would like to think that, if nothing else, as a result of this one-year inquiry we will have learnt something about the processes under which these joint select committees operate.

I said on 29 August that I encourage members in future, when we get a message from the other place asking to agree on the formation of a joint select committee, to give strong consideration to and be very, very circumspect about the standing orders they agree to. They should not necessarily go along with what I understand to be the general custom and practice between the houses of whichever standing orders applied last time—it is on a rotational basis, so this time it will be the other place. Do not go along with that. Choose the standing orders that will do the best justice to the work required of the committee. Maybe the Standing Committee on Procedure and Privileges could look at whether there could possibly be a breakthrough on this between the two houses, so that in future when a joint select committee is established the best of both houses, in terms of their standing orders, come together, and its members can operate on that basis. Having experienced committees under both sets of standing orders, there are definitely deficiencies on matters like this.

I will today spend some time talking about palliative care. I have already touched on finding 1. Finding 2 of the minority report is —

> Palliative care is poorly understood within the Western Australian community.

Interestingly, since last we considered this matter on 29 August I had the opportunity to do something a little unusual. 720 ABC Radio Perth decided to devote the best part of an hour of its program to the issue of palliative care. I was honoured to be invited to participate and be on its panel. Listening to some of the talkback callers coming through really underscored finding 2, which reads —

> Palliative care is poorly understood within the Western Australian community.

One caller said, "Yes, at the end of life I want to be able to choose. I want to have palliative care. You know what I mean—euthanasia." In the same sentence from this caller there was a conflation of the terms "palliative care" and "euthanasia". I do not say that with any sense of denigration to the caller; it is just a simple statement of the fact of that particular caller's knowledge and understanding of the terminology. I think in many places it is a common misconception that somehow these two things are one and the same or under the same umbrella, but nothing could be further from the truth. It is unfortunate that palliative care as an approach is not well understood within the community.

That is further underscored by the fact that it is not necessarily well understood even within the medical profession. Of course, there are people in the medical profession who are experts in this field, and we thank them for the work they do for Western Australians who are at the end of their lives. But if I can use by way of analogy my previous profession as a lawyer, it is ridiculous for people to expect that a lawyer in Western Australia is going to be expert on all areas of law. In actual fact, most lawyers in Western Australia end up specialising in some fashion and developing expertise in certain areas of law. So although there are some general principles that we would expect any lawyer at a basic level to understand and be able engage in, there are certain specialities that it is ridiculous to expect all lawyers to be able to engage in. For example, in an intellectual property law matter it would be pointless going to see any old lawyer because that is a specialised area of law, and so we need to see someone with expertise in that field. Unfortunately, I think sometimes in the community—maybe also for us as lawmakers—people just assume that all medical and health practitioners have a great understanding of palliative care, and it is clear that that is not the case. That is why I believe that finding 2 of the minority report—palliative care is poorly understood within the Western Australian community—is very important.

The third finding of the minority report reads —

> The provision of quality palliative care affirms a patient's right to choose their therapy, decline futile treatment, choose their place of dying, receive the best possible relief of symptoms and to refuse to prolong the dying process.

That finding has a lot of, if you like, elements, but they are all important for a proper contextual understanding of palliative care. I will not today have the time to unpack those elements; that will be something for another day.

But today I want to get to finding 4, which is found on page 13 of the minority report. It says —

> Medical treatment, including palliative care is an end of life choice currently available in Western Australia, however:
>
> a) Patients with non-malignant diseases are under-represented in palliative care in WA; and
>
> b) access to good quality palliative care across the State is, in any event, currently highly variable.

I absolutely stand by that finding. It is very important that members are aware that, regrettably, patients with non-malignant diseases are under-represented in palliative care. Those suffering from cancer are, if you like, well represented in the data and statistics in palliative care, but those with non-malignant diseases are under-represented. That is most regrettable and not desirable for us as a community, and it needs to be addressed. I am indebted to my good friend Professor Samar Aoun, who is a professor of palliative care at the School of Psychology and Public Health at La Trobe University, who kindly in recent times has drawn to my attention a transcription error on my part in this part of the minority report. The professor undertook two studies—one in 2006 and one in 2017—and I have transposed those years in the minority report. At that point in the minority report I refer to the 2006 report, but of course, as is self-evident from the footnote, it was the 2017 report. It is at paragraph 1.17 of the minority report. That paragraph should read —

> In a 2017 study, more people with cancer (64 per cent) had received palliative care in comparison with other illnesses such as heart disease, dementia and organ failure (4–10 per cent). These non-malignant diseases are still under-represented in palliative care ten years on from a previous study.

HON ROBIN CHAPPLE: It is really interesting to hear Hon Nick Goiran talk about palliative care. I refer to the first statement in the majority report —

> Palliative care is a relatively new field of health care practice …

There is nothing unique about the minority report in that regard. We know that the origins of palliative care can be traced back to the late 1960s, when Dame Cicely Saunders established the first modern hospice in the UK. Canadian physician Balfour Mount later co-coined the term "palliative care". I think there is a high degree of a lack of understanding of palliative care in the broader community. To a large degree, we, as committee members, became much more aware of what palliative care is. It is basically care in the last four weeks of life. We were exposed to some really harrowing examples in which people were checking themselves out of hospices to go into palliative care. Palliative carers were telling them that they were not going to die within the next four weeks and sending them back to the hospice—and vice versa. There is a case that I can refer to shortly.

Palliative care is certainly a really important approach to the end of life and trying to give quality of life to patients at that time. We visited a marvellous palliative care facility in Albany that catered in so many unique ways to those people in those last four weeks of their journey. All the wards had double doors that had no sill to them, so the bed could be wheeled to a little open verandah surrounded by trees. Those people were given a really good experience. There was also a solitude room where people could listen to music or watch a giant TV screen and it was a peaceful environment. The medication provided by palliative care specialists and practitioners is very carefully crafted to assist people.

The majority of people would think of palliative care as maybe just increasing the dose of morphine and sedating people that way. We heard of many examples of people who were completely sedated, virtually unconscious, who were still grimacing and clutching their hands in pain. Evidence was provided to us that although palliative care is a really, really good part of the end-of-life process, even palliation in those final moments could not resolve some of the suffering. Having said that, chapter 3 of the report is on palliative care. I urge people to read chapter 3, because it goes through the changing nature of illness and death, and how we need to try to assist people. We found out that there are not enough palliative care specialists, and that was definitely so in the regions. We also found that palliative care practitioners—not specialists; these are the people on the front line in the community—were doing a stunningly good job. The unfortunate thing was that we heard from some of those frontline service people that, notwithstanding the service they were providing, which was good, they would get to a farmhouse and find that their patient had taken matters into their own hands. From some of the information we got back from a range of sources, we found evidence that a high number of people were taking matters into their own hands. I do not think we got the full extent of what was going on, but in the report there is evidence showing that each year a large number of people deemed to be terminally ill were taking matters into their own hands.

We visited a number of areas that provide palliative care—I think I have talked about this before—and we went out with Silver Chain to visit a gentleman who was an ex-truck driver from the Pilbara. Despite the best services provided by Silver Chain, which were well received by the patient—there was no complaint about service provision; it was very good and very welcome, and interaction between the Silver Chain nurse and the patient was good—the patient still asked, "Why are we bothering? I know the prognosis, the Silver Chain nurse knows the prognosis, you are doing the best by me, but I think there would be a better way of me ending my life." We came across a number of cases like that. In fact, I just had a thumb operation in a hospital that we visited that has a palliative care ward. That hospital does not support voluntary assisted dying, but the doctor who operated on my thumb and the nurse tending to me both said well done to the committee and that this topic is something we need to address in the future.

We dealt with a number of things. There was a lot focus on final end-of-life choices and voluntary assisted dying, but we made a significant number of recommendations about palliative care. It is an incredibly good service and should be pursued and expanded. We looked at the whole issue of making recommendations to the government to provide increased funding and services to the regions. One of the issues that cropped up was that palliative care for any remote Aboriginal community is virtually non-existent. There are nurses and medical practitioners out there who have some palliative expertise and are using their best endeavours, with advice from palliative care specialists here in Perth, but it is a very different kettle of fish in the regions.

This report is a tome; it is a big report, but I urge members to read the report and, indeed, the minority report, because there are elements of the minority report that are not that different from what we were saying about palliative care.

We also looked at advance healthcare directives. There is a mess if ever there was one. There is no central register, the current forms to be filled in are not particularly valuable to the community and we found that a number of institutions and organisations were making their own advance healthcare directives that were far more understandable to the public and had a much simpler application. The problem we encountered was that a number of people who had an advance healthcare directive got to hospital after having had a heart attack or whatever and although the directive said not to resuscitate, it was not available, so they were resuscitated. They then immediately turned around to the doctor and asked them why they had done that. We need a much better system when it comes to advance healthcare directives. We need to have a system with a central register.

Hon MARTIN PRITCHARD: I am not ready to make a substantive contribution to this debate. I am slowly working my way through the report and I can see this is going to be a long debate. I just raise the question at this point that after a year of the committee looking into this issue, there still seems to be—I would not say confusion—disagreement about what palliative care is. As I understand palliative care, it is the holistic treatment or care of the patient and the family when there is no prospect of a cure. I note that the previous speaker talked about a four-week period. To my thinking, it is not restricted to a four-week period. In my experiences last year with my parents, a lot of the doctors and nurses I spoke to had in their mind that it was the step that is taken when imminent death will occur. Like previous speakers, I urge members to read both the report and the minority report and, hopefully, get their thoughts in order for the more substantive debate that is to come.

Hon NICK GOIRAN: I was saying earlier that I am indebted to my good friend Professor Samar Aoun, who is the professor of palliative care at the School of Psychology and Public Health at La Trobe University. I take this opportunity to put on the record that in fact the professor was instrumental, but perhaps did not realise it at the time, in the formation of the Parliamentary Friends of Palliative Care. By way of explanation, on 29 March 2012, some six and a half years ago, I hosted a briefing for members of Parliament and our special guest was Professor Harvey Chochinov. Professor Harvey Chochinov is an internationally recognised leader in palliative care research. He is a professor of psychiatry, community health sciences and family medicine in the division of palliative care at the University of Manitoba and director of the Manitoba Palliative Care Research Unit of CancerCare Manitoba. He holds the only Canada research chair in palliative care, is a recipient of the

Queen Elizabeth II Golden Jubilee Medal and has received the Order of Manitoba for his work in palliative care. He is also known as the founder of the relatively new intervention—certainly at the time—known as dignity therapy. Members will note that, unfortunately, dignity therapy does not rate a mention in the committee's report. The committee obviously had 12 months to look into this issue, but dignity therapy does not rate a mention. As I say, on 29 March 2012, I was honoured to put together a briefing for members of Parliament. The reason we had access to Professor Chochinov, who is the instigator of this new intervention known as dignity therapy, which is an area that I encourage members to become familiar with, is that Dr Samar Aoun had him in Perth at the time for other purposes and research with Curtin University, if my memory serves me correctly. We were able to have him attend and brief members of Parliament.

As I have a few minutes, I will explain briefly some aspects of this new intervention known as dignity therapy. It is facilitated by a series of questions. The themes informing these questions are derived from dignity-conserving perspectives. Dignity-conserving perspectives contain the subthemes of continuity of self; role preservation; maintenance of pride; hopefulness, which is understood to denote a sense of meaning or purpose; and autonomy and control. Each of these subthemes represents an aspect of psychological and existential make-up or outlook having a bearing on the patient's sense of dignity and resonating with a sense of core self. It was very pleasing to host Professor Chochinov on 29 March 2012 as he briefed members of Parliament on that new intervention, dignity therapy.

If I recall correctly, immediately after the 2013 election the following year, I co-founded with the member for Girrawheen, my learned friend Margaret Quirk, MLA, the Parliamentary Friends of Palliative Care, and obviously we have re-formed it in the fortieth Parliament. While I am speaking of the Parliamentary Friends of Palliative Care, I indicate that last month the group was pleased to host Dr Lisa Miller. It was a very well-attended briefing. It is always a popular briefing, but this one was particularly well attended, perhaps because the following week the report of the Joint Select Committee on End of Life Choices was going to be tabled. I do not know; I have not surveyed members about that. Dr Lisa Miller attended and her topic was distress, demoralisation and depression in the palliative care setting and her experience of palliative care of oncology patients. When members get the opportunity to look at both the majority and minority reports, they will see that the evidence of Dr Lisa Miller is touched on. The reason that the member for Girrawheen and I made the decision to select her to come and talk to parliamentarians last month is that she is the only dual-trained palliative care specialist and psychiatrist in Western Australia. This is an area that is, unfortunately, very lacking in our state. If members have the opportunity to read the reports, they will see that the impact that somebody like Dr Lisa Miller can have on a person at the end of life is profound, but she is only one person. Of course, this is where access and resourcing come to the fore. If every person who was in need of consultant psychiatric services at the end of life had access to a Lisa Miller or similar, I very much anticipate that we would not have anywhere near the number of bad experiences that we hear all too often in our community.

I very much encourage members to look at that aspect of both reports, because I think there is a great deal of commonality in this point in the reports. Indeed, if members have the time to look at the transcript of the committee's public hearing with Dr Lisa Miller, they will realise it was very much a worthwhile exercise. Indeed, I take this opportunity to indicate to members that should they ever find that they cannot attend one of the sessions hosted by the parliamentary friendship group, they should not hesitate to contact either me or the member for Girrawheen and we would be only too happy to arrange for a subsequent briefing to take place either one on one or with another group. While I am talking about such briefings, I indicate to members that I am also happy to meet with them to discuss the content of my minority report, if that should be of interest to members.

Hon ROBIN CHAPPLE: I think I have expressed the way that the committee felt about palliative care as best I can. Certainly, better provision of services, better provision of palliative care specialists and better service in the regions is needed. But I want to turn to our report and deal with a short section. A really compelling part of the report details the story Dr Robert Edis, a neurologist, told about one of his patients. I will read from pages 117 and 118 of the report which explains what happened to this unfortunate woman. Melanie had motor neurone disease and the illness was taking a very severe toll on her. The committee identified motor neurone disease as a particularly problematic disease. The report states —

> Melanie could no longer tolerate her extreme suffering and elected to stop all food and water to hasten her death. She was provided with palliative care at Hollywood Hospital. Another hospice (where she had previously been an inpatient) refused to admit her again because staff were reluctant to provide palliation for her as she dehydrated, and starved herself to death. Fortunately, for Melanie, Hollywood Hospital agreed to take her in, and hospital staff provided her with palliation. Dr Edis described Melanie's transfer of care in her final days: —

This is what Dr Edis said —

> *You can only stay in a hospice for a maximum of about four weeks. So she was discharged to what was considered a very good nursing home, the high-dependency unit. She was there five days and then the staffing ratios, and her needs were so high, that she said, "Look, I just can't cope with this discomfort*

> *a lot of the time. Get me out of here." She called the ambulance from Fiona Stanley Hospital, and they came and said, "What are you doing? You're in a nursing home. We can't take you to hospital." She called them three times, and in the end they did. She was then transferred to Fremantle Hospital, at the holding ward there, where we saw her —*

That is Dr Edis —

> *where she said, "Well, how can I end my life? I will not go back to a nursing home. I refuse." We said —*

That is Dr Edis —

> *"Well, you have to. There isn't anywhere else you can go." So she said, "What can I do?", and I said, "Well, there is this thing called terminal dehydration, stopping nutrition, and we can do that, and I will negotiate with the hospice to get you there, and you will die within eight to 14 days, but we will cover your symptoms. We will cover the distress of thirst in the first day or two and anything else, and when you are ready to go, you let us know, and I am sure I can get the palliative care people to turn it on."*
>
> *So I rang the [hospice] head and she said, "If she comes back here, I'll have nurses going on sick leave. We can't take her back." So I said, "All right; I'll try Hollywood palliative care, because she has got private health cover." One of the good things about private health cover is that there is a majority of palliative care beds in WA that are under private health care only. If you have private health care, it gets you a palliative care bed, so it is very good to keep your private health cover up. I had an interview with the palliative care physician at Hollywood, who was very supportive, and she talked to her team about it and said, "We've got this young woman who is in distress. She's in the terminal phase of her motor neurone disease. She wishes to end her life in this way. Will you agree to participate?" The nursing staff all agreed. If anyone disagrees, they can opt out of the team. The palliative care people do it that way. She came over. She then died under those circumstances. It was a very peaceful death.*

That was just one of the many examples, and it was these sorts of examples that we as a committee had to face on a number of occasions. It became very emotional for us. We had a presentation that was very similar to my own mother's death, and it brought it back in very, very stark relief. That is how palliative care is able to assist in the final days of someone who wants to die. She had the right to refuse to take food and water, but she was able to be put into a peaceful state before she passed away. The committee heard about many other cases. A young woman and her husband gave a very detailed explanation about similar problems that her mother went through towards the end of her life. It was really quite interesting listening to frontline palliative care providers—not the specialists, but those people who deal with the matters in front of them—because they have a different view of the world from palliative care specialists. I have to say that the frontline service providers whom we met in the regions and in the metropolitan area were stunningly remarkable people who every day had to cope with people who are literally at the end of their life. I cannot take my hat off enough to those people working at the coalface.

There were quite often remarkable differences between the people we visited. We went to one hospital and walked into a ward where people's prognosis was that they were going to die. We met one unfortunate woman who eventually, because of the work that Hon Colin Holt and I did, was released. She was a prisoner. She had just had both her hips replaced. She could not move, yet she was chained to the bed, and she was dying. Her prognosis was that she would die, and the prison authorities did not even have the compassion to take off her shackles.

The CHAIR: Hon Robin Chapple.

Hon ROBIN CHAPPLE: She, as an individual, was quite stoic. She was not going to die; it was all going to be fine. But the prognosis was clear. Some people cling onto their desire to get out of those places so they can continue their lives. She was dying and she had had both her hips replaced and eventually she passed away. It is an unfortunate circumstance that many of the people we met passed away quite quickly.

The CHAIR: At this time, under temporary standing order 4, we have had our allotted time for consideration of this committee report, so debate on this report is now postponed and it falls to the bottom of the list. However, as it is the only report on the list, which brings it straightaway back to the top, I think we will segue neatly into further consideration of the question that the report be noted. I think Hon Robin Chapple might like to continue his remarks.

Hon ROBIN CHAPPLE: One thing that we need to do when we are considering this report is to remember and congratulate all participating members of the committee—Hon Nick Goiran, Hon Dr Sally Talbot and Hon Colin Holt from this chamber—and the staff who helped us with this inquiry because all of us faced many demons in putting together the report. It was not easy. Although I note the comment by Hon Nick Goiran that the committee operated under the standing orders of the Legislative Assembly—we most probably would not operate that way—nevertheless, seven members of the committee, after making some recommendations, adopted to support the majority report. I understand and respect Hon Nick Goiran's position of including his minority report. I think the beauty of Parliament is, in essence, that we can have diverging views.

I am totally and utterly committed to supporting the full suite of recommendations in the majority report, and I hope others will look at the report in detail. Many myths were presented to us, and one of the important things this report does is test and quantify a number of them so that people can actually understand what is real and what is just being said.

Quite clearly, from the evidence we heard, there was always this notion of the "slippery slope". Wherever we looked at relevant legislation that had been introduced, in any country, that actually was the legislation and there was no slippery slope. In some cases the interpretation of the legislation had been dealt with in a different manner, but as far as we could tell or test, the legislation did not lead to what is classically referred to as the slippery slope.

That is my contribution for the time being; I have nothing further to say on this. I think the debate should go on and it obviously will go on until we get the government's response, which I hope we will get relatively quickly.

Hon NICK GOIRAN: In the few minutes left, I am inspired to say a few things following the contribution of my good friend Hon Robin Chapple. He indicated to members that there were a number of myths. It is very important for members to hear the language that has been used by the honourable member: "number" of myths is plural, and apparently they have been dispelled by the committee report, so I encourage members to spend some time reading the majority report and seeing if they can count multiple, plural myths that have allegedly been put to the committee. While they are at it, they can also see if they can find opportunities in which the committee has assessed those so-called myths and provided an analysis. I encourage members to do that, and when we next consider this report, I look forward to members indicating where all those plural myths have been identified and dealt with by the committee.

Just quickly on the issue of the "slippery slope", to which far too much attention has been paid, my personal view is that I do not really care whether people want to call something a slippery slope because I maintain the view that in every jurisdiction there have been wrongful deaths as a result of the inability to have safeguards in euthanasia legislation. That is why it is far too dangerous and why we know that casualties will be guaranteed in Western Australia if we go down this path, but that is a debate for another day.

With regard to the issue of the slippery slope that proponents like to spend so much time apparently trying to demystify, Hon Robin Chapple has not told members that in Belgium—I will give members only one example, because we have limited time—the initial legislation has been changed. Originally, it did not allow for minors—it did not allow for children—and then the legislation was changed. The honourable member has not said that to members today; he has just sort of said, "Well, look, it's changed due to the interpretation of things." No; that is true in some other jurisdictions, including the Netherlands, but in Belgium the Parliament started without minors and now it allows euthanasia for children. If members want to call that a slippery slope, terrific; if they do not want to call it a slippery slope, that is fine too. I am not going to get caught up in the terminology of it, but let us be clear that in Belgium it started without children and now it allows for it. On other days we can have a discussion about the interpretations and the incremental changes that have occurred in other jurisdictions, but it is important not to be misled by the idea that somehow everything has always stayed the same in other jurisdictions. It always changes, including in Oregon, I might add, where it changes by way of practice, not legislation, and of course there are always wrongful deaths in each of those jurisdictions.

Perhaps at this time, Mr Chairman, should I move that the debate be postponed?

The CHAIR: No, that is probably unnecessary. It is probably a good time for me to report progress.

Consideration of report adjourned, pursuant to standing orders.

Progress reported and leave granted to sit again, pursuant to standing orders.

Sitting suspended from 4.15 to 4.30 pm

QUESTIONS WITHOUT NOTICE

NORTH METROPOLITAN HEALTH SERVICE BOARD — MEMBERSHIP

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

I refer to the resignation letters of the North Metropolitan Health Service board members tabled in the Legislative Council yesterday and claims in those letters that the incoming chair of the board, Jim McGinty, wanted an entirely new board. One letter states —

> I refer to email correspondence received from, and a subsequent telephone conversation with, your Chief of Staff on 12 June 2018. It is my understanding the in-coming Chair of the North Metropolitan Health Service ("NMHS") Board wishes to have an entirely new board appointed from 1 July.

(1) Did the minister have conversations with Mr McGinty prior to his appointment regarding the make-up of the new board or did Mr McGinty provide the minister with a list of potential board members?

(2) Did Mr McGinty make it clear to the minister that he wanted an entirely new board?

(3) Was the minister aware that his chief of staff had advised the existing board members that Mr McGinty wished to have an entirely new board?

(4) Did the minister instruct his chief of staff to advise board members on or around 12 June 2018 that they would no longer be required on the NMHS board?

(5) If yes to (4), why was that message conveyed to board members and on what basis was an entirely new board required?

(6) If no to (4), on what basis did the minister's chief of staff convey to board members that an entirely new board would be appointed?

Hon ALANNA CLOHESY replied:

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

(1) No.

(2) Not applicable.

(3) The chief of staff did not advise the existing board that an entirely new board was being sought. The chief of staff discussed preferences for the composition of a new board.

(4)–(6) Not applicable.

CONSTITUTIONAL CENTRE AND ELECTORAL EDUCATION CENTRE

771. Hon PETER COLLIER to the Leader of the House representing the Premier:

Thank you, Madam President. I apologise for the length of that last question.

The PRESIDENT: Noted.

Hon PETER COLLIER: I refer to the Constitutional Centre and the Electoral Education Centre.

(1) Has a consultant been engaged by the government to review the Constitutional Centre and/or the Electoral Education Centre; and, if yes, who and at what cost?

(2) What future use is the government planning for the buildings currently housing the Constitutional Centre and the Electoral Education Centre?

(3) What efficiencies is the government seeking through the digital transformation of the Constitutional Centre and/or the Electoral Education Centre services?

(4) What alternative service delivery models for the Constitutional Centre and/or the Electoral Education Centre are being considered?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question, which I note was lodged on 30 August.

(1) Yes. The Nexus Network has been engaged to review the Constitutional Centre. The cost has not yet been finalised but will be included in the relevant consultant's report tabled in Parliament

(2)–(4) The review of the Constitutional Centre is focused on whether the centre is meeting its aims and objectives; the current service delivery model, including digital engagement; and whether opportunities for synergies with other state and commonwealth government programs exist.

It should be noted for listeners of the *Rumour File* program on 6PR that the Premier has no intention of moving from Dumas House and enjoys being in the same building as his ministers.

ACTING MAGISTRATES

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

I am glad someone enjoys being with his ministers.

Hon Alannah MacTiernan interjected.

The PRESIDENT: Order!

Hon MICHAEL MISCHIN: I refer to the Attorney General's partial answer to my question without notice 750 of 11 September concerning advice he gave to the Magistrates' Society of Western Australia.

(1) Did the Attorney General misinform the society of the status of the Courts Legislation Amendment Bill 2017 so that he could suggest that the Liberal Party had obstructed the progress of his legislation?

(2) If not, and having misinformed it about the status of the bill, what steps did he take to correct his false advice to the society, and when and to whom and in what manner did he do so?

(3) Does he accept that his claim yesterday to this place that his "22 other pieces of legislation have been introduced to the Legislative Assembly and progressed to the Legislative Council in the usual manner" is also incorrect; and, if not, please name the other 22 bills and identify the chamber into which they were first introduced?

(4) Does he confirm or deny having advised the society to the effect that he will rubber-stamp applications by magistrates to extend their terms beyond their current retirement age?

(5) If he will not confirm or deny giving such an assurance, why not?

Hon SUE ELLERY replied:

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

(1)–(2) No. At the meeting on 2 August 2018, in advising the society of the anticipated passage of the Courts Legislation Amendment Bill 2017, the Attorney General did not suggest that the Liberal Party was obstructing the progress of the legislation.

(3) In order of the date of introduction, the following bills were introduced to the Assembly: one, Sentence Administration Amendment Bill 2017 on 17 May 2017; two, Child Support (Adoption of Laws) Amendment Bill 2017 on 28 June 2017; three, Coroners Amendment Bill 2017 on 28 June 2017; four, Domestic Violence Orders (National Recognition) Bill 2017 on 9 August 2017; five, Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017 on 16 August 2017; six, Dangerous Sexual Offenders Legislation Amendment Bill 2017 on 6 September 2017; seven, Courts Jurisdiction Legislation Amendment Bill 2017 on 18 October 2017; eight, Corruption, Crime and Misconduct Amendment Bill 2017 on 18 October 2017; nine, Historical Homosexual Convictions Expungement Bill 2017 on 18 October 2017; 10, Suitors' Fund Amendment Bill 2017 on 21 November 2017; 11, the Suitors' Fund Amendment (Levy) Bill 2017 on 21 November 2017; 12, Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Bill 2017 on 21 November 2017; 13, Financial Transaction Reports Amendment Bill 2018 on 21 February 2018; 14, Criminal Law Amendment (Intimate Images) Bill 2018 on 27 June 2018; 15, Administration Amendment Bill 2018 on 27 June 2018; 16, Child Support (Commonwealth Powers) Bill 2018 on 27 June 2018; 17, Legislation Bill 2018 on 27 June 2018; 18, Gender Reassignment Amendment Bill 2018 on 15 August 2018; 19, Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2018 on 15 August 2018; and, 20, National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018 on 22 August 2018.

The following bills were introduced to the Legislative Council on 17 May 2017: one, the Constitution Amendment (Demise of the Crown) Bill 2017; and, two, Statutes (Minor Amendments) Bill 2017.

(4)–(5) Please refer to Legislative Council question without notice 750.

The PRESIDENT: Hon Donna Faragher.

Several members interjected.

The PRESIDENT: Order! Member, sit down for a moment, please.

Hon Donna Faragher: It's my birthday! I want a question.

The PRESIDENT: Is everyone quiet? I will wish Hon Donna Faragher a very happy birthday, and given the way people are going, you may very well get two questions today!

TUART COLLEGE — SITE USE

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

Thank you very much, Madam President. I will be good!

I refer to the minister's press statement of 13 December 2017, which states —

> Tuart College will be repurposed and, while the site will be retained by the Department of Education, students will no longer be enrolled, with a decision to be made on its future use.

(1) Has a decision been made on the college's future use?

(2) If yes to (1), what is the decision?

(3) If no to (1), when will a decision be made?

(4) Will the minister provide a full list of all organisations and community-based groups that currently occupy buildings on the college campus?

Hon SUE ELLERY replied:

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

(1) No. An expression of interest to lease all or part of Tuart College was released on 20 June 2018 and closed on 10 July 2018.

(2) Not applicable.

(3) The department is working towards finalising a decision before December 2018.

(4) The organisations and community-based groups that currently occupy or use the Tuart College campus on a regular basis include the Graham (Polly) Farmer Foundation, the Western Australian Secondary School Executives Association, the Grief Centre Western Australia, Tuart Hill Swimming Club; Servite College, Young at Heart, and the Stirling Toastmasters. I can confirm there will be no changes to tenants' existing arrangements with the Department of Education. In addition, other groups use Tuart College on an occasional basis.

CHILD PROTECTION — CHILD SEXUAL ABUSE — ROEBOURNE

774. Hon NICK GOIRAN to the minister representing the Minister for Police:

I refer to the minister's answer to my question without notice 667 asked on 23 August 2018 in which the minister informed the house that since the start of Operation Fledermaus and the formation of the Pilbara joint response team, a total of 58 offenders have been charged with 349 charges being preferred.

(1) Are any of the 58 offenders in custody?

(2) If yes to (1), how many?

(3) Of those offenders not in custody, are their whereabouts known to WA Police?

(4) Are any of the 58 offenders on the sex offenders register?

Hon STEPHEN DAWSON replied:

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

It is not possible to provide a response to this question within the required time period. If the honourable member puts the question on notice, I will seek further information from the Western Australia Police Force.

CAMP SCHOOLS — MAINTENANCE

775. Hon JACQUI BOYDELL to the Minister for Education and Training:

I refer to the minister's answer to question without notice 762 that the $250 000 provided to Fairbridge WA will contribute to maintenance at Bridgetown, Dampier and Pemberton.

(1) What specific maintenance needs to be undertaken at these three camp schools?

(2) What was the cost of maintenance at each of the camp schools for the last four financial years?

(3) Is any additional maintenance required at Point Peron, Geraldton or Kalgoorlie?

(4) If yes to (3), please detail those maintenance requirements.

(5) Who will fund maintenance at Point Peron, Geraldton and Kalgoorlie?

Hon SUE ELLERY replied:

(1)–(4) The request for proposal process undertaken by the Department of Education for the operation of the six camp schools required proponents to meet all costs related to the operation and maintenance of the facilities for the period of the lease. The sites are being offered on a walk in, walk out basis, requiring the proponent taking over the existing buildings, plant and equipment as they are. The proposal from Fairbridge WA accepted this condition at three of the sites—Point Peron, Kalgoorlie and Geraldton—but requested a contribution of $250 000 annually to address a shortfall in its assessed operation and maintenance costs of facilities at Bridgetown, Dampier and Pemberton.

Maintenance expenditure for camp schools is recorded in calendar years. For the past four calendar years, 2014 to 2017, the camp schools have recorded repair and maintenance costs of $157 462 at Bridgetown, $302 958 at Dampier, and $116 220 at Pemberton.

(5) It will be Fairbridge WA, as the operator.

DEPARTMENT OF EDUCATION — SAVINGS MEASURES

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

I refer to the minister's failed attempt to cut $64 million and 170 jobs from education, as announced by the minister on 13 December 2017.

(1) Following the minister's backflips of 11 January 2018 and 8 September 2018 and the continuation of Moora Residential College funding following an injection of funds from the federal Liberal–National government, what are the expected savings across the forward estimates and how many positions will be affected?

(2) Please provide a breakdown of the revised savings measures by service.

Hon SUE ELLERY replied:

I just want to confirm for the record that the member wanted Moora Residential College to remain open.

Hon Martin Aldridge: Yes.

Hon SUE ELLERY: Okay. I do not accept the premise of the question.

(1) The revised savings across the 2017–18 to 2020–21 period are $39.66 million and are estimated to affect around 105 full-time-equivalent positions.

(2) The breakdown was provided to the Legislative Council on 10 April 2018. The only changes to this information relate to Moora Residential College and the $0.25 million a year to be allocated to Fairbridge WA to ensure that camping experiences remain consistent across all camp school sites.

LOCAL GOVERNMENT — PRESCRIBED BURNING — SOUTH WEST

777. Hon RICK MAZZA to the Leader of the House representing the Minister for Local Government:

I was pleased to note that the 2016–17 annual report of the then Department of Parks and Wildlife stated that the 247 360 hectares of prescribed burns in 2016–17 were the largest area achieved by the department in the south west forest regions in 30 years. Given that current weather conditions are likely to result in a significant increase in fuel loads and with reference to local government authorities in the south west regions and the lands under their ownership or management, I ask the following.

(1) Do all LGAs have fuel load reduction programs, such as slashing, prescribed burning or other mitigation measures, within their bushfire strategies?

(2) If no to (1), which LGAs do not have fuel load reduction programs?

(3) Of those that have these programs, how many achieved increases in the number of hectares subjected to fuel load reduction in 2016–17?

(4) How many LGAs recorded decreases in the number of hectares subjected to fuel load reduction in 2016–17?

(5) What, if any, sanctions are imposed on LGAs that do not achieve targeted prescribed burning or other mitigation programs?

Hon SUE ELLERY replied:

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

The answer from the Minister for Local Government is that this is a matter for each individual local government authority. However, it may well be, I do not know, that another minister is responsible for getting these reports from LGAs in respect of their bushfire strategy. I will see whether there is additional information, because it might come from a different minister.

EVENTS — TICKET RESALE

778. Hon COLIN TINCKNELL to the minister representing the Minister for Tourism:

I make it clear that I received some information since I asked this question on 30 August. I am looking for further verification. Can the minister please advise when the government is planning to fulfil its election promise to follow Victoria and put in place legislation that prevents the resale of tickets to major events for more than 10 per cent of the original price?

Hon ALANNAH MacTIERNAN replied:

I thank the member for notice of the question. It is important to understand that the information provided was at 30 August, so it is a couple of weeks old and might not represent the current thinking. The following information has been provided by the Minister for Tourism.

Tourism Western Australia is currently developing legislation for events in Western Australia, which will include ticket resale and scalping provisions. The government is committed to finalising and implementing the proposed legislation as soon as possible.

ASIAN RENEWABLE ENERGY HUB

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

(1) Is the minister aware that the project director of the Asian renewable energy hub has been quoted in the 12 September 2018 edition of the *Pilbara News* to this effect —

> "I think this will be the first of its kind on the planet, so what we are developing is the world's largest wind–solar hybrid project and by the time we're finished it will be one of the largest power stations on the planet," …

(2) Will the minister table the business case for this plan to sell electricity to Indonesia and Vietnam?

(3) Will the minister assure the house that no taxpayers' money will be committed to this delusional plan to export electricity to Indonesia and Vietnam by undersea cable?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

(1)–(3) Yes, I am aware of the project. I must say that I am very surprised that the member does not share the enthusiasm for us unleashing the Pilbara's potential for mass solar. It is important to understand that the International Energy Agency's Task 8 committee has identified the Pilbara as one of the top six locations in the world to develop large-scale solar farms. These are happening around the world. It would absolutely amaze me that we would not want to be in there, ensuring that Western Australia and the people of the Pilbara got a share of the action.

This is a private sector project. We do not ask private sector projects to develop business cases to be examined by government. This is a private sector project and there has been no request for government assistance. The organisation was granted lead project status a few months ago, so it is now an officially recognised project. The development of the subsea cable is just one possible part of that proposal. I suggest that the member might want to have a look at the real improvements in technology happening around the world with these high voltage direct current cables. They are being built, linking Africa to Europe and western China to eastern China. There is no reason to think that we cannot explore these. As I understand it, this project will also look at supplying the local market for three gigawatts up to nine gigawatts. There is also the capability that it may not be a subsea cable; hydrogen may be exported by ship to our Asian markets. This is a very exciting project and I think we should be encouraging the companies that want to get out there and invest in Western Australia to do this.

WATER — DESALINATION

780. Hon DIANE EVERS to the minister representing the Minister for Water:

I refer to the minister's response to question on notice 1389, answered on 21 August 2018.

(1) Does the $3 to $4 per kilolitre estimated cost of water produced by a new 50-gigalitre per annum seawater desalination plant include the cost of the additional water transfer and storage infrastructure required to move water from the plant into the distribution system?

(2) If no to (1), what is the estimated cost of additional infrastructure to transfer and store water?

(3) Please provide a breakdown of the $49.8 million spent in 2017–18 on drainage-related activities.

Hon ALANNAH MacTIERNAN replied:

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

(1) Yes.

(2) Not applicable.

(3) The $49.8 million referred in Legislative Council question on notice 1389 represents the economic modelled costs of service for metropolitan urban drains, which comprises operating expenditure, depreciation expense and return on investment. The actual spend in 2017–18 on drainage-related activities for metropolitan and regional areas was $36.4 million. The breakdown is $20.8 million for operating expenditure and $15.6 million for capital expenditure.

MURUJUGA LIVING KNOWLEDGE CENTRE

781. Hon ROBIN CHAPPLE to the minister representing the Minister for Mines and Petroleum:

I refer to question without notice 520 and freedom of information notice of decision reference 18/19-037: A1571/201801 regarding the development of the Murujuga Living Knowledge Centre at Hearson Cove presenting an unacceptable risk to public health and safety.

Why does the Department of Mines, Industry Regulation and Safety have no record of this advice, yet it was referred to in the answer to question without notice 520 and in a letter from the former Premier, reference 24-633658/JH?

Hon ALANNAH MacTIERNAN replied:

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

No advice was provided by the department stating that there was an unacceptable risk to public health and safety. As stated in question without notice 520, preliminary discussions have indicated that the development "could" present an unacceptable risk. No formal advice was provided, nor did such discussions state that the risk was unacceptable.

FAMILY AND DOMESTIC VIOLENCE — VICTIMS — CROSS-EXAMINATION

782. Hon CHARLES SMITH to the Leader of the House representing the Attorney General:

I refer to the 2017 commonwealth parliamentary inquiry entitled "A better family law system to support and protect those affected by family violence" and the comments by Family Court Chief Justice Diana Bryant stating that her court does not "have the resources it needs to protect parents and children from violence".

(1) Does the Attorney General support introducing or amending Western Australian legislation to stop those suffering from family violence offences being personally cross-examined by alleged perpetrators so the court can stop survivors of family violence suffering further trauma?

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

(3) Is the Attorney General also considering criminal legislation aimed at protecting those who are victims of false allegations of domestic violence offences?

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

Hon SUE ELLERY replied:

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

(1) The Attorney General supports measures aimed at preventing victims of family and domestic violence from experiencing further trauma when giving evidence in court, including the prohibition of direct cross-examination. Section 44C of the Western Australian Restraining Orders Act 1997 already prohibits the direct cross-examination of a person seeking the protection of a family violence restraining order and any child giving evidence in restraining order proceedings under section 53D. In relation to criminal matters, section 106G of the Western Australian Evidence Act 1906 prohibits the direct cross-examination of children, victims of serious sexual offences and prosecution witnesses in criminal organisation offences, and section 25A gives the court discretion to prohibit the direct cross-examination of other witnesses. The government is currently considering options for strengthening these provisions of the Evidence Act, including in relation to their coverage of victims of family and domestic violence.

In the family law context, the commonwealth Parliament is currently considering amendments to the Family Law Act 1975 that would prohibit direct cross-examination in proceedings that involve substantiated allegations of family and domestic violence. It is customary for the Western Australian Family Court Act 1997 to be amended in line with amendments to the commonwealth Family Law Act. The Attorney General will continue to monitor the progress of the proposed commonwealth amendments and associated commonwealth funding proposals.

(2) Not applicable.

(3) No.

(4) The Criminal Code already criminalises the making of false allegations. Section 171 of the code makes it an offence to create a false belief that an offence has been committed. The maximum penalty for this offence is two years' imprisonment. In addition, a person who knowingly gives false testimony in judicial proceedings may commit the offence of perjury under section 124 of the code. The maximum penalty for this offence is 14 years or, in limited circumstances, life imprisonment. In view of these existing offences, the Attorney General does not perceive a need to introduce additional offences that are specific to false allegations of family and domestic violence.

ANIMAL WELFARE ACT — REVIEW

783. Hon COLIN de GRUSSA to the Minister for Agriculture and Food:

I refer to the Animal Welfare Act 2002.

(1) Has the Department of Primary Industries and Regional Development commenced a review of this act?

(2) If yes to (1), will the minister please table the terms of reference?

(3) If yes to (1), on what date did it commence and will the minister please provide a time line and list of staff undertaking the review?

(4) If no to (1), why has the review not commenced?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. I hope we will go into this during the debate today.

(1)–(4) Yes, the review has commenced. The first consequence of that review was that it came to my attention that we had a major deficiency in our legislation in Western Australia in that we had no capability to enforce the national standards and guidelines that we had lined up with the consent of the industry. The first part of our attempts to modernise and review the act are before the house as we speak. In addition to that process going on, we have started the process of developing the values and aspirations that underpin the broader review. The member might be familiar with the stakeholder event that was held in November 2017 to set some of the scene. Work has also been commissioned from Acil Allen Consulting to look at some of the specifics that a review might look into. Because of the great demands that have been placed on the compliance part of our department in the past year, with the tomato potato psyllid, the citrus canker and a range of other biosecurity problems, together with the challenges of getting the first part of the legislation through, and the issues that arose out of the live export matter, which required a great deal of attention from the department, and the requirement to respond to tens of thousands of submissions on the poultry standards, I have put further work on this matter on hold until the end of the year. We have finite resources, and we want to dedicate them in the most cost-effective way. I anticipate that it will probably take a couple of years to complete the review and introduce legislation into this place.

CONSTITUTIONAL CENTRE AND ELECTORAL EDUCATION CENTRE

784. Hon SIMON O'BRIEN to the Leader of the House representing the Premier:

Notice of this question was given, I think, on 29 or 30 August. Although I think it is similar to part of the question asked today by the Leader of the Opposition, I will ask it anyway on the remote chance I will get an answer.

What future use is the government planning for the buildings currently housing the Constitutional Centre and the Electoral Education Centre?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. I agree with the point that he made, that it was lodged on 30 August.

A review is currently being undertaken on the operations of the Constitutional Centre. The review of the Constitutional Centre is focused on whether the centre is meeting its aims and objectives; the current service delivery model, including digital engagement; and whether opportunities for synergies with other state and commonwealth government programs exist. It should be noted for listeners of the *Rumour File* on 6PR that the Premier has no intention of moving from Dumas House, and enjoys being in the same building as his ministers.

Hon Simon O'Brien: He's a masochist, isn't he?

Hon SUE ELLERY: He loves us.

SOUTHERN PORTS AUTHORITY — WORKSAFE INVESTIGATION

785. Hon Dr STEVE THOMAS to the minister representing the Minister for Commerce and Industrial Relations:

I refer to the WorkSafe review into allegations of workplace bullying and harassment in the Southern Ports Authority, the minister's answer to question without notice 704, asked on 28 August 2018, and to the *Albany Advertiser* report on this issue published on 6 September 2018.

(1) Noting that the minister told the house, in answer to question 704, that —

> The investigation is still in progress. WorkSafe investigates the systems in place at workplaces to determine compliance with the requirements of the Occupational Health and Safety Act 1984, as opposed to attempting to substantiate individual issues.

And that the WorkSafe representative told the *Albany Advertiser* that —

> the complaints have been substantiated.

Which version is correct?

(2) If the WorkSafe representative is correct, how many of the formal claims were formally found to be substantiated by WorkSafe?

(3) How were the claims substantiated?

(4) What reporting process will the government or WorkSafe use to show that procedural fairness has been applied to all staff of the Southern Ports Authority, including senior management?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

I understood that our offices had been in conversation, and that the member was going to be asking this question tomorrow.

Hon Dr Steve Thomas: I'm sorry, I thought it was today.

Hon ALANNAH MacTIERNAN: No.

Hon Dr Steve Thomas: My apologies. If you take it on notice, you can give us an answer tomorrow.

TAFE — STUDENT MANAGEMENT SYSTEM

786. Hon ALISON XAMON to the Minister for Education and Training:

I refer to the planned next version of the student management system, which is due to roll out within the next several weeks. Will the minister —

(a) table the accompanying release notes listing the upgrades and bug fixes that have been made;

(b) specify when this release is likely to roll out; and

(c) advise what training will be provided to staff on any and all upgrades?

Hon SUE ELLERY replied:

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

I am unable to provide an answer today. However, I undertake to provide an answer to this question on 13 September 2018.

TUOHY GARDENS

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

I refer to the parcel of land known as Tuohy Gardens at the intersection of Great Eastern Highway and Tuohy Lane in Midland.

(1) Will the Metropolitan Redevelopment Authority agree to the request made by the City of Swan for Tuohy Gardens to be gifted back to the city so that it can be developed into public open space?

(2) If no to (1), what plan does the MRA have for Tuohy Gardens, and what is the time frame for implementing that plan?

(3) Does the minister consider that keeping Tuohy Gardens fenced off and unused for 17 years has contributed positively towards the MRA's vision for Midland, which, according to its website, is to "create a thriving city that attracts businesses, residents and tourists to Perth's eastern corridor"?

Hon STEPHEN DAWSON replied:

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

(1)–(2) The MRA intends to release the lots to market by the end of the year. The city is invited to participate in the offers to purchase process.

(3) The government has recently made a number of key commitments to Midland and surrounding areas including the relocation of Midland train station and creating a new rail assembly and manufacturing facility in Bellevue. We have an exciting vision for Midland that we are delivering.

CHARTER SERVICES — OPTUS STADIUM

788. Hon JIM CHOWN to the minister representing the Minister for Transport:

I refer to charter vehicles operating on western derby match days during the 2018 Australian Football League season.

(1) Why has Transwa provided charter services from Dunsborough, Busselton and Bunbury to Optus Stadium on western derby match days during the 2018 AFL season?

(2) Was approval for Transwa to operate these services provided by the minister; and, if so, why was this approval granted, given this market was already being met by private operators who are paying the omnibus licence fees to operate this service?

(3) How many passengers travelled on each of these Transwa trips this year?

(4) Are there further plans for Transwa to compete with private contractors for any other statewide contracts; and, if so, what are those proposals?

(5) How does the government justify the service being provided by Transwa, given that small business operators in the south west were already meeting the market demand?

Hon STEPHEN DAWSON replied:

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

(1) Transwa provided western derby road coach services to the communities of Dunsborough, Busselton and Bunbury to encourage travel to the stadium for the members of those communities, including those who are entitled to a concession. The additional road coach services were conducted in conjunction with the trial *Australind* train weekend timetable changes.

(2) Yes. The Public Transport Authority considered that the Transwa services would complement the existing private services.

(3) On 29 April 2018, 30 passengers travelled from Dunsborough, 27 passengers returned. On 5 August 2018, 17 passengers travelled from Dunsborough, 15 passengers returned.

(4) No such proposals have been made.

(5) The PTA considered that the services would complement existing services.

SPOILBANK MARINA — PORT HEDLAND

789. Hon KEN BASTON to the Minister for Regional Development:

Will the minister please provide an update on the status of the proposed Spoilbank marina project in Port Hedland?

Hon ALANNAH MacTIERNAN replied:

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

As the member is aware, we have put together a task force to try to ensure that we can take this project forward. The member would be aware that we found that the project on the table during the last election, from all parties, made provision for maintenance for only three years. The Town of Port Hedland made it very clear that it would not be in a position to take up the maintenance of that scale of project after the end of that three-year period. That alone would have required an eight per cent increase in the council's rates, and the town believed, understandably, that that would not be acceptable to its community. We have been working now on how we might revise that project. An enormous amount of work has been undertaken, including a very big risk workshop that took place a few months ago. We are hoping, within the next two months, to make a decision on the way forward.

GOVERNMENT CONTRACTS — HUAWEI

790. Hon TJORN SIBMA to the minister representing the Minister for Transport:

I refer to the answer provided to my question without notice 675 of 23 August regarding the release of the Public Transport Authority's tender evaluation report for the radio system replacement project.

(1) Has the PTA now received, or when is the PTA likely to receive, advice on the "legality, probity and confidentiality issues around the release of the evaluation report"?

(2) Does the minister commit to releasing this report; and, if so, by when?

Hon STEPHEN DAWSON replied:

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

(1)–(2) The Public Transport Authority is still awaiting advice on the release of the tender recommendation report and its release will depend on the advice received.

EDUCATION AND TRAINING — AGENCIES — VOLUNTARY TARGETED SEPARATION SCHEME

Question on Notice 1520 — Answer Advice

HON SUE ELLERY (South Metropolitan — Minister for Education and Training) [5.10 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answer to Legislative Council question on notice 1520 will be provided on 13 September 2018.

CHILD PROTECTION — AGENCIES — VOLUNTARY TARGETED SEPARATION SCHEME
SENIORS AND AGEING — AGENCIES — VOLUNTARY TARGETED SEPARATION SCHEME

Questions on Notice 1507 and 1513 — Answer Advice

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.10 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 1507 asked by Hon Tjorn Sibma, MLC, to the Leader of the House representing the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence on 14 August 2018 will be provided on 13 September 2018.

Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 1513 asked by Hon Tjorn Sibma, MLC, to the Leader of the House representing the Minister for Seniors and Ageing; Volunteering; Sport and Recreation on 14 August 2018 will be provided on 13 September 2018.

ACTING MAGISTRATES

Question without Notice 750 — Correction of Answer

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.11 pm]: I wish to provide a correction to Legislative Council question without notice 750 asked on 11 September 2018 by Hon Michael Mischin.

(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 of the Attorney General's 22 other pieces of legislation, 20 have been introduced to the Legislative Assembly and progressed to the Legislative Council in the usual manner. The remark was the result of a simple oversight.

TAFE — STUDENT MANAGEMENT SYSTEM

Question without Notice 627 — Supplementary Information

HON SUE ELLERY (South Metropolitan — Minister for Education and Training) [5.11 pm]: I have some further information for Hon Alison Xamon on question without notice 627 asked on 21 August that I undertook to provide for her in respect of part (4) of that question. The department has now advised me that the student management system business case was prepared as a cabinet-in-confidence document of the previous government and I am unable to table the business case in Parliament as it is subject to the public interest immunity. The department has sought appropriate advice before reaching this view. I should also note that I have not reviewed the business case myself, as it is a cabinet record of the former government. In accordance with cabinet conventions, as set out in the *Cabinet Handbook*, I am not able to obtain that document without the consent of the Leader of the Opposition. Accordingly, I am now preparing a section 82 notice under the Financial Management Act 2006 advising of my inability to table the documents to be submitted to both houses of Parliament and the Auditor General.

CAMP SCHOOLS AND LANDSDALE FARM SCHOOL — OPERATORS

Question without Notice 751 — Supplementary Information

HON SUE ELLERY (South Metropolitan — Minister for Education and Training) [5.12 pm]: I have some further information for Hon Donna Faragher on question without notice 751 asked on 11 September 2018 that I undertook to provide for part (2) of that question. 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.

QUESTIONS ON NOTICE 1503, 1504, 1510, 1515, 1517, 1565 AND 1574

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)**.

HOUSING — AGENCIES — VOLUNTARY TARGETED SEPARATION SCHEME
TRANSPORT — AGENCIES — VOLUNTARY TARGETED SEPARATION SCHEME
EMERGENCY SERVICES — AGENCIES — VOLUNTARY TARGETED SEPARATION SCHEME

Questions on Notice 1508, 1509 and 1516 — Answer Advice

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [5.13 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 1508 asked by Hon Tjorn Sibma, MLC, to the Minister for Environment representing the Minister for Housing; Veterans Issues; Youth on 14 August 2018 will be provided on 13 September 2018.

Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 1509 asked by Hon Tjorn Sibma, MLC, to the Minister for Environment representing the Minister for Transport on 14 August 2018 will be provided on 13 September 2018.

Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 1516 asked by Hon Tjorn Sibma on 14 August 2018 to the Minister for Environment representing the Minister for Emergency Services; Corrective Services will provided on 13 September 2018.

ROAD SAFETY — POINT-TO-POINT SPEED CAMERAS
POLICE — MENTAL HEALTH CO-RESPONSE TRIAL

Questions on Notice 1479 and 1482 — Answer Advice

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [5.13 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answers to questions on notice 1479 and 1482 asked by Hon Alison Xamon to the Minister for Environment representing the Minister for Police; Road Safety on 14 August 2018 will be provided on 18 September 2018.

POLICE — AGENCIES — VOLUNTARY TARGETED SEPARATION SCHEME
MINISTER FOR POLICE — PORTFOLIOS — STAFF — ANNUAL LEAVE

Questions on Notice 1518 and 1536 — Answer Advice

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [5.13 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answers to questions on notice 1518 and 1536 asked by Hon Tjorn Sibma on 14 August 2018 will be provided on 18 September 2018.

FIREARMS — TRANSPORT

Questions on Notice 1566, 1567, 1568 and 1569 — Answer Advice

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [5.14 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answers to questions on notice 1566, 1567, 1568 and 1569 asked by Hon Martin Aldridge, MLC, on 14 August 2018 to the Minister for Environment representing the Minister for Police; Road Safety will be provided on 18 September 2018.

TOURISM — AGENCIES — VOLUNTARY TARGETED SEPARATION SCHEME
WATER — AGENCIES — VOLUNTARY TARGETED SEPARATION SCHEME

Questions on Notice 1511 and 1524 — Answer Advice

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [5.15 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 1511 asked by Hon Tjorn Sibma, MLC, to me representing the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests on 14 August 2018 will be provided on 13 September 2018.

Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 1524 asked by Hon Tjorn Sibma on 14 August 2018 to me representing the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science will be provided on 13 September 2018.

MENTAL HEALTH — NON-RESIDENTIAL DRUG AND ALCOHOL SERVICES
HEALTH — AGENCIES — VOLUNTARY TARGETED SEPARATION SCHEME
MINISTER FOR HEALTH — PORTFOLIOS — STAFF — ANNUAL LEAVE

Question on Notice 1476, 1521 and 1539 — Answer Advice

HON ALANNA CLOHESY (East Metropolitan — Parliamentary Secretary) [5.16 pm]: Pursuant to standing order 108(2), I inform the house that answer to question on notice 1476 asked by Hon Alison Xamon on 14 August 2018 to me as parliamentary secretary representing the Minister for Health will be provided on 13 September 2018.

Pursuant to standing order 108(2), I inform the house that answer to question on notice 1521 asked by Hon Tjorn Sibma on 14 August 2018 to me as parliamentary secretary representing the Minister for Health will be provided on 13 September 2018.

Pursuant to standing order 108(2), I inform the house that answer to question on notice 1539 asked by Hon Tjorn Sibma on 14 August 2018 to me as parliamentary secretary representing the Minister for Health will be provided on 18 September 2018.

ANIMAL WELFARE AMENDMENT BILL 2017

Second Reading

Resumed from 11 September.

HON DIANE EVERS (South West) [5.17 pm]: I will continue from where I stopped yesterday when I had just begun to speak on how urgent the Animal Welfare Amendment Bill 2017 is. This bill was introduced some 11 months ago and spent some time with the Standing Committee on Legislation. It is beyond time to act. We need to review our Animal Welfare Act and if this is the first step towards that, we need to get on with it.

The public demands that our laws contain proper animal welfare standards and we are here to represent the public. They are pushing very strongly for better standards for animal welfare. They also demand that breaches of animal welfare standards be identified and those responsible be held to account. That is why we are trying to do this. The minister has suggested changing the word "relevant" to "prescribed" in clause 10, and that will be discussed further in proposed section 94. It is proposed to amend section 94 to insert —

> ***code of practice*** includes a standard, rule, specification or other similar document.

When I read through this, it seems to me that it might make more sense for this to be in section 5 of the act, "Interpretation", where "code of practice" could be given a different wording, but that will probably come up in committee.

One major thing that a number of people have talked about with this amendment bill is the power of entry. Under the bill, following the changes the minister has proposed, the CEO will have the discretion to designate some general inspectors. These designated inspectors will have the power to enter non-residential premises and vehicles to monitor compliance with part 3 of the act and with any court orders or directions given in respect of animal welfare. It is very important that they have these powers of entry. The committee report states that the proposal is universally supported by the public and animal welfare agencies, although it is opposed by the agriculture and transport industries. Those who support the proposal to allow these powers of entry say that it fills a gap in the act—currently, inspectors cannot enter without consent or notice to monitor compliance with the act and regulations, welfare direction notices or court orders made under the act for the purpose of preventing breaches and offences, rather than responding to alleged breaches and offences. Waiting until after animals have been harmed in some way is too late; we really have to be getting into the situation prior to animals being harmed. Those who oppose this proposal, who I assume are following appropriate animal welfare standards, as we would expect from people who have care of animals, should have no need to worry about these powers of entry. I also assume that safeguards would be in place to prevent any malicious or unfair inspections. We need to provide this power of entry so that, if inspectors have some reason to, they can get into a place before an act has occurred. Amendments to the bill are proposed to make sure that there are just certain circumstances in which this is possible.

The committee identified precedents of powers of entry without consent for compliance monitoring purposes. Under the Biosecurity and Agriculture Management Act 2007, inspectors can enter premises to monitor compliance at any time, but they must take reasonable steps to provide notification. There are exceptions to the notification requirement, one of which is that the inspector must reasonably suspect that it would jeopardise the purpose of the proposed entry or the effectiveness of any search. Of course, if notice was given and the situation they were trying to inspect was changed or taken away somehow —

The DEPUTY PRESIDENT: Order, members! There are far too many conversations happening in the chamber. It is very difficult to hear Hon Diane Evers.

Hon DIANE EVERS: Thank you. One would reasonably expect that if notice was given, the situation that the inspector was trying to find out might change; therefore, they might not be able to show that a bad practice had been happening. Under the Fish Resources Management Act 1994, fisheries officers can, at any reasonable time, enter to monitor compliance, provided the place has a connection with an activity being undertaken under the act. In South Australia, the Animal Welfare Act 1985 gives inspectors the power to enter as reasonably required for administration and enforcement of the act and also for routine inspection, if the inspector reasonably believes that an animal there is subject to an animal welfare notice or order. A further one is in New South Wales. Under the Prevention of Cruelty to Animals Act 1979, inspectors have the power to enter if the place is not a dwelling. We are not the first state to suggest that we need to allow these powers of entry for the designated general inspectors. The Greens agree with the minority committee report and the minister. Indeed, we do not see how the public can have confidence that animal welfare standards will be achieved without the designated inspectors and without the power of entry in certain circumstances. That is why we are here. The public wants to have confidence that animal welfare standards are being achieved. As things are, they have other ways of finding that out in some cases. It is really up to us to make sure that animals are being looked after.

The *Kalgoorlie Miner* reported on 11 October 2017 that a pastoral industry conference identified that the second-biggest threat to the red meat industry and the consumption of red meat is consumers' animal welfare concerns. We have seen evidence that manufactured meat is being created. That may gain acceptance if consumers are still not satisfied. This is not a place that I would like to go, but if consumers are concerned to the extent that they do not want to have our animals for their meat, they may start to adopt this manufactured meat. I think that would be a very poor substitute for the real thing. We consider it appropriate that the bill contains provisions aimed at prevention and the maintenance of standards, rather than waiting until a breach is suspected. This is to protect animals from harm and ensure the industry has the support of consumers. For the same reason, we do not support the majority committee report's alternative proposal of a mandatory notice provision of 24 hours or longer. Mandating notice is not consistent with detecting breaches. I have put forward an amendment, which a number of members have commented on, to make sure that the activities of the designated general inspectors are included in the annual report. That is to ensure that the Parliament and the public are informed of the activities these inspectors are undertaking.

The 2018 Productivity Commission report, "Regulation of Australian Agriculture", made a number of recommendations. These included —

- determining if new standards for farm animal welfare are required, and if so, to develop the standards using good-practice public consultation and regulatory impact assessment processes
- publicly assessing the efficiency and effectiveness of the implementation and enforcement of farm animal welfare standards by state and territory governments

- publicly assessing the efficiency and effectiveness of the livestock export regulatory system and making recommendations to improve the system to the Australian Government Minister for Agriculture.

In fact, it suggested that a new standalone statutory organisation should be created, called the Australian commission for animal welfare, which would —

> … include animal science and community ethics advisory committees to provide independent, evidence-based advice on animal welfare science and community values.

This was another case of looking at what the community wants as well as industry. That is what we need to take into account. Recommendation 5.2 states —

> State and territory governments should review, by the end of 2017, the way in which their farm animal welfare regulations are monitored and enforced, and make necessary changes so that:
>
> - there is separation between agriculture policy matters and farm animal welfare monitoring and enforcement functions
> - a transparent process is in place for publicly reporting on monitoring and enforcement activities
> - adequate resourcing is available to support an effective discharge of monitoring and enforcement activities.
>
> State and territory governments should also consider recognising industry quality assurance schemes as a means of demonstrating compliance with farm animal welfare standards, provided that the scheme complies (at a minimum) with standards in law, and involves independent and transparent auditing arrangements.

Key points that come from the report are that —

- Animals (sheep, cattle, pigs and poultry) are an essential part of the agriculture sector. Their outputs, such as milk, wool, meat and eggs, are basic elements of the food and fibre chain. While most Australians accept the rearing of animals for commercial purposes, many also place a value on their health and wellbeing (welfare).
- Good animal management practices are an essential part of livestock operations. Producers have an incentive to improve animal welfare where it increases the productivity and profitability of their business, including when consumers demand higher welfare products.

Of course, they can then get more for their animals. It continues —

> But animal welfare, productivity and profitability do not always go hand-in-hand.
>
> - The challenge for policy makers is to determine the level of regulation that weighs up the cost of improved animal welfare against its value to the community.
> - National standards and guidelines are being developed with the aim of improving animal welfare (standards are intended to reflect contemporary scientific knowledge and community expectations). However, progress to date has been very slow and the standard setting process does not adequately value the benefits of animal welfare to the community.
> - To give consumers and the Australian community confidence that acceptable welfare standards for farm animals are in place, the current approach to developing national standards and guidelines needs to be improved …

The 2017 annual report of the then Department of Agriculture and Food states at page 56 that the demands on the department in effectively administering the Animal Welfare Act 2002 have steadily increased since it took over responsibility for this area in 2011. It states also that an animal welfare director has been appointed, who has taken the lead on the review of the Animal Welfare Act 2002, implementation of national welfare standards and guidelines for livestock, the development of a state animal welfare strategy and policy, and inspector governance frameworks. It states also that the department is building an animal welfare compliance team and is focusing on improving community and industry awareness and engagement.

However, immediately below this section, the annual report refers to the challenge faced by the department as a result of reduced resources and funding due to government savings measures that are considered above the public sector's average. This bill proposes to place greater expectations on inspectors, while at the same time cutting the number of staff and the funding for the department. We understand from the briefing that the department currently gets around $3 million per annum for animal welfare. The Royal Society for the Prevention of Cruelty to Animals gets around $0.5 million per annum for its 24-hour cruelty hotline and for responding to cruelty complaints about pets. Livestock cruelty complaints are covered by the department. The department has around 12 full-time equivalents in its livestock compliance unit. If this bill is passed, those staff will be responsible not only for routine inspections, but also for further monitoring if a breach of the national standards is suspected. A question that the Greens would like to have answered for the record is: have any changes been made to this funding or to the number of FTE livestock compliance staff?

The aim of the national animal welfare standards and guidelines for livestock is to provide nationally consistent enforceable standards and guidelines for animal welfare across Australia. This is driven by the increasing pressure on livestock industries to address the animal welfare concerns of consumers. Standards are mandatory requirements, and it is an offence to breach them, whereas guidelines are recommended practices, and it is not an offence to breach them.

Animal Health Australia was commissioned to develop the national standards and guidelines. It has said that the process of developing the national standards includes consideration of relevant scientific literature, current practice, and community expectations. It also includes a public consultation phase. It is repeated again and again in the information, reviews and reports that we are getting that in determining the animal welfare standards, we need to look at the science and at community expectations. I should mention also that animal welfare groups say that the national standards and guidelines still lack scientific integrity. In fact, the new national standard for free range, which was agreed to recently, states that hens can be kept at 10 000 birds per hectare. This is seven times higher than the guidelines published by the CSIRO. This is anything but reassuring for people who care about hens. Animal welfare groups say also that Animal Health Australia is industry dominated and does not address consumer and community concerns. The RSPCA similarly has concerns that the development of the standards is not informed by an independent review of relevant scientific literature. An example is layer hen housing systems. The science says that cages are simply no good for hens. The RSPCA is not happy that the scientific evidence is not being followed.

In summary, the Greens support the proposed improvements to the Animal Welfare Act. This bill begins that process. Designated general inspectors will require powers of entry if they are to prevent animal cruelty. Consumers have increasing expectations about appropriate animal welfare, and they demand proof that the standards are adequate and are being adhered to. In the current situation with the increasing use of social media, the ramifications of the standards not being adhered to fly around the community very quickly. We cannot put our heads in the sand on this issue. We cannot say we must continue as is. We need to act now to address the community concerns, because the pressure will only build on us; and, if we neglect that, it will come back to bite us in the end. People who have the care of animals in their hands and adhere appropriately to the standards will benefit from this bill. People who do the right thing and care for their animals have nothing to worry about from this bill. It is the people who are not doing the right thing who are trying to stop this bill from going through. Thank you.

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Agriculture and Food) [5.35 pm] — in reply: I thank all those members who have spoken on the Animal Welfare Amendment Bill 2017 for their contributions. I understand that this has been a very challenging piece of legislation for some. I put on the record that I believe that allowing and supporting this bill to go through the Standing Committee on Legislation process has helped us with the bill. I want to ask members to seriously consider the proposition that has been put to this house by many of the speakers on this bill, with the exception of Hon Diane Evers. That is that there is general support for the first part of the legislation, which will provide the regulatory framework to put in place the national standards and guidelines. It is recognised by all the parties who have spoken that it is important to have national standards and guidelines on animal welfare. It is important that we move away from a model that is based on acts of cruelty to a model of providing a framework of compliance that is about the accepted practice for the keeping of livestock, and assessing performance against that framework. That is the fundamental structure that is proposed in the national standards and guidelines, and it is a critical part of the modernisation of our Animal Welfare Act.

I advise members that I am totally happy to agree with the recommendations of the majority on the legislation committee to withdraw the Henry VIII clauses. I accept the finding of the committee that these clauses were not fundamentally necessary to the operation of this new regime that we want to put in place. Therefore, I will not be proceeding with those particular provisions of the bill. However, I ask members to think deeply about their intention not to put in place the provisions that provide the power to inspect for compliance. Many members have made similar comments in this regard. I recognise the contributions of all members. The theme that has come through in members' presentations is that general inspectors already have the power to enter a property; and, if they do not get consent, they can readily get a warrant. That indeed may be true. However, that is based on the model of pursuing acts of cruelty or suspected acts of cruelty. That means that when the departmental officers seek a warrant, they set out the circumstances that lead them to suspicion that an act of animal cruelty may have taken place. That is just a completely inappropriate regime. The inspectors are going in and doing a routine compliance check to see whether the basic way in which the company, or the farm, is carrying out its activities is in accordance with the agreed national standards and guidelines. These are routine checks; the inspectors do not have any suspicion. Carrying out an inspection is not predicated on some knowledge that this particular company, farm or livestock business is in some way treating its animals badly. As Hon Diane Evers pointed out, it is just like health inspectors. Health inspectors have a works program in which they go to restaurants. It may well be that they develop a risk profile and they might go back more often to those restaurants that are problematic than those that are not. But fundamental to the regime of these health compliance checks is that they are routine and they cover all parties and all parties potentially can be examined, regardless of whether there is any suspicion that they are behaving poorly towards their animals and not treating them in accordance with the national standards and guidelines.

It simply does not make sense to say that we want the national standards and guidelines that are a fundamentally different model of regulating the industry, but we only want the same sorts of powers that have to be based on there being a suspicion that that company, farm or livestock business has been in breach. I really urge members to think about that. It would be a complete and utter nonsense to put in place, or to accept, a legislative regime that accepted the role of the national standards and guidelines and wanted us to have those entrenched within our Animal Welfare Act, but then denied the right to carry out the sorts of inspections that will underpin the delivery of that model.

I note that members have expressed concern about the fact that we have a new class of designated general inspectors, and there was a query about why we need a new lot of inspectors. Indeed, that provision was put in the legislation in anticipation of a concern that might be held by the industry. As Hon Dr Steve Thomas set out in some detail, there has not always been the most fortunate relationship between, for example, the RSPCA and various farming groups, but I hope that we can work on that. The general inspectors authorised under the legislation include a wide range of people. It is not only officers from the Department of Primary Industries and Regional Development who are inspectors, but also an equal number from the RSPCA. There are inspectors from local government and the Department of Biodiversity, Conservation and Attractions. We thought that it would be in the interests of the farming community not to give these new essential powers to all those general inspectors, because, from our discussions with the farm advocacy groups, I do not think that is what people necessarily want. I concede that this legislation does not make clear that those designated inspectors should be only people from the Department of Primary Industries and Regional Development, so we are prepared to put forward an amendment that spells that out to give some comfort to farmers. But our intention with the special designation of inspectors was to ensure that that different set of powers will apply to only that subset of general inspectors who were employees of the Department of Primary Industries and Regional Development. If members really reflect on that provision, they would see that it is more sensible than having—hardly Uncle Tom Cobley and all—the RSPCA, local government and the Department of Biodiversity, Conservation and Attractions also being able to have some of these extended powers.

I agree that there were some shortcomings in the bill that we presented. I will concede that we have had some problems with the legal directorate within the department. We have taken steps and reformed that part of the agency very significantly. Improvements needed to be made in some of the legal advice we were getting. We have now made those changes. It is very clear that the chief executive officer makes that appointment and that those powers of entry are not unrestrained. We have chosen to constrain those powers by picking up the provisions that already exist within the Biosecurity and Agricultural Management Act. Farmers are familiar with that act, and currently there is the capacity for personnel designated under the BAM act to go onsite, so we thought it would make sense to confine those powers in the same way. I think the proposition that perhaps has been discussed a couple of times about giving 24 hours' notice, as Hon Diane Evers said, simply does not make sense when we are trying to look at ensuring that there has been routine compliance with the provisions. I mean, no-one would seriously suggest that a health inspector should give a restaurant 24 hours' notice before coming onsite. But we do acknowledge that some additional controls are necessary. The farming community has operated quite successfully within the BAM act, so we think that is a good model to take forward.

There have been questions about this larger review, but we all know how long these big reviews of legislation take. They take many years. We have a review for the workers' compensation legislation that has been the subject of commentary and discussion in this chamber. I think that process started in 2010. It got a draft paper in 2014. Now, in 2018, we are putting in an interim part of that legislation and hopefully in 2019 we will put something else in. I am hoping that the big review of the act will not take that long, but it is really important. I know how strongly members support the farming community, as we do, but I urge them to understand that we have to get this animal welfare legislation right in order to build fairness for operators. Hon Diane Evers reflected on some of these. This is about commercial fairness. We know that in some instances poultry farmers are breaking the rules all the time. That makes it really difficult and it financially undercuts those poultry producers who are doing the right thing. We know that there are important issues of community sentiment. People such as Andrew Forrest say that one of the big challenges to the future of farming and livestock farming is the growing consumer sentiment and perception that we are not properly regulating animal welfare, which is leading to increased investment in artificial meat, which we do not want to undermine this industry. It is absolutely essential. If we have learnt anything from the live export debacle, it is that dismantling animal welfare legislation and not properly implementing the animal welfare rules that we have created will lead to the devastation of this industry. If that industry had been properly regulated and someone had been properly enforcing the rules, we would not have seen that footage and that industry would not have been brought to its knees. I urge members to think deeply about this. Is it in the interests of the farmers of this state not to have a credible animal welfare regime? Is it in the interests of the farmers of the state to agree with and entrench the national standards and guidelines in our legislation but deny ourselves any possibility of enforcing them? It is not.

I look forward to a lengthy discussion during the Committee of the Whole House on this bill, which will obviously not be today. I urge members to think deeply about this because it is really important. Animal welfare is important

to consumers and to our citizens, but it is also very important to farming communities. It is very important that we have a credible and defensible regime. I know that members who have practical experience of farming will understand that. I appreciate opposition members' preparedness to support parts of this legislation and I urge them to think deeply. During the committee stage, I will be more than happy to go through all these issues in great detail. I commend the bill the house.

Question put and passed.

Bill read a second time.

As to Committee Stage

On motion by **Hon Alannah MacTiernan (Minister for Agriculture and Food)**, resolved —

That the committee stage of the bill be made an order of the day for the next day's sitting.

SHIRE OF NORTHAM CEMETERIES AMENDMENT LOCAL LAW 2017 — DISALLOWANCE

Motion

Pursuant to standing order 67(3), the following motion by Hon Martin Pritchard was moved pro forma on 17 May —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the Shire of Northam Cemeteries Amendment Local Law 2017 published in the *Government Gazette* on 12 December 2017 and tabled in the Legislative Council on 13 March 2018 under the Cemeteries Act 1986 and the Local Government Act 1995, be and is hereby disallowed.

HON ROBIN CHAPPLE (Mining and Pastoral) [5.54 pm]: This is a fairly standard pro forma disallowance. The essence of it is that the Joint Standing Committee on Delegated Legislation concluded that the Shire of Northam did not comply substantially with section 3.12 of the Local Government Act when it made the Shire of Northam Cemeteries Amendment Local Law 2017. Section 3.12 prescribes the mandatory procedure for making local laws. After the adoption of a local law, the shire amended the substantive clause of that local law. The shire then completed the final steps of the local law–making process—that is, gazettal and notification—with that different version of the local law. That is, the shire published in the *Government Gazette* and notified the Minister for Local Government and the people in its district of a local law that was different from the adopted local law. I move that the disallowance stand.

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.56 pm]: When local governments make local laws, they are required to follow the process set out in the Local Government Act. As part of that process, the content of the local law must be approved by the local government's council. I note from the comments of the Deputy Chair of the Joint Standing Committee on Delegated Legislation that the committee has concluded that the shire published a local law in the *Government Gazette* that did not reflect what the council had approved. As a result, the law is potentially invalid. It is in the interests of good government to ensure that potentially invalid local laws do not remain in force. I thank the committee for its vigilance. The government supports the committee's recommendation and the motion to disallow the Shire of Northam Cemeteries Amendment Local Law 2017.

HON DONNA FARAGHER (East Metropolitan) [5.57 pm]: In light of the report of the Joint Standing Committee on Delegated Legislation on the Shire of Northam Cemeteries Amendment Local Law 2017, and the comments made by Hon Robin Chapple and the Leader of the House, I indicate that the opposition supports the disallowance.

Question put and passed.

SHIRE OF TOODYAY HEALTH LOCAL LAW 2017 — DISALLOWANCE

Motion

Pursuant to standing order 67(3), the following motion by Hon Martin Pritchard was moved pro forma on 17 May —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the Shire of Toodyay Health Local Law 2017 published in the *Government Gazette* on 22 December 2017 and tabled in the Legislative Council on 13 March 2018 under the Local Government Act 1995, be and is hereby disallowed.

The DEPUTY PRESIDENT: For members' information, the thirteenth report of the Joint Standing Committee on Delegated Legislation refers to this matter.

Amendment to Motion

HON ROBIN CHAPPLE (Mining and Pastoral) [5.59 pm] — without notice: I move —

To insert after "Delegated Legislation," —

part 4 division 2 and schedule 13 items 12 to 18 of

By way of explanation, the effect of the proposed amendment is to convert what is currently a motion to disallow the whole local law to a motion that seeks to disallow only the specified parts in the local law. If amended, the motion will read as follows —

> That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, part 4 division 2 and schedule 13 items 12 to 18 of the Shire of Toodyay Health Local Law 2017 published in the *Government Gazette* on 22 December 2017 and tabled in the Legislative Council on 13 March 2018 under the Local Government Act 1995, be and is hereby disallowed.

HON SUE ELLERY (South Metropolitan — Minister for Education and Training) [6.00 pm]: When local governments make waste local laws, they are required to follow the process set out in the Waste Avoidance and Resource Recovery Act 1997. As part of this process, the Shire of Toodyay was required to obtain the approval of the Department of Water and Environmental Regulation. The committee has concluded that the shire did not obtain this approval and as a result part of the local law is potentially invalid. It is in the interest of good government to ensure that potentially invalid local laws do not remain enforced. I note that the committee has recommended that only certain parts of the local laws should be disallowed. The government agrees with this approach and supports the committee's recommendations.

HON DONNA FARAGHER (East Metropolitan) [6.01 pm]: Again, regarding the Shire of Toodyay Health Local Law 2017, the opposition notes the recommendation by the Joint Standing Committee on Delegated Legislation as well as the comments made by Hon Robin Chapple and the Leader of the House. For those reasons we also support the disallowance.

Amendment put and passed.

Question (motion, as amended) put and passed.

STANDING COMMITTEE ON UNIFORM LEGISLATION AND STATUTES REVIEW

Extension of Reporting Time — Motion

Resumed from an earlier stage of the sitting.

HON MICHAEL MISCHIN (North Metropolitan — Deputy Leader of the Opposition) [6.03 pm]: I will keep it short because I said all that I can usefully say earlier when I tabled the report. I will, of course, respond if any issues are raised by members regarding this motion to extend time to 20 November, but in short form there are issues with the bill that expose questions of parliamentary sovereignty for certain legislation that will come into operation in Western Australia once the bill becomes law without the Parliament necessarily having an ability to consider the merits of that legislation or deal with any issues that arise out of it.

The other element that is particularly significant is that a scheme is proposed by which changes to a national scheme will be incorporated into the laws of Western Australia subject to one of the houses of Parliament disallowing those laws. That is a novel approach that, we understand from the evidence that has been given by departmental officers, may form a model for other legislation adopting and modifying national schemes and incorporating them into the Western Australian statute book. That requires some further investigation and consideration in order that we can discharge our function and responsibility to inform this house. We are awaiting further information from the department and further evidence. The extension is being sought for a relatively long period, but rather than having a further extension, we would seek 20 November with an intention of delivering a report much earlier than that.

HON SUE ELLERY (South Metropolitan — Leader of the House) [6.05 pm]: We agree.

HON ROBIN CHAPPLE (Mining and Pastoral) [6.05 pm]: The Greens also agree.

Question put and passed.

PUBLIC AND HEALTH SECTOR LEGISLATION AMENDMENT (RIGHT OF RETURN) BILL 2018

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Sue Ellery (Leader of the House)**, read a first time.

Second Reading

HON SUE ELLERY (South Metropolitan — Leader of the House) [6.07 pm]: I move —

> That the bill be now read a second time.

Since coming to government in 2017, the McGowan Labor government has taken major steps to reform and remodel the public sector. The Western Australian public sector is one of our most important assets, filled with capable and passionate people. Government has a responsibility to ensure that the sector has the ability to address the challenges of the modern world while continuing to meet community expectations regarding employment, fairness and cost. The Public and Health Sector Legislation Amendment (Right of Return) Bill 2018 proposes a number of amendments to the principal legislation to contemporise the employment arrangements for senior executives within the public sector, to deliver on the government's workforce renewal agenda, and to assist in the much-needed task of budgetary repair.

Established under part 3 of the Public Sector Management Act 1994, the purpose of the senior executive service is to provide for a group of executive officers capable of furnishing high-level policy advice and undertaking managerial responsibilities; and being deployed within and between agencies to best promote the efficiency of the public sector and individual agencies. The SES cohort comprises public service officers whose salary exceeds the prescribed level—currently level 8—and includes chief executive officers appointed under section 45 of the Public Sector Management Act.

Although the original concept of the SES predates the passage of the Public Sector Management Act, that act shifted the fundamental nature of executive employment from permanent tenure to fixed-term contracts of employment, with those contracts being terminable by either party on four weeks' notice. However, an ongoing right of return was able to be retained by those officers who had been permanently employed in a department or organisation for a continuous period of six months immediately prior to their appointment to the SES.

Under the Public Sector Management Act as it stands, an executive officer who retains a right of return and whose contract ceases by the effluxion of time or early termination becomes entitled to employment in a department or organisation at the classification level that they held immediately prior to their appointment. Although not stipulated, that ongoing employment has typically been within the agency in which the officer was last employed as an executive officer. Section 60 of the Public Sector Management Act also provides that an executive officer may elect to surrender this entitlement to ongoing employment and instead take compensation in accordance with section 59 of the act.

The bill proposes to abolish the right of return for executive officers, with the exception of those who are currently on, or will enter into, their initial executive engagement, who will retain it for the first two years of their contract's duration. The right of return under this circumstance has been retained so as not to disadvantage new entrants to the SES, thus providing a minimum level of security whereby an officer is entitled to revert to their former status while they determine whether movement into the SES aligns with their career aspirations.

For continuing SES officers who hold a right of return under non-initial contracts of executive employment, the bill provides for a transitional period of six months from commencement of the bill, or for the remaining term of their contract, if that is a lesser period. Within this time, they may elect to exercise their right and return to permanent tenure, after which their right of return will expire. If an executive officer elects to exercise their right of return, the bill confirms that the employment will be with the agency in which they were last employed as an executive officer, except in the case of CEOs appointed under section 45 of the Public Sector Management Act, who will be provided with ongoing employment within the Public Sector Commission. This reflects that in all possibility it is no longer feasible for the officer to be placed directly in their last tenured position and formalises the arrangements that are already undertaken administratively in this regard. If an executive officer has no right of return, should their appointment be brought to an end prior to the contract's expiry date, they will continue to be entitled to such compensation as the Public Sector Commissioner determines in accordance with section 59 of the Public Sector Management Act. The bill proposes a small but significant amendment in this regard, which will limit the potential compensation payable to 12 months of the officer's salary, as opposed to total remuneration. This amendment, along with a recent change in the methodology applied by the Public Sector Commissioner when determining the quantum of compensation payments within the statutory limit, will ensure compensation payments for early termination of contract are more reflective of the remaining duration of the officer's contract and align with the expectations of the community.

Finally, the Health Services Act 2016 contains right of return and compensation payment provisions for its executive officers, modelled on the provisions of the Public Sector Management Act. In order to provide for the equal treatment of executives across both employment regimes, the bill makes mirror amendments to the Health Services Act. Therefore, the right of return for health executives will now be limited to officers with permanent status who are appointed on a contract in the health executive service for the first time, and they will retain it for the first two years of their contract. The effect of the bill is that all persons appointed to executive positions in the public service will eventually transition to a consistent tenure of employment, regardless of whether they were a permanent public servant before appointment to the position; that is, candidates for senior executive positions who currently have permanent status in the public service will be afforded the same entitlements as external appointees following the expiry of their initial contract's two year right-of-return period.

In conclusion, the bill will provide employing authorities with greater flexibility in the employment and deployment of employees at the senior echelons of the public service. For employees, it will encourage increased mobility and the sharing of knowledge and skills across the public sector. As a consequence, the bill is an important element of the government's reform agenda to drive cultural change and high performance across the public sector.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and table the explanatory memorandum.

[See paper 1776.]

The PRESIDENT: Minister, I might just alert you to the fact that there seems to be some difficulty with copies of the second reading speech that have been provided. They differ substantially from what you have read into the house. I hope that perhaps tomorrow, a corrected version might be provided to members in due course. There appears to be a page missing from the second reading speech. I am sure it will be found and adjusted at a later stage.

Debate adjourned, pursuant to standing orders.

SUITORS' FUND AMENDMENT BILL 2017

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Sue Ellery (Leader of the House)**, read a first time.

Second Reading

HON SUE ELLERY (South Metropolitan — Leader of the House) [6.15 pm]: I move —

That the bill be now read a second time.

I am pleased to introduce this bill, which, together with the Suitors' Fund Amendment (Levy) Bill 2017, will ensure the suitors' fund's ongoing financial sustainability.

The Suitors' Fund Act 1964 of Western Australia establishes the suitors' fund to assist in the payment of costs to litigants in certain circumstances in which decisions are upset on appeal or proceedings are rendered abortive through no fault of their own. The fund is a pool of money made up of contributions from litigants, together with interest accruing from investment. Put broadly, the suitors' fund sets up an insurance scheme for litigants should unforeseen situations arise—for example, in a criminal case if proceedings are discontinued and a new trial is ordered for reasons completely unrelated to the conduct of the parties. In such cases, the accused may be able to apply to the Appeal Costs Board, which administers the suitors' fund, for a payment to assist in meeting the additional costs incurred by the new trial.

The suitors' fund is financed through the imposition of a levy of 20c on initiating processes in criminal and civil proceedings in the Magistrates, District and Supreme Courts. The cap on that amount has not been updated since 1965, when the Decimal Currency Act 1965 necessitated that the reference in the Suitors' Fund Act 1964 to the maximum sum of "two shillings" be amended to "20 cents". Regulation 15 of the Suitors' Fund Regulations 1965 has prescribed the levy as 20c since 1980. In light of inflation over the last four decades and increases in court fees, it is not surprising, given the inflexible cap of 20c, that the suitors' fund has not been able to meet its obligations under the act from funds accumulated by the collection of the levy alone.

Section 4(6) of the act allows for the provision of advances from Treasury when there are insufficient funds in the suitors' fund. The Appeal Costs Board has already had to rely on successive loans from the Treasurer's advance account to make up the deficiency. For example, in the 2016–17 financial year, costs awarded from the suitors' fund amounted to $136 582, while funds raised totalled only $42 879. To meet the shortfall, the suitors' fund made use of a Treasurer's advance of $2 million, which was provided until 30 June 2015. In November 2016, the suitors' fund received an increase of $500 000 in the Treasurer's advance to make a total balance owing of $2.5 million.

Section 4(7)(a) of the act provides that any amount advanced to the suitors' fund by the Treasurer shall be subsequently repaid from moneys standing to the credit of the suitors' fund when money is available to make the repayment. The Appeal Costs Board has advised that the Treasurer's advance is unlikely to ever be repaid unless steps are taken to increase the levy to an amount that better reflects the expenditure from the suitors' fund. The Suitors' Fund Amendment Bill 2017 seeks to address this funding deficiency by amending the act to remove the current cap on the levy and provide for the quantum of the levy to be prescribed in regulations. The bill will also provide for different amounts to be prescribed for different originating processes or classes of process. This will allow for greater flexibility in setting levy amounts that are appropriate to sustain the operation of the suitors' fund, while remaining proportionate to the quantum of costs in different jurisdictions.

As the amendments relate to the imposition of a tax, a separate bill is required for this to occur due to the operation of subsection 46(7) of the Constitution Acts Amendment Act 1899. I therefore draw the attention of the house to the Suitors' Fund Amendment (Levy) Bill 2017, which is introduced simultaneously with this bill.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and table the explanatory memorandum.

[See paper 1777.]

Debate adjourned, pursuant to standing orders.

LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER AND INTERSEX PLUS COMMUNITY

Statement

HON KYLE McGINN (Mining and Pastoral) [6.20 pm]: I rise today to commend the Premier, the Attorney General and the Parliament on their recent work towards achieving a more equal society for members of the lesbian, gay, bisexual, transgender, queer and intersex plus community. As the first Western Australian Premier to march in the Perth Pride Parade, I believe the Premier should be commended for not only showing visible support to the LGBTQI+ community, but also taking positive, proactive action towards removing barriers and correcting historic wrongs. In November last year, the Premier and the Attorney General introduced legislation to Parliament to implement a scheme for the expungement of convictions for historical homosexual sex offences. This bill was passed last night in the other place, which is a great achievement. I especially acknowledge Rainbow Labor for its work advocating for this bill.

I would like to take a minute to go over why this legislation is so important. Consensual homosexual activity was a criminal offence under various provisions of the Criminal Code for many years. The laws began to change in 1989 with the Law Reform (Decriminalisation of Sodomy) Act 1989 but really was fully decriminalised only with the Acts Amendment (Lesbian and Gay Law Reform) Act 2002. Can I make that very clear: homosexuality was only decriminalised in Western Australia 16 years ago. It makes sense then that we still have many people, even people only in their 30s, who have discriminatory convictions on their criminal records.

These laws were used against members of the gay community to shame them. It was the basis of much of the homophobia that is still around today. A law that people could point to fuelled their feelings of righteousness in discriminating against the community. There was so much shame and distress, and I acknowledge today that not everyone affected by these convictions is around today to see the bill passed and to have their criminal records cleared. Only time now can heal these wounds and I believe there is so much movement in this space, led by the Premier, that we will look back at this government as one of the most progressive ever in this space.

However, this is not the only legal barrier for equal recognition of LGBTQI+ people in WA. Since the introduction of the bill last year, which was coupled with a public apology from the Premier, we have also seen excellent legislation introduced in the form of the Gender Reassignment Amendment Bill 2018. Before same-sex marriage was legalised, we had an issue in Western Australia with what has been dubbed the "forced divorce" law. This means that if one person in a heterosexual marriage transitioned genders, to result in what we would see as a same-gender marriage, that couple would legally have to divorce to register the transgender person's accurate gender on official state government forms. This has proven to many couples to be an unnecessarily draining and traumatic experience. The amendment will remove the current requirement that a recognition of gender certificate cannot be issued to a person who is married. This is huge for married people who want to be together regardless of their partner's gender. It also makes it easier for intersex people to register a gender that they identify with, regardless of what they were assigned at birth.

Not only is this meaningful and important legislation for the trans community but it also brings Western Australia into line with South Australia, New South Wales, Victoria, Queensland and the ACT, who have already amended their forced divorce laws, and importantly it also follows a landmark ruling from the United Nations Human Rights Commission in June. The UN ruled in favour of a transwoman from New South Wales who had unsuccessfully attempted to change the sex on her birth certificate. Once this amendment to our Western Australian law takes place, I expect to see Tasmania and the Northern Territory make changes as well.

With such major legislation changes for the LGBTQI+ community still happening, or happening only in our very recent history, it is no great surprise that this community experiences some of the worst mental health statistics in Australia. Young LGBTQI+ people are five times more likely to attempt suicide than the general population, and transgender adults are nearly 11 times more likely. Over a third of trans adults have attempted suicide at least once. We know LGBTQI+ people are twice as likely to be diagnosed and treated for mental health disorders. I commend our Minister for Mental Health, Hon Roger Cook, MLA, for providing more than half a million dollars of extra funding ahead of an extremely damaging plebiscite last year. It also makes sense that we properly fund anti-bullying programs, particularly for our youngest Western Australians, and that is why I fully support the Safe Schools program and encourage any schools not already signed up to the program to make this a priority.

It is our responsibility as parliamentarians to serve our constituents—all our constituents. That means acknowledging the diversity of our communities, taking responsibility in educating ourselves about communities we do not understand or are not part of, and speaking up for injustice when we see it. Following three counts in the last two weeks of uneducated and dismissive comments made by the new Prime Minister—Tony, Malcolm, Scott Morrison—I am not happy for silence to be accepted in response to the discrimination LGBTQI+ people continue to face. I commend the Attorney General for his recent work and I urge this house to continue to support progressive legislation and amendments that support the LGBTQI+ community, in particular the mental health of the community.

ASIAN RENEWABLE ENERGY HUB

Statement

HON ROBIN SCOTT (Mining and Pastoral) [6.26 pm]: I will be brief. I would like to mention my concerns about the Asian Renewable Energy Hub. It is claiming to produce 33 terawatt hours, based on 10 hours of uninterrupted sun and wind each day. This is very difficult to believe, because in reality it should allow for three hours of wind power and seven hours of solar. This 33 terawatt hours is based on six gigawatts of wind and three gigawatts of sun. Closer to the truth is actually 14.2 terawatt hours of power. The distance between Broome and Jakarta is 2 120 kilometres, and the distance between Broome and Singapore is 2 994 kilometres. This would require 5 000 kilometres of direct current cable to be run under the sea. Of the 33 terawatt hours that are going to be produced, 20 terawatt hours would be for export. The cable alone, to export this amount of power, would be cost prohibitive. Nearly 12 000 hectares of natural bush would need to be flattened to accommodate the installation footprint, and so far they have not come up against any troglofauna, which is the next problem they will have to put up with. The subsidies are the only reason I can see that would attract such a folly as this proposed industry in the Pilbara. Also, the life expectancy of 60 years could never recover the costs of such an installation. Another concern is that all the equipment for this installation will be built in Indonesia. All the wind and solar generators will come from that end. The only benefit we get is from the generation of the electricity. This project will never get off the ground, hopefully, because in the end it will cost us a lot of money. It is very similar to the national broadband network, the $42 billion original cost of which was worked out on the back of an envelope. This is very much the same.

NATIONAL CHILD PROTECTION WEEK

Statement

HON ALISON XAMON (North Metropolitan) [6.28 pm]: I rise tonight to say a few words about National Child Protection Week, which was from 2 to 8 September last week. We know that National Child Protection Week aims to raise awareness about child abuse and that, most importantly, it is completely preventable. Protecting children, as we know, is a responsibility of the whole community and we can all play a part. We also know that if we do not deal with it, the effects of abuse can last a lifetime, and increase the risks of homelessness, disengagement from education, unemployment, physical and mental health issues, and substance abuse. This is a serious matter and we need to ensure that we are treating it appropriately.

According to NAPCAN, which is the National Association of Prevention of Child Abuse and Neglect, over 35 000 Australian children were proven to have been abused or neglected last year. That is an absolutely staggering number of children. Given the sheer size of this problem and the fact that it can potentially cause lifelong impacts and damage to children, NAPCAN has rightly noted that —

> … child abuse and neglect represents one of the greatest barriers and threats to the wellbeing of Australian children, young people and the next generation of children and adults.

As part of National Child Protection Week, last Friday, 7 September, was White Balloon Day. Undoubtedly, all members received a lot of correspondence on that, as I did. An initiative of Bravehearts, it aims to help break the silence around child sexual abuse in particular. Many members will know that Bravehearts was founded in 1997 by Hetty Johnston following her young daughter's disclosure of sexual assault. It has a long history of doing some really important and excellent advocacy work in the space. Some of the statistics that Bravehearts provided included the now fairly well known estimate that one in five children are sexually harmed before they turn 18, and more than 1.5 million women and almost 412 000 men in Australia experienced sexual assault before they turned 15. Tragically, the vast majority of these people knew their abuser.

Given those horrific statistics, we still have a glaring gap in WA's system to protect children. That is due to the lack of a comprehensive system of independent oversight for all children, particularly in out-of-home care, including an independent child advocate. We need somewhere that vulnerable children can go when they have concerns about their lives, particularly about their experiences in care outside the home, such as in youth justice detention, police custody, residential care, secure care and foster care. We also need it in educational institutions. For example, concerns about behaviour management practices and the use of seclusion and restraint need independent oversight.

The Royal Commission into Institutional Responses to Child Sexual Abuse did excellent work in uncovering significant ongoing risks to children in Australia. I speak a lot about the commission's work, but I cannot stress enough how important it is that we take on board and act on its findings as a matter of urgency. The royal commission raised concerns about gaps in regulation and oversight, and I quote —

> … the research appears to indicate that, overall, there does not appear to be either frequent or wide-ranging engagement by oversight bodies with matters concerning institutional child sexual abuse.

The Commissioner for Children and Young People, Colin Pettit, does excellent work, but he is limited by legislation and cannot take individual complaints. Other complaint mechanisms such as the Health and Disability Services Complaints Office or the Ombudsman, although they are also doing absolutely excellent work, are not set up for dealing with children, particularly vulnerable children.

I understand that the recommendations regarding the establishment of independent oversight and advocacy that form part of the review of the Children and Community Services Act, as well as the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse, are being considered favourably by government. The Premier wrote to me earlier this year, following correspondence I sent him, indicating that the government is committed to exploring the development of child advocacy models in WA. This is welcome. However, the same letter went on to note that the government is again under significant fiscal pressure and it is committed to containing expenditure growth. My response is that not prioritising the protection of children is ultimately going to be a false economy. Given the ongoing, often lifelong, costs to the community of having to address the impact of child abuse and neglect, it really makes a lot more economic sense, if that is our primary driver, to ensure that we are investing in avoiding it happening in the first place. We know that children rely on adults to protect them and we need to make sure that we put in place all the mechanisms necessary to protect them. By the time a child has experienced physical or mental abuse, effectively, multiple opportunities to prevent it have been missed.

Vulnerable children need to be given a voice and specific avenues. They need an advocate that is specifically designed to meet their needs. Establishing independent oversight and individual advocacy mechanisms is a crucial step towards making our state safe for all our children.

REALLY USEFUL RECYCLERS

Statement

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [6.35 pm]: I recently had a visit to my office by Joshua Flintoff and his mum, Deb. It was my pleasure to first meet both of them at the International Day of People with Disability at Crown last year, which featured the Really Useful Recyclers as part of its great achievements showcase. According to the blurb —

> Joshua Flintoff and Courtney Smith are the Really Useful Recyclers.
>
> Over the years their two great passions: Disney Pixar's Wall-e, the Recycling Robot, and Thomas the Tank Engine who is really useful, have remained instrumental in their understanding of the world around them.
>
> Mothers, Deb and Del, utilised these passions as the inspiration behind the Really Useful Recyclers, a small business enterprise established to provide both Josh & Courtney with productive and meaningful lives post school.

This is a nice little group that combines two areas of my portfolio—environment and disability services. It was great to meet them. The young people who are driving this group have great innovative ideas and they have been creating some great artwork, including pictures for our walls. It was my pleasure earlier this week to receive a great gift from Josh—a pair of cufflinks that was made by the boys out of recycled material. It was the first pair of cufflinks that they have made. They were made especially for me, and I am very grateful for that. I have placed them on the gifts register in my office. That has been acknowledged.

The PRESIDENT: They are extremely sartorial, minister.

Hon STEPHEN DAWSON: Thanks very much.

Hon Peter Collier: Worth $300.

Hon STEPHEN DAWSON: No, less, but I am putting everything on it.

The PRESIDENT: They are priceless.

Hon STEPHEN DAWSON: They are certainly invaluable. To see how engaged these young boys are in creating these works of art is fantastic. Over the past few months, they had a great exhibition at Carmel School in Mt Lawley. They have also had stalls at the Good 2 Grow market day at Churchlands Senior High School. They have had an exhibition in Fremantle at the Bitches Brew Art Space. I am told that the Really Useful Recyclers' recycled paper art is available at Grind Zero in Scarborough. I have just loved how ingenious the artwork is. I have been able to buy a Christmas tree for my ministerial office. I have put their artwork on the wall. These young boys with disability have set up their own little enterprise. They are selling stuff that is great and affordable, and it combines both my passions—disability services and waste and recycling issues. I urge other members to google "Really Useful Recyclers" and, if they have an opportunity, to buy some artwork for their wall. I urge some of the blokes in this place who wear cufflinks to look at the cufflinks. I encourage all members to get behind this great little initiative.

SUITORS' FUND AMENDMENT (LEVY) BILL 2017

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Sue Ellery (Leader of the House)**, read a first time.

Second Reading

HON SUE ELLERY (South Metropolitan — Leader of the House) [6.39 pm]: I move —

That the bill be now read a second time.

This bill needs to be viewed in conjunction with clauses 4 and 5 of the Suitors' Fund Amendment Bill 2017, which seeks to address the funding deficiency of the suitors' fund by amending the Suitors' Fund Act 1964 to remove the current cap on the levy and provide for the quantum of the levy to be prescribed in regulations. The levy imposed by the bill amounts to a tax. Section 46(7) of the Constitution Acts Amendment Act 1899 requires a separate bill to impose the levy, and this is that bill.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party, nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and table the explanatory memorandum.

[See paper 1778.]

Debate adjourned, pursuant to standing orders.

HERITAGE BILL 2017

Assembly's Message

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

House adjourned at 6.40 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

POLICE — PROTECTIVE SERVICE OFFICERS

1440. Hon Martin Aldridge to the minister representing the Minister for Police:

I refer to Legislative Council questions on notice Nos 735 and 1404, and the Minister's refusal to answer specific questions asked by me and the Minister's now breach of Section 82 of the *Financial Management Act 2006*, and I ask for the third time in relation to Protective Service Officers (PSO) employed by the Western Australia Police:

(a) as of 1 January 2018, how many PSO are engaged by Western Australia Police;

(b) in the 2017–18 budget, how much FTE is allocated to the employment of PSO; and

(c) I refer to an article published on 3 March 2018, *WA Police Union claims protective service officers victims of cost cutting*, and I ask:

  (i) how many PSO will be re-deployed or offered the opportunity to become full police officer's;

  (ii) based upon the 'fresh assessment', how many PSO does Western Australia Police require; and

  (iii) does the Minister support the reduction in PSO FTE and what role did she have in instigating such a change?

Hon Stephen Dawson replied:

The assertions within the Member's question are not accepted.

The Western Australia Police Force advise that as at 30 June 2018 there are 36 Protective Services Officers (PSO). The WA Police Force further advise that the number of PSO offered the opportunity to become police officers is contingent on the number of PSO who wish to undertake the training and the number of PSO assessed as suitable to become police officers. The Commissioner of Police is responsible for the deployment of Protective Services Officers. In answer to Legislative Assembly question 2792, it was advised that under the Protective Service Officer realignment, PSO are assigned to Parliament House on sitting days until Parliament rises, and on non-sitting days PSO will be deployed in a variable patrol cycle which includes Parliament House, the Parliament and Executive Government Precinct and police sites.

ENVIRONMENT — BARROW ISLAND CO_2 INJECTION PROJECT — MODELLING

1446. Hon Robin Chapple to the Minister for Environment:

(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 Stephen Dawson replied:

(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. The potential liability is indeterminable, given the long-term nature of the injection and storage project and the uncertainty of future events.

(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. The 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) Not applicable, due to speculative nature of Question 10.

(15) The International Energy Agency defines the '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 Government. 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, Industry Regulation and Safety 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.

I am advised that the due diligence to be carried out by the Department of Mines, Industry Regulation and Safety during operational and closure periods will include:

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

(b) Ongoing review of the geophysical monitoring data.

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

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

(e) As technology related to Greenhouse Gas storage will evolve over the next 40 years, due diligence by the Department of Mines, Industry Regulation and Safety 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

(f) The Department of Mines, Industry Regulation and Safety currently has in-house capability for conducting due diligence reviews of complex Greenhouse Gas storage projects.

(16) No. I am advised that 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)–(19) 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*. The Commonwealth Government will assume 80 percent of the long-term liability post closure in accordance with the terms of the Intergovernmental Agreement.

(20) Revenue is not covered by the Environmental Portfolio see answer to Question 20 of Parliamentary Question 1445.

MINES AND PETROLEUM — CLIFFS KOOLYANOBBING — MINERAL RESOURCES LTD

1449. Hon Robin Chapple to the Leader of the House representing the Premier:

(1) Has Mineral Resources Ltd (MRL) had any discussion with the Government regarding mining the Bungalbin and J5 deposits as part of their negotiations in purchasing the Cliffs Koolyanobbing operation?

(2) If yes to (1), will mining be reconsidered for Bungalbin?

(3) Is the Government a party to any closing conditions in the sale of the Cliffs project to MRL?

(4) If yes to (3), what is the nature of these conditions?

(5) Was Geoffrey Wedgwood, former Group Manager Internal/External Affairs for MRL and now Deputy Director General, Resources and Development at Department of Jobs, Tourism, Science and Innovation involved in the sale of the Koolyanobbing project and assignment of government contracts to MRL?

(6) If yes to (5), did he hold any shares or have any other financial interest in MRL at the time?

Hon Sue Ellery replied:

(1) Mineral Resources Limited did raise the mining of the Bungalbin and J5 deposits with the Government.

(2) No. Mineral Resources was advised of this.

(3) Yes. The Government is not a party to the agreement or arrangements between Cliffs and Mineral Resources, however it is understood that the provision of the agreed Government support was a condition to the agreement between the two parties.

(4) The Government agreed to provide support primarily by way of royalty rebates and concessional arrangements at Esperance Port.

(5) Yes, Mr Wedgwood was part of a government working group consisting of senior representatives from the Department of the Premier and Cabinet, the Department of Jobs, Tourism, Science and Innovation, the Department of Transport, the Department of Treasury, the Department of Mines, Industry Regulation and Safety and the Southern Ports Authority.

(6) I am advised that Mr Wedgwood did not own shares in MRL nor did he have any financial interest in MRL at that time.

ENVIRONMENT — WOODSIDE ENERGY — PLUTO FLARES

1450. Hon Robin Chapple to the Minister for Environment; Disability Services:

I refer to the photograph titled 'Emanates From Woodside Pluto', taken on 2 August 2018 found here http://www.robinchapple.com/qdata, and ask:

(a) when did Pluto start venting and flaring gas;

(b) how long did the flaring last;

(c) how much Co2e was released;

(d) what other chemicals were released by volume; and

(e) what was the cause of this release?

Hon Stephen Dawson replied:

(a) Flaring is an essential process for safe operations of a gas plant and is normal industry practice. On the day in question, 2 August 2018, flaring commenced at approximately 9:43am.

(b) There were two flaring events on the same day associated with the plant outage, lasting approximately four hours and one hour respectively.

(c) The two flaring events resulted in approximately 270 tonnes of CO2-e being released.

(d) Flaring results in the release of atmospheric emissions associated with the combustion of gas. The dark smoke generated during this event was a result of propane being flared from the compressor circuit.

(e) This flaring event was required as a result of an unplanned production outage. This de-pressurisation is a critical safety control.

TRANSPORT — LOGUE RIVER BRIDGE CLOSURE

1452. Hon Robin Chapple to the minister representing the Minister for Transport:

I refer to the temporary closure of the Logue River bridge as notified by Main Roads, 'Drivers urged to obey all 'road closed' signage' on 17 January 2018, and ask:

(a) is the Minister aware that the bridge approaches were washed away in mid-January 2018 cutting off Derby from the rest of Australia;

(b) is the Minister aware that there is no rock armouring or rock under the road approaches to the bridge;

(c) is the Minister aware that Main Roads were meant to repair the road by the insertion of rock as a substrate under the road;

(d) did the improvement works to the bridge, completed in October 2016 improve the load capacity of the bridge, resulting in reduced maintenance costs for the future and improved serviceability and safety for local and tourist traffic;

(e) was the upgrade undertaken in 2016 up to standard; and

(f) why was no rock armouring or rock substrate used in road approaches to the bridge?

Hon Stephen Dawson replied:

(a) The road approaches, while damaged when the road was overtopped by floodwaters in 2018, were not completely washed away.

(b) There is rock armouring on the guide banks and under the bridge.

(c) Rocky material was used to repair the damaged road embankments during the 2018 flood events.

(d) Yes.

(e) Yes, the bridge upgrade met the required standards.

(f) The existing rock protection at the bridge was adequate when the bridge was upgraded in 2016. Rock protection was not used on the road embankment other than in the adjacent floodway, as it would take a rare event to overtop the road approaches.

ENVIRONMENT — PLASTICS RECYCLING

1455. Hon Robin Chapple to the Minister for Environment:

(1) In a Business Times article titled South-east Asia's plastic addiction is blighting the world's oceans, published on 6 June 2018, South-east Asia was called "home to four of the world's top marine plastic polluters". With the understanding that lots of our plastic waste from yellow-lid recycling bins is now being sent to countries on South-East Asia:

  (a) what regulations are in place to ensure our waste does not contaminate a destination country's environment?

(2) In the documentary *Plastic China* (2017), plastic recycling is seen to be taking place in backyard operations and not in regulated recycling and waste management facilities:

  (a) is the Government aware of the locations at which plastic waste is being sorted and recycled in South-East Asian countries;

  (b) can the Government provide any additional information about the types of materials recycled at those locations;

  (c) do these sites maintain adequate occupational health and safety regulations; and

  (d) if no to (c), will the Government seek to amend this?

(3) According to private correspondence, the Western Metro Regional Council (WRMC) stated that if materials do reach recycling plants, "they will be baled up as the lowest grade plastic". They also acknowledged that "even high grade plastics have very low value":

(a) what value do South-East Asian facilities get from the materials sent there; and

(b) how much are these materials worth to destination countries?

Hon Stephen Dawson replied:

(1) (a) The Basel Convention is designed to reduce the movements of hazardous and toxic wastes between nations. The Convention places a range of responsibilities on exporting countries.

The Convention, administered by the Commonwealth Department of the Environment and Energy is implemented in Australia under the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*.

(2) (a)–(d) The Department of Water and Environmental Regulation does not collect information relating to the location of facilities and type of materials recycled within South-East Asian countries or the occupational health and safety performance for facilities within these jurisdictions.

(3) (a)–(b) The Department of Water and Environmental Regulation does not collect information on the value of materials collected for recycling that are subsequently exported.

AGRICULTURAL RESEARCH PROJECT — ORD VALLEY

1457. Hon Robin Chapple to the Minister for Agriculture and Food:

I refer to question without notice No. 253, asked in the Legislative Council on Wednesday, 11 April 2018, with the answer tabled in Parliament on 12 June 2018, regarding an article in *The Kimberley Echo* on Friday, 27 October 2017, titled "Crop research project aims to grow farm profit", and ask:

(a) with reference to part (6), which asked 'how much funding has been provided to investigate bush foods, such as gubinge, which is recognised as a positive industry for traditional owners in the Kimberley', and the answer provided by the Minister as 'Supporting growth of Aboriginal agriculture, including the development of bush foods' nutritional and pharmaceutical markets is a major priority of the Department of Primary Industries and Regional Development. Through both the Pilbara and Kimberley Development Commissions, we are working closely with Aboriginal pastoral estate and other Aboriginal stakeholders to progress bush foods' harvesting opportunities.':

(i) how is the department supporting Aboriginal people and others to develop the bush foods and products industries; and

(ii) given the $1.8 million provided to cotton industry research, how much is being provided to supporting traditional owners develop bush foods like gubinge; and

(b) if the answer to (a)(i) and (a)(ii) is none, will the Minister please explain to the House why?

Hon Alannah MacTiernan replied:

(a) (i) The development and expansion of the native foods industry is a priority for the Department of Primary Industries and Regional Development (DPIRD). DPIRD is scoping out the opportunity and work programs to target the most prospective opportunities, and value add to the existing industry work to support the development of the bushfood industry. Once this is identified, DPIRD will be in a position to ensure that out investment is targeted and maximised in on ground activities, research and value add processes.

(ii) Native foods are a key research theme for the development of a new Western Australian Tropical Agricultural Research Initiative (WATARI). DPIRD is working through the detailed proposal for WATARI and will be seeking to maximise and leverage research dollars available to Aboriginal projects focusing on local bush foods like gubinge, together with the Research and Development Corporations and industry partners.

The Cooperative Research Centre for Northern Australia (CRCNA), of which DPIRD is an invested project partner, recently invested $500,000 as a funding contribution to the *Improving the efficiency of Kakadu Plum value chains* project. The Kimberley Institute (Broome based) is a partner in this project and will be working with Traditional Owners across the West Kimberley and Dampier Peninsula.

(b) The development of native foods is an emerging industry with significant complexities and is operating at a smaller scale not found in more established industries. DPIRD is cognisant of these complexities and is progressively working through these matters as a precursor to better targeting its support and investment arrangements to develop viable business opportunities for Aboriginal people.

PRISONS — HEALTH SERVICES

1461. Hon Alison Xamon to the minister representing the Minister for Corrective Services:

I refer to the $400,000 which has been allocated in 2018-19 for reform of prison health, and the transfer of prison health services to the Department of Health, and I ask:

(a) how it is anticipated this money will be used;

(b) has a preferred health delivery model been identified;

(c) if yes to (b), please describe the preferred model;

(d) if no to (b), when is it anticipated a preferred model will be identified;

(e) when is it anticipated the transfer of prison health services will be finalised; and

(f) who has been consulted, or is it intended will be consulted, in the reform of prison health services?

Hon Stephen Dawson replied:

The Department of Justice advises:

(a) This budget allocation is to fund a fit-for-purpose assessment of custodial health facilities and two project staff for six (6) months.

(b) No.

(c) Not applicable.

(d) A report on the findings of the Justice Health Project has been finalised by the project's oversight committee for further consideration.

(e) See (d).

(f) Consultation included:

On-site meetings with Department of Justice's health and custodial staff at each publicly run metropolitan and regional custodial facility.

Department of Justice's Health Services Directorate central office, pharmacy, medical records and psychological services staff.

Key WA health system staff members involved in the delivery of health services to those in custody.

Meetings held with Health Consumers' Council and Health and Disability Services Complaints Office.

Views sought from a range of external stakeholders such as independent authorities, employer organisations, peak bodies, government agencies, advisory councils/boards and consumer representative/advocacy organisations.

WA Prison Officers Union.

CPSU/CSA.

Department of Justice's internal intranet page.

Prison Support Services and Aboriginal Visitors Scheme staff.

Telephone and video conferences with representatives of Correctional Services in all other Australian jurisdictions.

CORRECTIVE SERVICES — DRUG AND ALCOHOL REHABILITATION PRISONS

1465. Hon Alison Xamon to the minister representing the Minister for Corrective Services:

I refer to the creation of dedicated alcohol and drug rehabilitation prisons in Western Australia, and to the results of a study indicating that more than 60 per cent of adults entering prison had used ice or speed in the previous 12 months, and I ask:

(a) will prisoners need to be convicted of drug or alcohol-related offences in order to be eligible for placement at a dedicated drug and alcohol rehabilitation prison; and

(b) please outline the process by which prisoners will be identified for placement in these facilities including any specific eligibility requirements?

Hon Stephen Dawson replied:

The Department of Justice (the Department) advises:

(a) No – To identify prisoners for placement at Wandoo Rehabilitation Prison for Women (Wandoo), prisoners go through a triage process whereby they are assessed against the following criteria:

Inclusion criteria:

Sentenced prisoner with minimum of 6 months imprisonment remaining to serve

Minimum/medium security

History of substance misuse

Substance misuse as a primary treatment need

Motivated and willing to commit to the program

Accepts responsibility for their offending behaviour. Through the assessment process a person does not need to have specific drug related convictions to be considered suitable. Alcohol and Other Drugs (AOD) has to have played a significant part in their offending behaviour. The inclusion criteria 'History of substance misuse' and 'Substance misuse as a primary treatment target' are the most relevant to this point.

(b) The triage team at Wandoo is a multidisciplinary team of four staff and are responsible for assessing the person against the criteria. The team includes two Psychologist who utilise risk assessment tools designed to identify a) risk of reoffending (generally and specific to violence) and b) criminogenic factors linked to a person's offending behaviours. Once again, the two criteria 'History of substance misuse' and 'Substance misuse as a primary treatment target' are the most relevant to this point. Referrals are received from prisoners in metropolitan and regional prisons and the Department is working towards a process whereby prisoners can be identified and referred immediately following sentencing at Court. Prisoners are assessed against the above criteria (inclusion and exclusion). Input from Mental Health staff is required as part of this process to ensure a prisoner has no unmanaged mental health problems. If assessed as suitable, transfer to Wandoo can take place, the idea being that a prisoner's time exposed to the mainstream prison environment is minimised.

BANDYUP PRISON — PAROLE

1466. Hon Alison Xamon to the minister representing the Minister for Corrective Services:

I refer to Bandyup Women's Prison, and I ask, over the last 12 months, how many prisoners did not complete required programs in time to apply for parole?

Hon Stephen Dawson replied:

The Department of Justice advises:

The information requested is not recorded in a manner that is easily retrievable within the given timeframe.

Each prisoner has a parole plan completed prior to their Earliest Eligibility Date which will outline if they completed a program that they were assessed as requiring. However this information is stored as free text in each report. To access this data would require looking at each individual prisoner's parole plan for the 12 month period.

Please note, the Prisoners Review Board generally deny parole for a number of factors that impact on a person's risk to the community. It is extremely rare that a prisoner will be denied parole due to only non-completion of a program.

CORRECTIVE SERVICES — DEATHS IN CUSTODY

1467. Hon Alison Xamon to the minister representing the Minister for Corrective Services:

I refer to internal departmental reviews of deaths in custody, and I ask:

(a) how many people died while in custody in Western Australia in:

(i) 2015;

(ii) 2016;

(iii) 2017; and

(iv) 2018;

(b) how many of these deaths were subject to internal review by the Department of Corrective Services, or the now Department of Justice;

(c) how many of these reviews have been completed;

(d) how many of these reviews remain outstanding; and

(e) for deaths in custody since 2015, what is the average length of time it has taken the department to:

(i) begin an internal review; and

(ii) complete an internal review?

Hon Stephen Dawson replied:

The Department of Justice advises:

(a) The number of people who died while in custody in Western Australia in:

(i) 9

(ii) 12

(iii) 13

(iv) 6 (as at 16/08/2018)

(b) All deaths that occur in the care of the Department, or that have been determined as a reportable death by the Coroner, are subject to internal review.

(c) Completed reviews 30

(d) Outstanding reviews 10

(e) (i) All reportable deaths are triaged for internal review immediately following notification.

(ii) Average time between a reportable death and completion of an internal review is 198 days.

CORRECTIVE SERVICES — YOUNG OFFENDERS ACT — REVIEW

1468. Hon Alison Xamon to the minister representing the Minister for Corrective Services:

I refer to question on notice No. 1103, of 10 April 2018, regarding the review of the *Young Offenders Act 1994*, and to the Minister's response that the review is on hold pending the outcome of machinery of government changes that may impact on the future of the Act, and I ask:

(a) which proposed machinery of government changes are still outstanding;

(b) when is it anticipated these changes will be undertaken; and

(c) does the Minister acknowledge the urgent need to review this important legislation given it has not been reviewed since its initial statutory review in 1998?

Hon Stephen Dawson replied:

(a)–(c) Finalisation of the Machinery of Government changes is continuing. The Government will consider a review of the *Young Offenders Act 1994* once this has occurred.

LEGAL AFFAIRS — CHILD SEXUAL ABUSE PROSECUTIONS — INTERMEDIARY SCHEME

1469. Hon Alison Xamon to the Leader of the House representing the Attorney General:

I refer to question without notice No. 844, of 9 November 2017, regarding the establishment of an intermediary scheme for prosecution witnesses with communication difficulties in child sexual abuse prosecutions, and I ask:

(a) has the committee of interested parties, referred to in the Attorney General's response, now concluded its work;

(b) if yes to (a), will the Minister please table any report or recommendations made by the committee; and

(c) if no to (a):

(i) why not; and

(ii) when is it anticipated the committee will report?

Hon Sue Ellery replied:

(a) No. The Committee will continue to meet until the scheme is implemented.

(b) Not applicable.

(c) The Royal Commission into Institutional Responses to Child Sexual Abuse made two recommendations regarding witness intermediary schemes. As the two projects are closely aligned, future reporting will be through the Royal Commission Response's reporting requirements

ENVIRONMENT — RIVER PROTECTION NOTICES

1484. Hon Alison Xamon to the Minister for Environment:

In March 2018 the Review of the *Swan Canning Rivers Management Act 2006* stated that the mechanism of River Protection Notices had yet to be used. In 2014, the Auditor General identified several issues that would comply with the criteria required for issuing a River Protection Notice i.e., situations where cooperative approaches to dealing with prolonged, non-point source and/or landscape scale problems have not worked. I ask:

(a) why has a River Protection Notice not been issued to work through the ongoing issues with urban drainage into the river system; and

(b) why has a River Protection Notice not been issued to work through the ongoing issues with nutrient flow into the Swan and Canning Rivers?

Hon Stephen Dawson replied:

(a)–(b) River Protection Notices (RPNs) are intended to be used where existing powers under the *Environmental Protection Act 1986* or other legislation are inadequate and an owner or occupier of land within the catchment area is undertaking an activity that compromises the ecological and community benefit or amenity of the Swan Canning Riverpark.

Although urban drainage provides point source pollution (including nutrient pollution) into the river system at drain outlets, the drains are usually not the source of this pollution. Rather, the source is often diffuse, from cumulative small inputs that may be both urban and rural and can include historical sources that enter the drainage system through surface and groundwater.

Before issuing a RPN, the Department of Biodiversity, Conservation and Attractions (DBCA) must first establish a direct link between a specific catchment-based activity and the impact. DBCA would then work collaboratively with the landowner or occupier to address the issue. If this process was unsuccessful, a RPN could be issued. However, it is not considered appropriate to use RPNs where the pollution, including nutrients, originates from multiple, diffuse sources.

DBCA works collaboratively with drainage asset managers and partners to engage with landholders to improve water quality through education and appropriate land management practises under the Swan Canning River Protection Strategy.

PLANNING — DRAFT DESIGN REPORTS

1486. Hon Alison Xamon to the minister representing the Minister for Planning:

(1) I refer to the *Draft State Planning Policy 7 – Design of the Built Environment*, and I ask:

- (a) has this document been finalised;
- (b) are planning bodies at local and state level currently required to consider this policy when assessing development applications; and
- (c) what are the timelines for the release of draft policies for:
  - (i) precinct design;
  - (ii) neighbourhood design; and
  - (iii) house Design?

(2) I refer to the Draft Design Review Guide released as part of Design WA, and I ask:

- (a) is the Department aware of any formalised design review panels at any of the local governments;
- (b) does the WAPC have a design review panel;
- (c) does the MRA have a design review panel; and
- (d) will decision making authorities be required to consider the recommendations of any such design review panel when deciding upon development applications?

(3) I refer to the Draft Apartment Design guidelines which will replace Part 6 of the Residential Design Codes in Western Australia, and I ask:

- (a) when will Part 6 be officially superseded by this document;
- (b) are developers and decision-making authorities currently required to consider this document; and
- (c) where there is a conflict between local government built-form policies and the Apartment Design guidelines, which will take precedence and why:
  - (i) will local governments be required to adjust their policies to match?

Hon Stephen Dawson replied:

(1) (a) The draft policy is scheduled for consideration by the Western Australian Planning Commission (WAPC) in the near future.

(b) The policy is a 'seriously entertained planning proposal', which means that it is considered in the assessment of a development application and is given some weight as one of many factors taken into account in exercising discretion.

(c) (i) A draft is expected to be available early in the new year for approval for public advertising.

(ii) The Liveable Neighbourhoods policy will be reviewed to ensure alignment with the precinct policy; timing is dependent on the progression of the precinct policy.

(iii) There is no current timing for a house design policy; however a draft medium density policy is expected to be available early in the new year for approval for public advertising. Further consideration will then be given to further policy work required.

(2) (a) Nineteen metropolitan local governments currently have formal design review processes, including design review panels.

(b) The WAPC has funded the Office of the Government Architect to establish a State Design Review panel.

(c)–(d) Yes.

(3) (a) It is anticipated that the Apartment Design Policy will be operational in early 2019.

(b) Developers and decision-making authorities currently give some consideration to the draft Apartment Design Policy as one of many factors in considering a development proposal.

(c) The Apartment Design Guidelines are yet to be finalised. However, it is expected some scope will remain for the development of local policies – e.g. to respond to matters such as heritage.

PLANNING — CITY OF SUBIACO — LOCAL PLANNING SCHEME 5

1487. Hon Alison Xamon to the minister representing the Minister for Planning:

I refer to the Western Australian Planning Commission's amendments to the City of Subiaco's Local Planning Scheme 5, and I ask:

(a) how will the Government ensure that the increased density zonings lead to increased liveability for both existing and new residents; and

(b) what measures will be taken to ensure that developers contribute towards enabling:

(i) walkable neighbourhoods;

(ii) active transport choices;

(iii) increased canopy cover; and

(iv) increased public open space?

Hon Stephen Dawson replied:

(a) The City of Subiaco Local Planning Scheme No. 5 (LPS 5) and the associated Local Planning Strategy, drafts of which have recently concluded advertising, will be considered by the City of Subiaco for decision prior to presenting to the WAPC for final consideration and recommendation to the Minister.

(b) (i)–(iv) In making a decision on the scheme, due regard will be given to the liveability for both existing and new residents.

PLANNING — CITY OF NEDLANDS — LOCAL PLANNING SCHEME 3

1488. Hon Alison Xamon to the minister representing the Minister for Planning:

I refer to the Western Australia Planning Commission's amendments to the City of Nedlands' Local Planning Scheme 3, and I ask:

(a) how will the Government ensure that the increased density zonings lead to increased liveability for both existing and new residents; and

(b) what measures will be taken to ensure that developers contribute towards enabling:

(i) walkable neighbourhoods;

(ii) active transport choices;

(iii) increased canopy cover; and

(iv) increased public open space?

Hon Stephen Dawson replied:

(a)–(b) The draft City of Nedlands Local Planning Scheme No. 3 will soon be presented to the Western Australian Planning Commission for final consideration and subsequent recommendation to the Minister.

In making a decision on the scheme, due regard will be given to the liveability for both existing and new residents.

PLANNING — 3 OCEANS TWIN TOWERS DEVELOPMENT — SCARBOROUGH

1490. Hon Alison Xamon to the minister representing the Minister for Planning:

I refer to the Three Oceans development in Scarborough, and I ask:

(a) was the proponent ever required to explain why it was not possible for them to comply with the Scarborough Redevelopment Scheme building height restrictions;

(b) if yes to (a), what was the explanation of why they required height so far beyond that anticipated in the Scarborough Redevelopment Scheme; and

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

Hon Stephen Dawson replied:

(a)–(b) The original development proposal (December 2017) incorporated excessive bulk and scale and the proponents were asked to revise the development proposal.

(c) As stated in the Scarborough Design Guidelines, an important provision is the opportunity for a proponent to meet the Design Intent through an alternative solution.

PLANNING — 3 OCEANS TWIN TOWERS DEVELOPMENT — SCARBOROUGH

1491. Hon Alison Xamon to the minister representing the Minister for Planning:

I refer to the conditions and advice notes applied to the approval of the Three Oceans towers in Scarborough, and in particular the development contribution payment noted at condition (j), which provides a formula whereby contribution per square metre of developable land increases with height, and I ask:

(a) why is the proponent only required to provide a contribution appropriate to a 12 storey building, when the towers will be 31 storeys and 21 storeys higher than that; and

(b) was raising the development contribution payment amount reflective of the actual heights of the buildings considered during the condition-setting process?

Hon Stephen Dawson replied:

(a)–(b) The development contribution payment is set on the per square meter of developable area excluding land required road widening. The payment is set at different rates depending on the base height limit identified under the Scarborough Development Contribution Plan.

Changing the development contributions would require the reapportionment of the value of the works to be funded across each lot within the Scarborough Redevelopment Area and this calculation would need to change continuously.

Note that there are other works required to be funded by the developer in accordance with the conditions of approval issued by the Metropolitan Redevelopment Authority. This includes funding transport related improvements to the area.

PLANNING — 3 OCEANS TWIN TOWERS DEVELOPMENT — SCARBOROUGH

1492. Hon Alison Xamon to the minister representing the Minister for Planning:

I refer to condition EE of the approval for the Three Oceans development, and I ask, is it intended that the hotel rooms cannot be sold as individual strata lots at all, or only that they may not be sold in a sales process that allows owners to opt out of a management agreement with the hotel operator?

Hon Stephen Dawson replied:

The intend of advice notice EE of the approval is for the whole hotel to be operated and maintained by a single hotel operator.

DERBY TIDAL POWER PROJECT — PROPOSAL IMPLEMENTATION TIME LIMIT

1499. Hon Robin Chapple to the Minister for Environment:

I refer to Section 3, *Time Limit for Proposal Implementation*, of the Environmental Protection Authority Statement No. 941, published on 22 July 2013, regarding the Derby Tidal Power Station Project and ask:

(a) has the proponent fulfilled Section 3-1 that states 'The proponent shall not commence implementation of the proposal after the expiration of 5 years from the date of this statement, and any commencement, within this 5 year period, must be substantial.';

(b) has the proponent fulfilled Section 3-2 that states 'Any commencement of implementation of the proposal, within 5 years from the date of this statement, must be demonstrated as substantial by providing the CEO with written evidence, on or before the expiration of 5 years from the date of this statement.';

(c) if yes to (a) and/or (b), will the Minister provide the evidence;

(d) if no to (a) and/or (b), will the Minister formally end the project;

(e) if yes to (d), when; and

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

Hon Stephen Dawson replied:

(a) No. I have been advised that the proponent for the Derby Tidal Power Station Project has not substantially commenced implementation of the proposal. On 22 June 2018, the proponent wrote to the Department of Water and Environmental Regulation seeking an amendment to Ministerial Statement 941 in order to extend the five-year time limit stipulated in Condition 3-1.

(b) See response to (a).

(c) Not applicable.

(d) I am advised that I will be receiving the proponent's application to extend the five-year time limit shortly. I will then consider whether to ask the Environmental Protection Authority to undertake an inquiry into changing the conditions in Ministerial Statement 941 under section 46 of the *Environmental Protection Act 1986*.

(e) Not applicable.

(f) See response to (d).

ENVIRONMENT — "RICH AND RARE:
CONSERVATION OF THREATENED SPECIES FOLLOW-UP AUDIT"

1500. Hon Robin Chapple to the Minister for Environment:

I refer to the Auditor-General's *Rich and Rare: Conservation of Threatened Species* follow-up audit released in September 2017, and ask:

(a) the Auditor-General found conservation services for threatened species were operating in 2016 with less funding and 37 per cent less staff than in 2009, while during the same period, the number of threatened species had increased. Does this Government intend to reinstate past funding and staffing levels for conservation services in order to protect our threatened species;

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

(c) if yes to (a), when;

(d) what is the total number of current Government recovery plans for threatened species including for animals, plants and ecological communities;

(e) of the total number of plans referred to in (d), what is the number that the Minister considers currently adequately funded;

(f) is the Department of Biodiversity, Conservation and Attractions on track to implement improved reporting on threatened species by June, as stated in September it would; and

(g) if no to (f), why not and when will it occur?

Hon Stephen Dawson replied:

(a) No.

(b) The State Government is focused on achieving budget repair. In these times of constrained resources, the Department of Biodiversity, Conservation and Attractions (DBCA) will continue to undertake priority actions within existing budget allocations to conserve and manage Western Australia's threatened species.

(c) Not applicable.

(d) 359.

(e) Recovery plans are not individually funded. Implementation of recovery actions is undertaken within priorities set by DBCA in consultation with recovery teams with actions undertaken either specifically for particular species and ecological communities, or as part of broader landscape management approaches.

(f) DBCA continues to make substantial progress in developing an integrated species and ecological communities data management system to facilitate reporting on threatened species and communities. Phase 1 of the system is anticipated to be completed by December 2018. I am willing to organise a briefing on the system by DBCA for the Honourable Member.

(g) Not applicable.

ENVIRONMENT — BIODIVERSITY CONSERVATION ACT

1501. Hon Robin Chapple to the Minister for Environment:

I refer to the Labor Party's 2017 election platform in relation to biodiversity, and ask:

(a) what timeframe is the Government working towards for introducing the amendments to the *Biodiversity Conservation Act 2016* that the Labor Party tabled in opposition, including:

(i) requirement for a State Biodiversity Strategy;

(ii) establishing a Scientific Advisory Committee;

(iii) requirements for public reporting on the state of biodiversity;

(iv) increasing public transparency of decisions that affect biodiversity; and

(v) other improvements;

(b) does the Government intend to improve public reporting on biodiversity in ways that do not require legislative amendments, and which were recommended by the Auditor-General in his September 2017 report, '*Rich and Rare: Conservation of Threatened Species Follow-up Audit'*;

(c) if yes to (b), what specific measures will the Government implement, and by what date;

(d) if no to (b), why not; and

(e) when are the regulations for the *Biodiversity Conservation Act 2016* expected to be in place?

Hon Stephen Dawson replied:

(a) In the 18 months since being elected, the McGowan Government has been working to finalise the Biodiversity Conservation Regulations, which will enable the full proclamation of the *Biodiversity Conservation Act 2016.* It is intended that the Biodiversity Conservation Regulations will be published in the *Government Gazette* this week and commence on 1 January 2019, which will further strengthen the protection and management of our threatened species and ecological communities. The Government will undertake a review of the Act in due course in consultation with stakeholders. It is intended that this will consider how the Act is operating across its full range of powers, its operation and effectiveness. Potential changes can be considered at that time.

(b) Yes. The Department of Biodiversity, Conservation and Attractions is progressing implementation of the recommendations of the Auditor-General's report.

(c) The Department is developing an integrated species and ecological communities data management system to facilitate reporting on threatened species and communities. Phase 1 of the system is anticipated to be completed in December 2018.

(d) Not applicable.

(e) See answer to (a).

REGIONAL DEVELOPMENT — GOGO STATION VISITS

1502. Hon Robin Chapple to the Minister for Regional Development:

I refer to the proposal by Mr Malcolm Harris, owner of the Gogo pastoral lease and proponent of a large irrigation project in the Kimberley, and ask:

(a) has Mr Craig Huxtable, Senior Policy Adviser to the Minister visited Gogo pastoral lease or intends to visit;

(b) if yes to (a), will the Minister provide the details of the visit, including:

(i) the dates;

(ii) the purpose;

(iii) who he met or will meet with;

(iv) the length of the visit;

(v) who instigated the visit;

(vi) if there are publicly available reports from the visit; and

(vii) if he met with or intends to meet with other people and/or groups, and if so, who; and

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

Hon Alannah MacTiernan replied:

(a) Yes.

(b) (i) 9 March 2018

(ii) The visit coincided with State Government consultation for the Fitzroy River election commitments. Ministers Kelly and Dawson, the Treasurer and myself travelled to Fitzroy Crossing to meet with traditional owners, pastoralists and other stakeholders.

(iii) Senior DPIRD representatives, a Department of Water representative and Craig Huxtable met with Gogo Development Manager Phil Hams and Chris Towne or their way from Broome to Fitzroy Crossing.

(iv) One hour.

(v) Department of Primary Industries and Regional Development

(vi) No.

(vii) My policy advisors engage with a broad range of stakeholders and indeed have strong connections with indigenous groups in the Kimberley.

(c) N/A

ENVIRONMENT — FERAL CAT CONTROL — HISSTORY BAIT TRIAL

1503. Hon Robin Chapple to the Minister for Environment:

I refer to the site selected for the field trial of the Hisstory feral cat bait in the King Leopold Ranges, which has not been referred to the Environmental Protection Authority as it is considered that the proposed trial is not likely to have a significant effect on the environment based on previous field trials of feral cat baits and laboratory trials of Hisstory, and ask:

(a) will the Minister please table a detailed report on target species and non target species, including a list of the non target species; and

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

Hon Stephen Dawson replied:

(a) The primary objective of the *Hisstory* feral cat bait trial in the King Leopold Ranges was to understand the hazard that the bait presents to northern quolls, that are non-target species in relation to the *Hisstory* bait. No other non-target species were assessed as part of the trial. The study found that the *Hisstory* bait is unlikely to present a significant hazard for free-ranging northern quolls.

The target species for *Hisstory* (the feral cat) was not assessed as part of this trial. A report on the trial is tabled. [See tabled paper no 1771.]

(b) Not Applicable.

ENVIRONMENT — LAKE GREGORY STATION

1504. Hon Robin Chapple to the Minister for Environment:

I refer to the recent media announcement for the subleasing of the Lake Gregory Station in the East Kimberley to the Yougawalla Pastoral Company, and the plans for expanded cattle production and the construction of ten catchment dams, and ask:

(a) given Lake Gregory is listed as a Wetland of National Significance and meets four Ramsar Criteria for listing as a wetland of international significance, have the Department of Biodiversity, Conservation and Attractions or Department of Water and Environmental Regulation provided any advice as to the potential impact on Lake Gregory, and/or impacts on protected native flora and fauna, from the expansion of cattle production and the construction of dams in the Lake Gregory Catchment;

(b) if yes to (a), will the Minister table the advice;

(c) if no to (b), why not;

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

(e) given the Australian Government's Directory of Important Wetlands describes cattle grazing as a disturbance or threat to the nationally significant values of Lake Gregory, will the Minister advise if advice has been sought from the Department of the Environment and Energy as to the possible impacts of catchment dams and expanded cattle production on the values of Lake Gregory, or on Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) listed nationally threatened species and ecological communities, or migratory species covered under international treaties such as Japan–Australia Migratory Bird Agreement, China Migratory Bird Agreement or Convention on the Conservation of Migratory Species of Wild Animals;

(f) if yes to (e), will the Minister table the advice;

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

(h) if no to (e), why not;

(i) the Australian Government's Directory of Important Wetlands states under Disturbance or Threats that: "Partly flooded trees and shrubs are critical habitat for breeding waterbirds around Lake Gregory. Overgrazing (12 000 cattle at site in 1987: C. Done in Halse 1990), which prevents tree regeneration, has reduced the extent of available breeding sites." Will the Minister comment on how an expansion of dams and cattle grazing might impact on Lake Gregory, and what protections or management will be in place for these impacts;

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

(k) will the Minister please provide a list of the species and ecosystems found at Lake Gregory that are listed and/or protected under State and Federal legislation;

(l) will the Minster please advise if any approvals under environmental legislation would be required for the construction of new dams in the Lake Gregory Catchment;

(m) if yes to (l), which approvals;

(n) if yes to (l), will there be any public consultation;

(o) if no to (n), why not; and

(p) I refer the Minister to the report by the then Department of Environment and Conservation titled, Resource Condition Report for a Significant Western Australian Wetland: Lake Gregory (Paraku) System: 2009, which states that "Other threats to the system pale compared to that posed by grazing, particularly if the proposed increase in cattle numbers eventuates. Will the Minister please advise if:

  (i) there have been any further updates to the resource condition report since 2009;

  (ii) if yes to (p)(i), will the Minister please table the reports;

  (iii) if no to (p)(i) and/or (p)(ii), why not;

  (iv) there are any other management plans in place, or what other management actions are underway to protect the values of Lake Gregory;

  (v) if yes to (p)(iv), will the Minister please table the reports;

  (vi) if no to (p)(iv) and/or (p)(v), why not; and

  (vii) will the Minister please provide advice on how the impacts of expanded cattle production and new dams on the values of Lake Gregory will be assessed by Government?

Hon Stephen Dawson replied:

(a)–(j) Neither the Department of Biodiversity, Conservation and Attractions (DBCA) nor the Department of Water and Environmental Regulation have provided any advice on this matter and no advice has been sought by either Department from the Commonwealth Government in relation to potential impacts of the proposal on matters of national environmental significance (MNES) as defined by the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The subleasing of the Lake Gregory Station pertains to the implementation of the *Land Administration Act 1997* and associated questions should be referred to the Minister for Lands.

(k) A list of species and ecosystems listed under State and Federal legislation for Lake Gregory is publicly available through the NatureMap web portal at https://naturemap.dpaw.wa.gov.au. [See tabled paper no 1772.]

(l)–(o) The details of this development proposal have not been presented to the Department of Water and Environmental Regulation, so it is not clear at this stage which environmental approvals, if any, would be required.

If the proposal is considered likely to have a significant effect on the environment it may need to be referred under Part IV of the *Environmental Protection Act 1986* (EP Act) to the Environmental Protection Authority. This would involve public consultation should a formal assessment be determined by the Environmental Protection Authority.

If the proposal is not assessed under Part IV of the EP Act, and the clearing of native vegetation is proposed, a clearing permit under Part V of the EP Act would be required, unless the clearing is of an exempt kind under the EP Act or *Environmental Protection (Clearing of Native Vegetation) Regulations 2004.* Clearing permit applications are advertised for public comment and any submissions received are considered through the assessment of the application. Decisions on clearing permit applications are also subject to third party appeal rights.

If the proposal is likely to impact upon MNES, then the proponent has obligations under the Commonwealth EPBC Act. Public consultation is incorporated into some assessment processes under the EPBC Act.

(p) (i) There are no further updates to the resource condition report since 2009.

(ii) Not applicable.

(iii) The Department of Biodiversity, Conservation and Attractions focuses its resources on conservation actions for Ramsar wetlands and significant wetlands located in conservation estate managed by DBCA. Lake Gregory is not a Ramsar site and is not located in conservation estate managed by DBCA. The 2009 resource condition report was funded through an external grant and such funding is no longer available.

(iv)–(vi) Advice on management plans and actions for pastoral lease tenure should be sought from the Minister for Lands.

(vii) The Departments of Water and Environmental Regulation and Biodiversity, Conservation and Attractions have not received applications nor a project proposal for Lake Gregory Station. Until the project is understood, the impacts or regulatory requirements cannot be assessed.

ENVIRONMENT — BIODIVERSITY CONSERVATION ACT — DINGOES

1505. Hon Robin Chapple to the Minister for Environment:

Dingoes are considered a native species by virtue of being present in Australia prior to 1400, and would consequently be fauna under the Western Australian *Biodiversity Conservation Act 2016* (BC Act), which received Royal Assent on 21 September 2016. It is proposed that the Minister will make an order under section 9(2) that determines that the dingo Canis familiaris is not fauna for the purposes of the Act. The Biodiversity Conservation Regulations are intended to commence on 1 January 2019. I ask:

(a) given that the Australian dingo (as a breed) is recognised as having heritage and cultural significance, and are an important part of Aboriginal culture/heritage is this declaration of "Dingo as not fauna" culturally insensitive to traditional owners;

(b) given that the Australian dingo (as a breed) may play an ecological role and are believed to be effective at controlling rabbits, wild pigs, goats and kangaroos (i.e. have an ecological and economic role), and may supress or displace feral cats and foxes (although this is debated in the literature and has not been demonstrated experimentally), is more research required to understand the ecological role of the dingo and the benefits of having a functional dingo group on the land;

(c) given that the Australian dingo represent an ancient lineage of domesticated dogs, different to modern domestic dogs, are current control methods focused on "wild dogs" culturally insensitive to traditional owners, as they cannot differentiate between feral dog and dingo;

(d) given the Australian dingo have been a part of the Australian landscape for approximately 4,000 years, is it culturally insensitive to ask Aboriginal Rangers to control dingoes; and

(e) if no to (a), (b), (c), and/or (d), will the Minister explain why and based on what scientific research?

Hon Stephen Dawson replied:

I thank the Hon Member for some notice of this question:

(a) No change is proposed to the status of dingoes. The proposed order under the *Biodiversity Conservation Act 2016* will have the same effect as the current notice made under the *Wildlife Conservation Act 1950*

in 1984, which made the dingo unprotected in Western Australia. During my time as Minister, I have not received any feedback or correspondence from Aboriginal people indicating that they consider this practice culturally insensitive.

(b) Further research on matters such as these are always welcome additions to scientific knowledge.

(c) Wild dogs are managed under the *Wild Dog Action Plan 2016–2020*. During my time as Minister, I have not received any feedback or correspondence from Aboriginal people indicating that they consider this practice culturally insensitive.

(d) The classification of wild dogs implies no obligation on Aboriginal Rangers. There has been historic involvement of Aboriginal people in the management of dogs and Ranger groups may pursue this activity at their own discretion.

(e) Not applicable.

MINES AND PETROLEUM — AGENCIES — VOLUNTARY TARGETED SEPARATION SCHEME

1510. Hon Tjorn Sibma to the minister representing the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

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 Alannah MacTiernan 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) [See tabled paper no 1774.]

(b)–(c) Please refer to Legislative Council Question on Notice 1523.

LEGAL AFFAIRS — AGENCIES — VOLUNTARY TARGETED SEPARATION SCHEME

1514. Hon Tjorn Sibma to the Leader of the House representing the Attorney General:

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 Sue Ellery 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)

Number of Positions	**Position Title**	**Substantive Level**
The Corruption and Crime Commission		
N/A		
The Equal Opportunity Commission		
1	Senior Education and Conciliation Officer	6
1	Executive Officer	4
Separation Entitlement Paid		$193,792

LegalAid WA		
2	Solicitor	Specified Calling Level 5/6
1	Managing Solicitor	Specified Calling Level 5/6
1	Coordinator	General Division Level 5
1	Senior Consultant Business Systems	General Division Level 6
Separation Entitlement Paid		$1038438
The Office of the Commissioner for Children and Young People		
1	Director Communication and Engagement	8
1	Executive Administration Officer	4
Separation Entitlement Paid		$269576.58
Office of the Director of Public Prosecutions		
1	Senior State Prosecutor	Level 6 Legal
1	Legal Assistant	2
Separation Entitlement Paid		$336,199
The Legal Practice Board – Including the Legal Profession Complaints Committee		
N/A		
Office of the Information Commissioner		
1	Administrative Assistant	2.4
Separation Entitlement Paid		$91,022
State Solicitors Office		
Incorporated with the Department of Justice		
Solicitor General's Office		
Incorporated with the Department of Justice		
Department of Justice		
1	Learning & Development Officer	Level 5
1	Finance & Purchasing Officer	Level 2
1	Manager Financial Services	Level 5
1	Senior Community Corrections Officer	Level 5
1	Clerical Support Officer	Level 2
1	Case Management Coordinator	Level 6
1	Assistant Community Corrections Officer	Level 2
1	Sheriffs Community Development Officer	Level 4
1	Cashier/Customer Service Officer	Level 2
1	Senior Community Corrections Officer	Level 5
1	Senior Community Corrections Officer	Level 5
1	Asst Superintendent Security Support & Admin	Level 6
1	Coordinator Drug Setection Unit	Level 5
1	Assistant Superintendent Emergency Response & Ops	Level 6

1	Clerical Officer	Level 1
1	Team Leader	Level 6
1	Assistant Supervisor Offender Services	Level 7
1	Team Leader	Level 6
1	Prisoner Education Assessor	Other
1	Assistant Superintendent Assessments & Case Mngmnt	Level 6
1	Team Leader	Level 6
1	Business Manager	Level 6
1	Senior Medical Receptionist	Level 2
1	Human Resources Coordinator	Level 3
1	Cashier	Level 2
1	Clerical Officer	Level 1
1	Asst Superintendent Offender Services	Level 6
1	Administration Officer	Level 3
1	Treatment Course Planning Assessor	Other
1	Aboriginal Education Officer	Level 3
1	Prevention & Diversion Officer	Level 4
1	Senior Maintenance Officer	Level 2
1	Assistant Superintendent Operations	Level 7
1	Team Leader	Level 6
1	Manager Regional Youth Justice Services	Level 7
1	Prison Counsellor	Other
1	Clerical Officer	Level 1
1	Administration Officer	Level 3
1	Manager PC Court Holding Rooms	Level 6
1	TeamLeader	Level 6
1	Administration Officer	Level 3
1	Supervisor Movements	Level 5
1	Assistant Superintendent Operations	Level 7
1	Case Management Coordinator	Level 6
1	Superintendent	Level 9
1	Superintendent	Level 9
1	Superintendent	Level 9
1	Assistant Super Offender Services	Level 7
1	Occupational Health & Safety Coordinator	Level 5
1	Senior Medical Receptionist	Level 2
1	Principal Policy Officer	Level 7
1	Senior Project Officer (Clinical)	Other
1	Principal Intelligence Officer Collection	Level 7

1	HR Assistant Support Officer	Level 2
1	Manager Workforce Planning & Strategy	Level 8
1	HR Officer	Level 2
1	Manager	Level 7
1	Executive Manager Outer Metro & Country Services	Level 8
1	Manager Legislation & Reform	Other
1	Customer Service Officer	Level 2
1	Executive Assistant to Chief Judge	Level 5
1	Customer Service Officer	Level 2
1	Clerk of the Court	Level 5
1	Assistant Director	Level 8
1	Superintendent Administration	Level 9
1	Manager, Planning Programs and Policy	Level 8
1	Manager Sentence Management	Level 7
1	Clerical Officer	Level 1
1	Assistant Director Business solutions & Governance	Level 8
1	Senior Programs Officer	Other
1	Jury Supervisor	Level 3
1	Finance Officer	Level 2
1	Executive Manager	Level 8
1	Supervising Customer Service Officer	Level 3
1	Team Leader – Human Rights Stream	Level 5
1	Financial Analyst	Level 6
1	Principal Human Resource Officer	Level 7
1	Courts Application Support Leader	Level 6
1	Principal Project Officer – Communications	Level 7
1	Manager Aboriginal Justice Program	Level 8
1	Principal Project Consultant	Level 8
1	Principal Policy Officer	Level 7
1	Project Officer	Level 4
1	Senior Supervisor Regimes	Level 6
1	Administration Officer	Level 3
1	Senior Community Correction Officer	Level 5
1	Youth Justice Officer	Level 4
1	Assistant HR Officer	Level 4
1	Manager Client Application Support	Level 7
1	Senior Projects Officer	Level 4
1	Clerical Officer	Level 1
1	Senior Financial Systems Officer	Level 5
1	Project Officer	Level 2
1	Business Services Manager	Level 6

1	Assistant Commissioner Youth Justice Ops	Class 1
1	Senior Coordinator Satellite Training	Level 6
1	Clerical Officer	Level 1
1	Clerical Officer	Level 1
1	Manager Information Architecture & Planning	Level 8
1	Manager Financial Accounting	Level 7
1	Manager Strategic Maintenance and Leasing	Level 7
1	Portfolio Coordinator	Level 6
1	Administration Assistant	Level 2
1	Investigator	Level 5
1	Executive Officer	Level 5
1	Assistant Human Resource Officer	Level 4
1	Customer Service Officer	Level 2
1	Customer Service Officer	Level 2
1	Customer Service Officer	Level 2
1	Customer Service Officer	Level 2
1	Customer Service Officer Criminal Enforcement	Level 2
1	Director Higher Courts	Level 9
1	Principal Intell Analst and Syst Co	Level 6
1	Manager Customer Services	Level 6
1	Customer Service Officer	Level 2
1	Registrar	Level 7
1	Records Management Systems Architect	Level 5
1	Assistant Project Officer	Level 4
1	Youth Justice Officer	Level 4
1	Manager	Level 7
1	Clerical Officer	Level 1
1	Administration Officer	Level 3
1	Assistant Director Private Prison Contract Mngmnt	Level 8
1	Recoveries Officer	Level 2
1	Archiving Disposal Officer	Level 2
1	Program Manager	Level 8
1	Community Work Officer	Level 2
1	Forensic Psychological Services Manager	Other
1	Customer Service Officer	Level 2
1	Supervising Customer Service Officer	Level 3
1	Health Communications Coordinator	Level 5
1	Prevention and Diversion Officer	Level 4
1	Procurement Support Officer	Level 3
1	Contract Services Assistant	Level 3
1	Senior Project Officer	Level 6

1	Intelligence Analyst	Level 5
1	Tea Attendant	Other
1	Business Analyst	Level 5
1	Reports & Data Analyst	Level 4
1	Team Manager	Other
1	Project Policy Officer	Level 5
1	Project Officer	Level 3
1	Senior Programs Officer	Other
1	Clerical Officer	Level 1
1	Executive Manager	Level 8
1	Clinical Counselling Psychologist	Other
1	Clerical Officer	Level 1
1	Principal Contracts Officer	Level 7
1	Senior Intelligence Analyst	Level 6
1	Project Officer	Level 4
1	Customer Service Officer	Level 1
1	Regional Programs Development Officer	Level 5
1	Editorial Officer	Level 2
1	Senior Policy Officer	Level 6
1	Senior Project Officer	Level 5
1	Project Officer	Level 5
1	Administration Assistant	Level 2
1	Administration Officer	Level 2
1	Project Support Officer	Level 3
1	Internal Auditor	Level 4
1	SECRETARY	Level 2
1	Regional Program Delivery Manager	Level 7
1	Developer (Support)	Level 6
1	Administration Officer	Level 1
1	Principal Project Officer	Level 7
1	Senior Legislative Officer	Level 6
1	Manager Business Services	Level 6
1	Assistant Records Support Officer	Level 2
1	Contract Services Officer	Level 4
1	Senior Performance Analyst	Level 6
1	Contract Support Officer	Level 3
1	Technical Support Officer	Level 3
1	Prevention & Diversion Officer	Level 4
1	Youth Justice Officer	Level 4
1	Business Support Officer	Level 4
1	Senior Project Officer (Clinical)	Other

1	PROCUREMENT OFFICER	Level 5
1	Clinical Councellor Forensic Psychologist	Other
1	Manager Warrants	Level 6
1	Policy Officer	Level 5
1	Principal Security Services Officer	Level 7
1	Policy Officer	Level 5
1	Assistant Project Officer	Level 3
1	Training Officer	Level 5
1	Senior Management Account	Level 6
1	Editorial Officer	Level 2
1	Manager	Level 7
1	Court Officer	Level 1
1	Contract Services Coordinator	Level 6
1	Accounting Officer	Level 2
1	Senior Projects Officer	Level 6
1	Prisoner Employment Officer	Level 3
1	Industry Coordinator Marketing & Busines Dvlpmnt	Level 6
1	Senior HR Officer	Level 6
1	Senior Procurement Officer	Level 6
1	Developer (Support)	Level 6
1	Assistant Project Officer	Level 4
1	Community Work Officer	Level 2
1	Policy and Governance Officer	Level 5
1	Principal Consultant	Level 7
1	Public Affairs	Level 3
1	Floor Attendant	Other
1	Cash Management Controller	Level 5
1	Administration Officer	Level 2
1	Clerical Officer	Level 1
1	Business Manager	Level 6
1	Library Officer	Level 1
1	Supervisor Customer Services	Level 4
1	Executive Assistant	Level 3
1	Quality Coordinator	Level 4
1	Senior Records Officer	Level 2
1	Prison Education Assessor	Other
1	Administration Assistant	Level 2
1	Coordinator workers compensation & support service	Level 6
1	Accounting Officer Trusts	Level 3
1	Assistant Administration Officer	Level 2
1	Senior Finance Officer	Level 5

1	Senior Research and Evaluation Officer	Level 6
1	Business and Client Services Coordinator	Level 6
1	Youth Education Advisor	Other
1	Executive Manager	Level 8
1	Mediation Officer	Level 4
1	Senior Project Officer	Level 6
1	Regional Programs Development Officer	Level 5
1	Senior Applications Developer	Level 5
1	Assistant HR Officer	Level 4
1	Employment and Integrity Officer	Level 3
1	Coordinator	Level 6
Separation Entitlement Paid		$23238829

(b)–(c) Please refer to Legislative Council Question on Notice 1523.

LOCAL GOVERNMENT — AGENCIES — VOLUNTARY TARGETED SEPARATION SCHEME

1515. Hon Tjorn Sibma to the Leader of the House representing the Minister for Local Government; Heritage; Culture and the Arts:

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 Sue Ellery 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) [See tabled paper no 1769.]

(b)–(c) Please refer to Legislative Council question on notice 1523

REGIONAL DEVELOPMENT — AGENCIES — VOLUNTARY TARGETED SEPARATION SCHEME

1517. Hon Tjorn Sibma to the Minister for Regional Development; Agriculture and Food; Minister Assisting the Minister for State Development, Jobs and Trade:

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 Alannah MacTiernan 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) [See tabled paper no 1775.]

(b)–(c) Refer to answer to LC QON 1523.

STATE DEVELOPMENT, JOBS AND TRADE — AGENCIES — VOLUNTARY TARGETED SEPARATION SCHEME

1522. Hon Tjorn Sibma to the minister representing the Minister for State Development, Jobs and Trade:

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 Alannah MacTiernan 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)

No. of Positions	**Position Title**	**Substantive Level**	**Value of Severance (inc leave)**
1	Facilities Officer	Level 1	
1	Policy and Research Assistant	Level 3	
1	Business Services Officer	Level 3	
1	Administration and Procurement Officer	Level 3	
1	Policy and Research Officer	Level 4	
1	Business Development Officer	Level 4	
1	Executive Assistant	Level 4	
1	Facilities & IT Coordinator	Level 4	
1	Project Officer	Level 4	
1	Industry Development	Level 4	
2	Senior Project Officer	Level 6	
1	Country Manager (Europe, Middle East and Africa)	Level 7	
1	Project Manager	Level 7	
1	General Manager	Level 8	
1	Director Corporate Communications	Level 8	
1	Executive Director, Strategic Projects*	Level 8	
17			**$1,312,833**

Minister to note:

*this is a self-funded voluntary severance

(b)–(c) Agency targets are Cabinet-in-confidence and were provided as a guide to assist agencies and Ministers with implementation of the scheme. While the reductions will vary between agencies depending on factors like MoG changes, the size and role of individual agencies and other impacts, all agencies are expected to contribute in order to meet the overall reduction target of 3,000 employees.

PREMIER — AGENCIES — VOLUNTARY TARGETED SEPARATION SCHEME

1523. Hon Tjorn Sibma to the Leader of the House representing the Premier; Minister for Public Sector Management; Federal-State Relations:

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 Sue Ellery 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) Gold Corporation and Salaries and Allowances Tribunal

Nil.

Lotterywest

No. of Positions	Position	PS group	Severance Amount
1	Senior Business Development Officer	Level5	
2	Retailer Customer Services & Support Officer	Level3	
3	Service Delivery Manager	Level6	
4	Retailer Support Officer	Level3	
5	Project Officer Technology RTP	Level2	
6	Manager Human Resources	Level7	
7	ERP Business Process Analyst	Level5	
8	Senior Data Analysis and Support Officer	Level6	
9	Reporting Coordinator	Level4	
10	System and Web Analyst	Level6	
11	Manager Business Development	Level7	
12	Information Management Officer	Level3	
13	Senior Retailer Shopfit Officer	Level5	
14	Sen Mgr Project Management Office (Temp)	Level8	
15	Administration Officer	Level2	
16	Procurement Officer	Level4	
17	Management Support Officer	Level2	
18	Manager Organisational Development	Level7	
19	Senior Assurance & Governance Officer	Level5	
20	GM	Ses1	
		Total	**$2,039,505.39**

Public Sector Commission

Position title	**Substantive level**	**VTSS amount (including incentive payment)**	**Leave entitlement payout**	**Total VTSS payment**
Human Resource Consultant	L4	$37,553.09	$6,539.67	
Project Officer	L5	$97,797.20	$19,765.21	
Senior Project Officer	L6	$69,825.25	$35,771.55	
Principal Investigator	L7	$107,493.35	$18,914.08	
Management Consultant	L8	$176,684.96	$33,398.36	
Director	L8	$166,987.18	$64,487.65	
			Total	**$835,217.55**

Premier and Cabinet

Position Title	**Substantive level**	**Total Value of Separation Entitlements**
Records Officer	1	
Principal Policy Officer	8	
Cabinet Officer	2	
Senior Executive Government Officer	6	
Principal Policy Officer	8	
Officer	1	
Manager, Cabinet Services	7	
Principal Policy Officer	8	
Principal Policy Officer	7	
Senior Policy Officer	6	
Officer	1	
Executive Transport Officer	ETO	
Liaison Officer	4	
Executive Assistant	3	
Administrative Assistant – Min Office	2	
Liaison Officer – Min Office	4	
Appointments Secretary – Min Office	3	
Information Resources Officer	3	
Liaison Officer – Min Office	4	
Liaison Officer – Min Office	4	
Administrative Assistant – Min Office	2	
Liaison Officer – Min Office	4	
Executive Officer – Min Office	5	
Administrative Assistant – Min Office	2	
Administrative Assistant – Min Office	2	
Senior Policy Officer	6	
Liaison Officer – Min Office	4	

Manager Projects	8	
Administrative Assistant – Min Office	2	
Administration Officer	3	
Executive Officer – Min Office	5	
Appointments Secretary – Min Office	3	
Executive Officer	5	
Principal Policy Officer	8	
Principal Policy Officer	7	
Manager, Policy and Strategy	8	
Liaison Officer	4	
	Total	**$3,912,525.62**

(b)–(c) Agency targets are Cabinet-in-confidence and were provided as a guide to assist agencies and Ministers with implementation of the scheme. While the reductions will vary between agencies depending on factors like MoG changes, the size and role of individual agencies and other impacts, all agencies are expected to contribute in order to meet the overall reduction target of 3,000 employees.

ATTORNEY GENERAL — PORTFOLIOS — STAFF — ANNUAL LEAVE

1532. Hon Tjorn Sibma to the Leader of the House representing the Attorney General:

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:

Period	**Number of staff**	**Accrued annual leave balance**
The Corruption and Crime Commission		
(a) four to five weeks;	9	$99404
(b) five to six weeks;	7	$95892
(c) six to seven weeks;	6	$92058
(d) seven to eight weeks; and	0	$0
(e) greater than eight weeks?	1	$15702
The Department of Justice		
(a) four to five weeks;	108	$898835
(b) five to six weeks;	78	$773952
(c) six to seven weeks;	44	$564114
(d) seven to eight weeks; and	16	$245173
(e) greater than eight weeks?	22	$856445
The Equal Opportunity Commission		
(a) four to five weeks;	1	$7963
(b) five to six weeks;	2	$21693
(c) six to seven weeks;	1	$8114

(d) seven to eight weeks; and	1	$14561
(e) greater than eight weeks?	1	$39638
The Legal Practice Board – including the Legal Professional Complaints Committee		
(a) four to five weeks;	$50,618.31	6
(b) five to six weeks;	$-	0
(c) six to seven weeks;	$38,396.00	2
(d) seven to eight weeks; and	$35,407.95	3
(e) greater than eight weeks?	$203,668.48	6
LegalAid WA		
(a) four to five weeks;	32	$250920
(b) five to six weeks;	28	$279775
(c) six to seven weeks;	11	$136086
(d) seven to eight weeks; and	6	$73035
(e) greater than eight weeks?	2	$40821
Office of the Commissioner for Children and Young People		
(a) four to five weeks;	1	$18540
(b) five to six weeks;	0	0
(c) six to seven weeks;	0	0
(d) seven to eight weeks; and	0	0
(e) greater than eight weeks?	0	0
Office of the Director of Public Prosecutions		
(a) four to five weeks;	22	$225014.40
(b) five to six weeks;	9	$91704.66
(c) six to seven weeks;	12	$245328.54
(d) seven to eight weeks; and	5	$74631.21
(e) greater than eight weeks?	17	$341658.08
Office of the Information Commissioner		
(a) four to five weeks;	1	$12346
(b) five to six weeks;	0	0
(c) six to seven weeks;	0	0
(d) seven to eight weeks; and	1	$18034
(e) greater than eight weeks?	1	$17666
State Solicitors Office		
Incorporated with the Department of Justice		
Solicitor General's Office		
Incorporated with the Department of Justice		

MINISTER FOR EMERGENCY SERVICES — PORTFOLIOS — STAFF — ANNUAL LEAVE

1534. Hon Tjorn Sibma to the minister representing the Minister for Emergency Services; Corrective 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 Stephen Dawson replied:

The Department of Justice advises:

(a) $3,783,378 and 518 staff

(b) $3,471,895 and 381 staff

(c) $3,455,665 and 320 staff

(d) $2,999,305 and 235 staff

(e) $14,150,561 and 676 staff

Current as at – 28 June 2018 (Pay period ending).

The Department of Fire and Emergency Services (DFES) advises:

	Weeks	**Total dollar value of accrued annual leave**	**Number of Employees**
(a)	Four to five weeks	$1,531,299.00	138
(b)	Five to six weeks	$1,033,119.00	81
(c)	Six to seven weeks	$634,095.00	40
(d)	Seven to eight weeks	$439,355.00	24
(e)	Greater than 8 weeks	$1,295,248.00	47

The Office of the Inspector of Custodial Services advises:

(a) $174,976 5

(b) $26,467 2

(c) $11,078 1

(d) $nil 0

(e) $18,315.72 1

MINISTER FOR ENVIRONMENT — PORTFOLIOS — STAFF — ANNUAL LEAVE

1537. Hon Tjorn Sibma to the Minister for Environment; Disability 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 Stephen Dawson replied:

For the Department of Biodiversity, Conservation and Attraction

	Total dollar value	**Number of employees**
(a) Four to five weeks	$1,619,472	207
(b) Five to six weeks	$1,589,845	161
(c) Six to seven weeks	$1,246,479	117
(d) Seven to eight weeks	$1,092,588	86
(e) Greater than eight weeks	$4,168,464	210

MINISTER FOR EMERGENCY SERVICES — PORTFOLIOS — BOARDS AND COMMITTEES

1545. Hon Tjorn Sibma to the minister representing the Minister for Emergency Services; Corrective 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 Stephen Dawson replied:

Please refer to the response to Legislative Council Question on Notice 1552.

MINISTER FOR REGIONAL DEVELOPMENT — PORTFOLIOS — BOARDS AND COMMITTEES

1546. Hon Tjorn Sibma to the Minister for Regional Development; Agriculture and Food; Minister Assisting 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.

MINISTER FOR ENVIRONMENT — PORTFOLIOS — BOARDS AND COMMITTEES

1548. Hon Tjorn Sibma to the Minister for Environment; Disability 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 Stephen Dawson replied:

Please refer to the response to Legislative Council Question on Notice 1552.

ATTORNEY GENERAL — PORTFOLIOS — BOARDS AND COMMITTEES

1553. Hon Tjorn Sibma to the Leader of the House representing the Attorney General:

(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.

FEDERAL–STATE RELATIONS — CASHLESS DEBIT CARD TRIALS

1564. Hon Robin Scott to the Leader of the House representing the Minister for Federal–State Relations:

Referring the Minister to trials of the Cashless Debit Card in South Australia at Ceduna and within Western Australia in the East Kimberley and the Goldfields, and to a report of the Australian National Audit Office *"The Implementation and Performance of the Cashless Debit Card Trial"* dated 17 July 2018 [URL https://www.anao.gov.au/work/performance-audit/implementation-and-performance-cashless-debit-card-trial], will the Minister confirm that in respect of the trials conducted at Ceduna and East Kimberley, the Commonwealth

Auditor General wrote, "*Conclusion 8. The Department of Social Services largely established appropriate arrangements to implement the Cashless Debit Card Trial, however, its approach to monitoring and evaluation was inadequate. As a consequence, it is difficult to conclude whether there had been a reduction in social harm and whether the card was a lower cost welfare quarantining approach. 9. Social Services established appropriate arrangements for consultation, communicating with communities and for governance of the implementation of CDCT. Social Services was responsive to operational issues as they arose during the trial. However, it did not actively monitor risks identified in risk plans and there were deficiencies in elements of the procurement processes. 10. Arrangements to monitor and evaluate the trial were in place although key activities were not undertaken or fully effective, and the level of unrestricted cash available in the community was not effectively monitored. Social Services established relevant and mostly reliable key performance indicators, but they did not cover some operational aspects of the trial such as efficiency, including cost. There was a lack of robustness in data collection and the department's evaluation did not make use of all available administrative data to measure the impact of the trial including any change in social harm. Aspects of the proposed wider roll-out of the CDC were informed by learnings from the trial, but the trial was not designed to test the scalability of the CDC and there was no plan in place to undertake further evaluation.*":

(a) taking into account the adverse report from the Auditor-General, will the Minister encourage the Federal Government to abandon its plans for issuing the Cashless Debit Card in Western Australia in its present form?

Hon Sue Ellery replied:

(a) For communities where there is strong support for a Cashless Debit Card system, the Minister does not object to its introduction. It is the Commonwealth's responsibility to ensure that there are no unintended consequences of the Cashless Debit Card system by correcting existing difficulties and providing additional support services to Card holders, and ensuring there is a robust evaluation of the trials.

PUBLIC SECTOR — STAFF

1565. Hon Tjorn Sibma to the Leader of the House representing the Minister for Public Sector Management:

(1) Can the Minister advise, as at each of the following dates 30 June 2016, 30 June 2017 and 30 June 2018:

(a) the total public sector headcount and FTE staff levels; and

(b) the headcount and FTE staff levels by agency?

(2) Can the Minister advise, as at each of the following dates 30 June 2016, 30 June 2017 and 30 June 2018:

(a) the total public sector salary and wages bill; and

(b) the salary and wages bill for each agency?

Hon Sue Ellery replied:

The Public Sector Commission advises:

(1) (a) The total public sector headcount and FTE for 30 June 2016 was 135 770 and 107 809 respectively.

The total public sector headcount and FTE for 30 June 2017 was 140 403 and 110 662 respectively.

The collection of total public sector headcount and FTE data as at 30 June 2018 is ongoing. Once completed, the Quarterly Workforce Report will be tabled in this place.

The increase in FTEs from 2016 to 2017 can be attributed primarily to the Department of Education and WA Health.

The Department of Education had a net increase of nearly 1400 FTE due largely to an increase in FTE spending in schools for the 2016/17 FY after having collectively underspent by approximately 4% in 2015/16. This was in part to manage an increase in student numbers of 2.5% in 2016.

WA Health contributed over 900 FTE to the net increase as a result of increasing staffing levels across hospitals, primarily in nursing and medical professionals.

(b) The headcount and FTE staff levels by agency for 30 June 2016 and 30 June 2017 are provided in the relevant Quarterly Workforce Reports. [See tabled paper no 1770.]

The collection of headcount and FTE staff levels by agency as at 30 June 2018 is still ongoing. Once completed, the Quarterly Workforce Report will be tabled in this place.

(2) (a)–(b) Information on the total public sector salary and wages bill and the salary and wages bill for each agency should be referred to the Department of Treasury.

TRANSPORT — STRAYING LIVESTOCK — LEOPOLD DOWNS STATION

1572. Hon Robin Chapple to the Minister for Regional Development; Agriculture and Food; Minister Assisting the Minister for State Development, Jobs and Trade:

I refer to the photos found here, https://robinchapple.com/2018-06-06-leopold-downs-station-stray-cattle, of a dead cow bearing the Leopold Downs Station brand 'ORS', struck on 6 June 2018 by a vehicle, 50–55 km from Fitzroy Crossing heading to Derby, and I ask:

(a) was the Leopold Downs Station informed;

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

(c) if yes to (a), was compensation offered to the vehicle owner by Leopold Downs Station;

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

(e) is it an offence to allow cattle to roam the highways under either State or local government laws;

(f) if no to (e), why not;

(g) if yes to (e) in either case, was action taken against Leopold Downs Station for allowing stock to roam the highway;

(h) if no to (g), why not;

(i) in relation to a further vehicle accident on the Great Northern Highway reported by the ABC Kimberley on 11 August 2018, was this reported to the police;

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

(k) if yes to (i), did the police investigate who the animal belonged to; and

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

Hon Alannah MacTiernan replied:

(a) Unknown.

(b) The Department of Primary Industries and Regional Development is not responsible for notifying stations of vehicle collisions involving cattle.

(c) Not Applicable.

(d) Compensation is a civil matter between the car owner and the station lessee.

(e) Yes.

(f) Not Applicable.

(g) No.

(h) Under the *Highways (Liability for Straying Animals) Act 1983* liability for injury or damage to people or vehicles caused by stock straying onto a highway is determined by a court of law according to the laws of negligence, the laws governing intentional acts or omissions and the circumstance of each case.

(i) Unknown.

(j) The Department of Primary Industries and Regional Development is not responsible for notifying WA Police of vehicle collisions involving cattle.

(k) Not Applicable.

(l) Not Applicable.

TRANSPORT — STRAYING LIVESTOCK — LEOPOLD DOWNS STATION

1574. Hon Dr Steve Thomas to the Minister for Environment; Disability Services:

(1) What is the ultimate destination of plastic recyclable material recovered by Western Australia's local governments?

(2) Does this vary for different local governments and, if so, can the Minister provide a breakdown of destination by local government jurisdiction?

(3) How much of the plastic recyclable material recovered by local governments is stockpiled versus processed, and is there is any backlog in recyclable material awaiting processing?

(4) Has any plastic recyclable material recovered by Western Australian local governments been exported interstate or overseas and, if so, what in what volumes?

(5) What is Western Australia's capacity to process plastic recyclable material in both the State of Western Australia and can this capacity be referenced in each of our local governments areas?

Hon Stephen Dawson replied:

(1) and (4) Recyclables collected from household kerbside recycling bins are transported to Material Recovery Facilities located within Western Australia. Recyclable material types are sorted and baled at these facilities for on-sale.

Envisage Works was engaged by the Department of Water and Environmental Regulation to quantify plastics recycling in Western Australia. Its results were reported in the *2016–17 Australian Plastics Recycling Survey – Western Australia State Data Report*. [See tabled paper no 1773.]

The Envisage Works report shows that a total of 13,100 tonnes of plastics were reported as recycled in Western Australia in 2016–17. The municipal sector accounted for around two thirds of Western Australia's plastics recycling in 2016–17, while the commercial and industrial sector accounted for the remainder.

Data on plastic recycling end destination for the municipal solid waste stream is not specified in the Envisage Works report. However, for all waste streams in Western Australia, the Envisage Works report showed that of the 13,100 tonnes of plastics recycled in Western Australia in 2016–17, 8,300 tonnes (63 per cent) was directly exported overseas for reprocessing, 3,200 tonnes (24 per cent) was locally reprocessed for local use (within Australia) and the remaining 1,600 tonnes (12 per cent) was locally reprocessed for export.

The Envisage Works report also shows that for both plastics (13,100 tonnes) and rubber (14,100 tonnes) combined, 19,500 tonnes (72 per cent) was sent overseas, 5,200 tones (19 per cent) was processed within Western Australia, 1000 tonnes (4 per cent) was sent to South Australia, 800 tonnes (3 per cent) to Victoria and 600 tonnes (2 per cent) to New South Wales. The Envisage Works report does not present data on end destination by jurisdiction for plastics alone.

(2) Information about the final destination of recyclable material collected from individual local governments is not held by the Department. Recyclables collected from individual local governments are transported to Material Recycling Facilities where the recyclable materials are typically mixed with those from other local governments. The recyclable materials are then sorted and baled for sale. Sale of the sorted and baled materials is controlled by the Material Recycling Facilities operator rather than individual local governments.

(3) The Department of Water and Environmental Regulation does not currently collect information specifically about the quantities of stockpiled plastic recyclable materials at Material Recovery Facilities.

(5) The Envisage Works report identified that there were four plastic reprocessors in Western Australia in 2016–17. Two of these reprocessors, however, did not process any plastics in 2016–17. The two reprocessors that did process plastics in 2016–17 processed a total of 7 polymer types, including HDPE. There was no local reprocessing of PET in 2016–17.

The report does not provide information on the location of reprocessors by local government district.

I have established a Waste Taskforce to provide advice to me on short, medium and long-term options to increase local recycling (including recycling of plastics). Options identified will, over time, support less reliance on global markets for recycling.

AGRICULTURE AND FOOD — HORTICULTURAL RESEARCH RECOVERY FUND

1580. Hon Martin Aldridge to the Minister for Regional Development; Agriculture and Food; Minister Assisting the Minister for State Development, Jobs and Trade:

I refer to the $1.5 million Horticultural Research Recovery Fund, announced by the Minister on 6 July 2017, and I ask:

(a) what funds have been expended to date from the fund;

(b) who were the recipients of those funds and for what purposes were the funds applied;

(c) how much of the fund remains unexpended and available for expenditure;

(d) who are the intended recipients of the remaining funds and for what purposes will the funds be applied; and

(e) how were funding priorities determined for the allocation of funds?

Hon Alannah MacTiernan replied:

(a) $792,333

(b) Fox Farming Pty Ltd – A washing/grading/packing line designed to meet the quality standards required for new markets in Singapore and beyond.

Pemberton Fresh Pty Ltd – Innovative packaging equipment to meet specific requirements of new markets.

GP Ayres & Sons Pty Ltd – Infrastructure upgrade – Optical sorter for seed potatoes.

Bendotti Exporters Pty Ltd – Upgrade of processing and production equipment to increase the overall efficiency of processing potatoes.

Vegetables WA – Report into collaborative entrepreneurship for exporting.

(c) $707,667

(d) WA potato industry – To support the capability and continuity of the WA Seed Certification Scheme.

Horticulture Innovation and the Department of Primary Industries and Regional Development (DPIRD) – To support research into low dose methyl bromide disinfestation of capsicums, tomatoes, chilli and eggplant to allow interstate and export trade of host produce.

Western Sydney University – To investigate the interaction of Tomato Potato Psyllid with Australian native non-host plant species to support the cut flower industry.

(e) Funding priorities were determined on the capability of projects to deliver industry-wide benefits for the Western Australian potato industry, with a focus on export outcomes

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