



Parliamentary Debates

(HANSARD)

FORTIETH PARLIAMENT
FIRST SESSION
2017

LEGISLATIVE COUNCIL

Wednesday, 8 November 2017

Legislative Council

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

DEPARTMENT OF TRAINING AND WORKFORCE DEVELOPMENT — DIRECTOR GENERAL

Statement by Minister for Education and Training

HON SUE ELLERY (South Metropolitan — Minister for Education and Training) [1.01 pm]: I am pleased to announce the appointment of Ms Anne Driscoll to the office of director general of the Department of Training and Workforce Development. Ms Driscoll is well positioned to lead the Department of Training and Workforce Development. She brings a wealth of experience to the role, with a career spanning almost 40 years in both commonwealth and state government roles across the employment and training portfolios, and more recently in industry regulation and development. Ms Driscoll previously held the office of director general of the Department of Commerce and has been the acting director general of DTWD since 15 May 2017. On 7 November 2017, Her Excellency the Governor in Executive Council approved the transfer of Ms Driscoll to the office of director general of DTWD for a term commencing on 7 November 2017, concluding 1 August 2021. As director general, Ms Driscoll is responsible for leading the department in delivering strategies to ensure a skilled Western Australian workforce to meet today's needs and those of the future. Her role is central to the McGowan government's priorities of job creation, increasing training opportunities and diversifying Western Australia's workforce.

I welcome Ms Driscoll as the director general of the Department of Training and Workforce Development. I have every confidence in her ability to meet the challenges of the training sector and look forward to working with her in this important role.

PAPERS TABLED

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

PETROLEUM AND GEOTHERMAL ENERGY RESOURCES AMENDMENT (VETO POWERS) BILL 2017

Notice of Motion to Introduce

Notice of motion given by **Hon Rick Mazza**.

METRONET

Motion

Resumed from 1 November on the following motion moved by Hon Alanna Clohesy (Parliamentary Secretary) —

That this house congratulates the McGowan government on its Metronet policy and notes the benefits Western Australia will derive, including the jobs to be created, from this transport and planning initiative.

HON DARREN WEST (Agricultural — Parliamentary Secretary) [1.04 pm]: As promised last Wednesday, we resume this debate on this very worthy motion put forward by Hon Alanna Clohesy. Of course, it is a very important motion for the future of the state of Western Australia, and states —

That this house congratulates the McGowan government on its Metronet policy and notes the benefits Western Australia will derive, including the jobs to be created, from this transport and planning initiative.

As I said last Wednesday, the key word in that motion is “initiative” because it has been a while—since 2008—that we have seen a government in Western Australia that has had initiative. I am proud to say that this government has initiative. The initiative is Metronet—a public transport policy that will take Western Australia into the twenty-first century and rival us, as I suggested last week, with the likes of cities such as New York, Paris and London. It is important that the house debate this important initiative. It will be one of the larger infrastructure projects completed in Western Australia. It will create thousands of jobs.

I note even in the planning of Metronet —

Hon Simon O'Brien: Where is it in the budget?

Hon DARREN WEST: This is the difference between the progressive side of politics and the conservative side of politics: we acknowledge that this is a long-term project. We acknowledge that this project will take a lot of planning.

The PRESIDENT: Order! There is only one person who has the call and that is Hon Darren West. Everyone else can listen in silence.

Hon DARREN WEST: Thank you, Madam President. We acknowledge that this project will take a lot of planning. We need to get this right. We are openly saying that for the first tranche of Metronet there will be a Yanchep extension, the Forrestfield–Airport Link and the Ellenbrook line. They are all in the early stages and are all being planned. I can tell members that thousands of jobs will be created out of this and that the public of Western Australia support this initiative. They want Metronet.

Several members interjected.

Hon DARREN WEST: The Forrestfield link is a part of Metronet. It has always been part of it. It is in the East Metropolitan Region, Hon Donna Faragher’s electorate. Of course, we are all delighted that the government is building the Forrestfield–Airport Link through to the airport, through Forrestfield and High Wycombe. I note that even the opposition is excited about the prospect of that line opening.

Hon Donna Faragher: We started it.

Hon DARREN WEST: Maybe members opposite support Metronet just a little bit more than they thought. I look forward to supportive comments from members on the opposition benches about this great infrastructure project.

I can tell members that even in the planning stages of the Metronet project, over 50 jobs already exist. That is before we really get the project work underway. There are 50 people working on the planning and scoping of the Metronet project, determining the route from Morley to Ellenbrook—working all that detail out so that when the funding comes online, the project is ready to go. This will be a very well planned and meticulously organised project. Unlike some of the infrastructure projects built by the previous government, this project will be meticulously planned, as we saw with the Mandurah line, which was led by Hon Alannah MacTiernan in her former role as Minister for Planning and Infrastructure. That line came in on time and under budget. Therein lies the difference between when we managed major projects and the former Liberal–National government managed them. A topical one today is the Perth Children’s Hospital; what a debacle. Even the stadium completion was over budget and late. Although we acknowledge some infrastructure projects were built under the previous government, they were not planned and built meticulously as this project will be.

For members who were not here, last week I touched on the fact that it was not lost on me or other members in the house that the regional member, the president of Country Labor, our regional arm of WA Labor, is selling up the benefits of Metronet. As I pointed out last week, it also has several benefits for regional people. The end of the Yanchep extension is about only 20 kilometres from the Agricultural Region. The Mandurah line, as the name suggests, goes to Mandurah, which, according to the Western Australian Electoral Commission, is a regional centre. Metronet is spreading into the regions for use by regional people in the regional areas. It is also used by our children when they come to high school and university in Perth. In my case, my mother is retired and uses public transport regularly. Metronet will be of enormous benefit to regional people. It will ease congestion, and that will be a benefit to regional people who travel to Perth. Members may be surprised at how many regional people travel to Perth. We often see country numberplates when we are driving around in the metro area. A lot of regional people come to Perth because major sporting and art events occur here.

I spoke briefly on the Court government’s crazy decision to close the Fremantle line and how the incoming Labor government reversed that decision and reopened the Freo line. We are committed to rail. I do not think anyone can dispute that and I do not think that opposition members could claim that they are more committed to rail than Labor is. They believe in road projects. Under the previous Barnett Liberal–National government, we saw the closure of around 700 kilometres of railway line. Those 700 kilometres of railway line were of enormous economic benefit to my electorate, the Agricultural Region, and they were used to move grain. Every year we manage to produce more grain off that same land. We saw the closure of the tier 3 lines. The previous government opened about 13 kilometres of line and closed about 700 kilometres of line.

Hon Alanna Clohesy: It was 14.5 kilometres.

Hon DARREN WEST: It was 14.5 kilometres. I thank Hon Alanna Clohesy for helping me with her worthy motion. The previous government closed vast distances of tier 3 railway lines. It was put on display for all to see. The previous government not only closed the tier 3 lines against the wishes of the voters in the area, the grains industry and everyone who lives in that eastern wheatbelt region, but also kept kidding us that it would keep them open or reopen them when there was no intention to do so. While I think of it, I have my little train that I am going to pop up here so that everyone can see him. That is a depiction that we circulated.

Several members interjected.

Hon Alannah MacTiernan: That is what trains looked like when members opposite last built them!

Hon DARREN WEST: I was looking for a witty response and the minister has given it to me. That is the last train that the Liberals built in Western Australia! It is a topical issue in the Agricultural Region, but I will be serious for a moment. The single biggest issue that came to me during the last term of government was the imminent closure and then closure of the tier 3 lines and the hope that the communities were given that somehow the National Party might step in and save the day. Of course, we know that that does not happen, and the lines closed in late 2014.

Hon Rick Mazza: Are you going to fix it? Are you going to fix the tier 3?

Hon DARREN WEST: Leave that to me. This is about Metronet, but I have touched on tier 3 and I have something to say. In the last month that the tier 3 lines that the Liberal–National government closed were in operation, they carried a record tonnage. That tells us that there really was not too much wrong with the lines. They were still capable of carrying more grain in a month than they ever carried at any time in their history. I am looking at former Minister for Transport Hon Simon O’Brien. There is not much wrong with the lines. Under the Richard Court government, we saw the lease of these lines to a consortium, Genesee & Wyoming Australia and Wesfarmers Limited, which was then taken over. Once we lease them out and the lease can be sold, we lose control of who operates the line. We ended up with Babcock and Brown Infrastructure for a while and then eventually with Brookfield Rail. Then the Economics and Industry Standing Committee in the previous Parliament discovered an extraordinary alteration to the lease. The Legislative Assembly committee was chaired by a government member.

The variation took away the “use it or lose it” clauses in the lease and allowed the closure of 700 kilometres of railway line. I find it extraordinary that a state government would lease out the rail network and then allow a part of it not to be used when the asset is owned by the taxpayers of Western Australia. I argued against the closure of those lines. I certainly would have argued against that decision had it not been made in secret. Enormous efforts were made to keep that revelation from the public. I certainly would have argued against that change to the “use it or lose it” clauses because I think they were an important part of the lease. If we are going to lease out a monopoly state-owned asset, we certainly do not want a free-for-all so that companies can open and close sections of the line as they see fit, because the public owns and paid for those lines and wants to use them.

The Liberal–National government took about a million tonnes of grain a year off the railway network and put it onto the road network. The former Liberal–National government held this curious belief that the road network was up to the task of moving that grain. Clearly, the people who believed that had not driven in the eastern wheatbelt. Clearly, the people who believed that the road network could carry a million tonnes of grain a year had never been on those narrow, winding and often tree-lined roads in the eastern wheatbelt. But I have, and that road network was never designed for the task that the Barnett Liberal–National government asked of it. Statistically, they are the most dangerous roads in Australia. Those roads have a fatality rate of about 49 per 100 000 people. This figure is from before the previous government closed the railway lines and put on thousands of extra truck movements. The road toll of 49 deaths per 100 000 people is higher than the national road toll of either Kenya or Uganda. For a government of the people, for the people and by the people to close the railway network in an area that boasted those sorry road statistics was extraordinary at best and showed contempt for the electorate.

Those lines have been closed for a good period. Extraordinarily, the decision about whether they will reopen or remain closed has been taken away from the government by the previous government. We now have to work with private operators that use those lines to see whether there is a way forward. I am confident that there is a way forward and that as it becomes more and more apparent that the roads are going to require more in maintenance than the cost of reopening the rail, there will be a way forward. Rail is more efficient. It uses less fuel. It is better for the environment; it creates less carbon dioxide and greenhouse gases. It is more sustainable in the long term. But, most importantly, it is the transport mode of choice for the grains industry and the communities along those lines that—I will just let members in on a little secret—are not too happy that the Liberal–National government closed the lines.

A lot of articles from around that time in 2014 are about this issue. One is from the *Central Midlands and Coastal Advocate*, which is not in the area directly affected by the closure. The story by David Charlesworth is titled “Protest over rail lines” and states —

GRAIN producers and members of regional communities Marched on Parliament House on Tuesday to present the government with recommendations about the closure of the Tier 3 freight rail lines.

WAFarmers president Dale Park and WRRRA chairman Greg Richards joined supporters on the steps of Parliament House at 12.30pm to deliver their message to Premier Colin Barnett and Transport Minister Dean Nalder.

“It has been more than one month since the Economics and Industry Standing Committee tabled its report into the management of the state’s grain freight network and the government has so far failed to adequately respond ...

Not only did the previous government make a bad decision, it did not even want to talk about it. It did not take any notice of those peak lobby groups or act in their or the state’s best interests. Another article by the award-winning journalist Rueben Hale from the *Countryman* of Thursday, 15 January 2015 states —

Point of Order

Hon SIMON O’BRIEN: I hope the clock has been stopped because he has only 10 minutes to go. Clearly, my point of order is relevance. We are hearing of stories about rural freight lines in the *Countryman* from years ago. Madam President, the opposition is quite happy to debate that if that is what you want to allow as relevant to this

motion. But I thought that we were talking about Metronet policy, its benefits and how wonderful this government is. Frankly, we have heard two-thirds of diddly squat because the member is rabbiting on about other things. Would you please ask him to be relevant or, if we have licence to canvass this, I will give him the response that he needs about his rewriting of history.

Several members interjected.

The PRESIDENT: Order! I note what you say. I must admit that I missed that last bit but I heard the honourable member reference the motion earlier on.

Hon Simon O'Brien: That was half an hour ago.

The PRESIDENT: Not that long ago. I am sure that he is bringing the debate back to the subject we are dealing with and he will focus now on Metronet.

Debate Resumed

Hon DARREN WEST: I guess in my enthusiasm for regional issues I will, from time to time, stray onto those. I will refer back to Metronet. I was trying to make the point—I stand by it—that Labor is the party of rail and rail services. The coalition parties are against rail and rail services. I know that it is a bit of a touchy subject for the honourable member, but I was using the reference to tier 3 rail lines to highlight that fact. Before I revert to Metronet, there is one final point that, with your indulgence, Madam President, I would like to make to highlight the hypocrisy on the subject of rail and rail services of the now opposition when it was in government. The article I referred to in the *Countryman* suggested that after the event, in January 2015, the Nationals backed a tier 3 deal. It stated —

The ... Nationals have flagged their support for a multi-million dollar ... deal that could see vital Tier 3 grain lines reopened.

The National Party closed the Tier 3 lines in government and is now trying to have a bit each way with the electorate. It has suddenly worked out after the event that the Western Australian community supports rail, rail services and rail projects. That is what Metronet is; it is an outstanding infrastructure rail project initiative, the likes of which we have not seen in the state for many years. It is a comprehensive plan that will make access to passenger rail services much easier for everybody and make it available to communities that have been screaming out for rail services for many years. The people of Ellenbrook were promised a rail service in 2008 by the coalition when it came into government. Clearly, that was just a load of hot air. It was a pre-election sweetener to win the electorates in that area. The previous government had no intention of ever delivering on that project. I think the coalition did well to sell that to the people for a couple of elections, but when the people realised that it was not at all genuine, the coalition got hammered at the ballot box. One thing that people do not like is being lied to by their government in the knowledge that there was never an intention to carry out that policy. One of the largest electoral swings in the recent election was in the seat of Swan Hills. That swing was added to because WA Labor stood Jessica Shaw, who was one of the most outstanding candidates in that election. Jessica Shaw has a Master of Law from Cambridge University and is very well versed in the oil and gas industry in Western Australia. She is an outstanding person and an outstanding candidate. The electorate savaged the Liberal–National coalition in that seat with a swing of about 18 per cent. With such an emphatic win, I do not think that seat could be considered marginal any more.

The previous government broke a promise to deliver a rail service to deliver a rail service to Ellenbrook; there was never an intention to build one. Premier Barnett was finally forced to admit that the previous government had looked at light rail, buses and rail and it was not going to give Ellenbrook anything. After eight years of promises he finally conceded that there was never ever a desire by the Liberal–National government to deliver those rail services to Ellenbrook. Now there is a desire by the McGowan Labor government to deliver those services to Ellenbrook and they will be delivered to Ellenbrook. Work on that project has begun. We will identify a route and the final costs and that project will become a reality under Labor just like the Joondalup line, which is now making its way to Yanchep, did under Labor; just like the Fremantle line reopened under Labor; and just like the Mandurah line opened under Labor.

The National Party is getting good at little fear campaigns such as whipping the electorate into hysteria over boarding school allowance cuts and the south west helicopter—that one has aged well! There was no money in the budget for the helicopter under the previous government for fiscal year 2018–19. The latest campaign involves the car park at Mandurah rail station. The Nationals are saying that we cannot have things in the region because Labor is building a car park at Mandurah railway station. The National Party seems to have forgotten that Mandurah is a regional electorate. Labor is now being criticised for two things. First, we are being criticised for taking money out of the regions, which we are not; we are putting more money into the regions than the previous government did. Second, we are being criticised for building a car park in Mandurah—a regional centre—so that people can use the train and have somewhere to park their car. Hon Colin de Grussa cannot walk both sides of the street on this.

Hon Colin de Grussa: All those people who aren't getting age-appropriate housing now—are they going to catch a train to Perth?

Hon DARREN WEST: There will be age-appropriate housing. There might even be some in the regional centre of Mandurah. There have always been age-appropriate housing projects built, pre and post-royalties for regions, and there will be age-appropriate housing projects built in regional Western Australia under this government. We have announced a \$22 million contestable fund to have that age-appropriate housing built.

For members of the National Party, it is very much do as I say, not as I do. They should try to walk on one side of the street. At all times they walk on both sides of the street. They cannot walk both sides of the street; they need to pick a side. Labor is being criticised for taking money out of the regions and criticised for spending money in the regions. What should we do? I think regional people, especially in Mandurah, appreciate that project. I am sure that they appreciate that project. I know that regional people appreciate all Labor policies. If we look at the two houses of Parliament, we will see that there are 34 elected regional members. Of those, the Greens, One Nation and the Shooters, Fishers and Farmers Party have five elected members, the Liberals have seven members and the National Party has nine members.

Hon Alannah MacTiernan: And most of them are “MetroNats”!

Hon DARREN WEST: That is right. We will talk about that again, minister.

WA Labor has 13 members. It has the most regional members of any political party in this Parliament. They did not get there just by accident. Clearly, the voters in regional Western Australia preferred and voted for their country Labor candidate over the Liberals, the Nationals and the minor parties. That is clearly on display for all to see.

Hon Simon O’Brien: What a very discerning electorate!

Hon DARREN WEST: The honourable member is not only questioning their judgement, but also insulting their intelligence. The fact that only seven out of 34 Liberals got up is something that perhaps he should think about, not mock. I hope that the Liberal and National Parties keep on with their regional policies, because I think it is fantastic that regional Western Australians are embracing Labor in the regions in a way that they have not done for a very long time. Regional Western Australia turned to Labor to provide jobs, manage the economy better and deliver on major infrastructure projects. That is what we are doing. One of those infrastructure projects, the cornerstone infrastructure project in Western Australia that will benefit the metropolitan area and the regions, is Metronet. I am very proud to be part of the McGowan government that is delivering this important piece of infrastructure that will serve the whole state and benefit us and make Perth a modern city with a world-class public transport facility and infrastructure that we can all use. I look forward to being on the early trains as they roll to Ellenbrook, Yanchep, Byford, Forrestfield and other places.

I will make one final point that has just come to me. One of the first jobs I had as an elected government member was to save the rail transport service, the *AvonLink*, that goes to Toodyay and Northam, which would have been closed by now under the coalition. It would have joined the tier 3 rail, the Fremantle line and all those projects on the scrap heap because there was no money to fund that project after 30 June 2017. We were able to negotiate an arrangement with TransWA and put the funding of the *AvonLink* back into the Public Transport Authority where it belongs so that that rail service can continue.

I support Metronet. I think that deep down the opposition supports Metronet too. We look forward to opposition members’ supportive comments about what a great project this is and what great benefits it will bring to all Western Australians.

HON DONNA FARAGHER (East Metropolitan) [1.32 pm]: I have to say one thing about Hon Darren West: he is nothing but consistent. He is always consistently off topic. Of the 45 minutes he spoke, I think during maybe five or 10 of them he actually mentioned Metronet. Anyway, there we go—consistency is his forte.

A couple of opposition members will be saying a few words on this motion, but I indicate that for my part I will not be speaking for terribly long. I do so for a couple of reasons. First and foremost, I do not intend to do high-fives with the government and congratulate it on its policy, because that is what the motion is about. For members’ benefit again, it states —

That this house congratulates the McGowan government on its Metronet policy and notes the benefits Western Australia will derive, including the jobs to be created, from this transport and planning initiative.

As I say, I do not intend to give high-fives to a government that has actually not yet delivered one inch of rail, except—Hon Darren West mentioned this one—of course, the Forrestfield–Airport Link. As a member for East Metropolitan Region, I have identified in this place on more than one occasion that, in fact, the Forrestfield–Airport Link commenced under our government. It actually commenced under the former Liberal–National government, with funding support from the commonwealth Liberal government.

Hon Sue Ellery: Which you announced after we announced Metronet in 2013.

Hon DONNA FARAGHER: It is all very well to have a bit of banter across the chamber, but the fact is —

Hon Sue Ellery: Well, the facts are the facts.

Hon DONNA FARAGHER: The facts are, Leader of the House, that the money came from the former Liberal government, the current federal Liberal government and —

Hon Sue Ellery: And you took our policy, so good on you.

Hon DONNA FARAGHER: The now government has put absolutely no new money or additional funding into the Forrestfield–Airport Link, but, apparently, it is its Metronet centrepiece.

Hon Alannah MacTiernan: Yes, because it was in our policy in 2013.

Hon DONNA FARAGHER: And yet —

Several members interjected.

Hon DONNA FARAGHER: Members can yell all they like, but the simple fact is that it started under —

Hon Alannah MacTiernan: Under your government, you did seven kilometres!

Hon DONNA FARAGHER: Settle down!

Hon Alannah MacTiernan: Not very productive.

Hon DONNA FARAGHER: Settle down!

Hon Alannah MacTiernan: I know, darling.

Hon DONNA FARAGHER: Darling? Did you call me “darling”, did you? Darling!

Several members interjected.

The PRESIDENT: Hon Donna Faragher has the call. You can address your comments to the Chair and just ignore any other noises in the chamber.

Hon DONNA FARAGHER: I will do that, Madam President, but given that I was referred to as “darling” by the minister, I would suggest that if someone on this side of the house said that to a member on that side of the house, they would be calling points of order and that sort of thing. I indicate that I am certainly no darling of the Minister for Regional Development.

Hon Alannah MacTiernan: I meant sunshine.

Hon DONNA FARAGHER: Right! We will get back on topic.

The PRESIDENT: Good.

Hon DONNA FARAGHER: Thank you, Madam President.

The PRESIDENT: I would hate to see you distracted.

Hon DONNA FARAGHER: As I have said, re-badging a Liberal initiative and making it its own is what the government has done with the Forrestfield–Airport Link project. I agree that, as a member for East Metro Region, I am going to be very pleased when that project is completed. It is an absolutely fantastic project. I am sure I am going to get an invite to the opening; I am sure I am going to get it! I will be there. I will be able to cut the ribbon. But, anyhow, I reiterate: the government can re-badge it all it likes, but the Forrestfield–Airport Link commenced under our government.

The debate has been interesting. A couple of speeches have already been made, and no doubt we will get a few more from members on the other side, but we on this side of the house are very interested to hear what members on the other side have to say about this policy. We will be collating all the self-congratulatory speeches and reflecting on them in a couple of years’ time when, quite inevitably, they will be shown up for not being able to deliver all they have promised. I am sure that members on the other side will disagree with me on that, but the proof of the pudding is always in the eating. When we look at the government and this motion, we see that it is asking us to congratulate it for the “vibe”, like in the movie *The Castle*. It is the vibe of the thing. That is what it wants us to congratulate— not actually delivering, but it is the thought; it is the policy. It is *The Castle* all over again.

The budget papers tabled earlier this year show what this government is all about. It has not been able to adequately fund a number of projects it announced before and during the election campaign on Metronet and in other areas as well. I want to give a couple of examples. A lot has been said about the Morley–Ellenbrook line. According to the now government, when it announced that policy, construction on the Metronet Morley–Ellenbrook line would commence in 2019. Do we see that in the forward estimates? No, we do not. The 2017–18 budget papers have no funding allocated to the construction for that section of line in any year—I repeat: in any year. The government indicated that construction would commence in 2019. If it was so sure about the figures it released prior to and during the election, that money should have been reflected, at the very least, in the forward estimates, but it was not—broken promise number one.

Then there is the removal of four dangerous level crossings. On 15 February 2017, the then opposition released a press statement, which is titled “Metronet plan includes solution to WA’s most risky road”. It outlines the Labor Party’s commitment to Denny Avenue in Kelmscott. I acknowledge that that is in the budget and I think that is a very good thing. The press statement reads —

As part of WA Labor’s long term program to remove dangerous level crossings along the Armadale, Midland and Fremantle rail lines, METRONET stage 1 will include four level crossing removal projects:

- Denny avenue in Kelmscott;
- Caledonian Avenue in Maylands;

One that I cross regularly —

- Oats Street in Victoria Park; and
- Wharf Street in Queens Park.

The removal of the four dangerous level crossings was to be delivered as part of Metronet stage 1. Do we see funding for the removal of the crossings in this year’s budget? No, we do not. Again, the 2017 budget papers provide funding for only the Denny Avenue crossing in Kelmscott. No funding has been allocated for Caledonian Avenue, Oats Street and Wharf Street. The Labor Party noted that it was planning the project, but there is no physical money for the removal of those crossings.

I turn to the Midland train station project, which I touched on last week in my contribution to the debate on the tabled papers. Given that we are talking about Metronet, for the purpose of this debate I will reflect on my comments of last week because I think it is important. It was with a lot of fanfare that the member for Midland and the then opposition announced that they would commit \$79 million to this project. I refer to an article that appeared in *Echo News*, which reads —

The Midland train station and bus port will be relocated east, towards Cale Street, with construction —

I emphasise the word “construction” —

starting in the first term of a McGowan Labor government at a cost of \$79 million.

It is pretty clear that the Labor Party would commit \$79 million in funding because that is what it expected the project would cost. What do we see in this year’s budget? We see an allocation of \$28 million towards the project. I must admit that I took it that the majority of the \$28 million, albeit it was for planning, would go towards the Midland train station relocation. However, when I asked for clarification about the \$28 million during the budget estimates process, it came as somewhat of a surprise to me to learn that in fact only \$2 million of the \$28 million has been allocated to the relocation and that is for planning. No money has been set aside for the construction phase of the project. There is clearly no business case and no construction timetable—there is absolutely nothing. It is quite clear to me and the opposition that when the Labor Party was in opposition, it plucked figures from the air. Again, I will refer to the *Hansard* of the budget estimates process, which reflects that. I asked the minister and his officer very clearly why funding had not been allocated in the budget. The minister’s response was —

It is not reflected because the planning has not been completed yet.

I asked whether the then opposition’s figures were incorrect or whether they had been made up. The minister responded —

Those figures that were used in the then opposition’s documents were the best available information that was gleaned from a range of things, including former Treasury briefings or former budget estimates hearings such as this. So they were the best available information at the time. This project —

This is the most important part —

has not been properly funded yet, and until we know what it is going to cost we cannot tell you exactly what the figure will be at the end of the day.

I asked —

So the minister therefore cannot tell me when construction is going to commence?

And Minister Dawson responded —

No; my advice is that we cannot tell you that at this stage.

The Labor Party made it very clear during the election campaign that it would cost \$79 million and that it would start in the first term of a Labor government, yet the minister representing the Minister for Transport in this place categorically said in estimates that the government could not tell us how much it would cost and when construction would commence. That is just unacceptable.

Those are a couple of examples primarily within the East Metropolitan Region, which is already revealing flaws in the Metronet policy. As I indicated before, a couple of my colleagues will offer a few observations in their contribution to this motion. The simple fact is that the government cannot give out glossy documents and rebadge projects and expect the people to believe it when its budget comes out and a number of projects that were promised, and promised to be delivered early, such as part of stage 1 Metronet, will not be delivered. It is quite clear to the opposition that Labor substantially underestimated and understated the true cost of the total Metronet plan. It refused to get it appropriately costed by Treasury. It is quite clear to me—Midland station is an example of this—that its figures were patchy at best.

I indicate to the house that the opposition does not intend to congratulate this government as the motion suggests on its Metronet policy. The government will have to provide more than words and a policy that states that it will do this and it will do that; it actually has to deliver on its promises. Apart from the Forrestfield–Airport Link project, which was funded by the former Liberal government and the federal Liberal government and commenced under the former Liberal government, we need to see more from this government. We will be watching very closely and I absolutely reckon that in a couple of years' time, we will be able to re-read a number of speeches in this house and reflect on the fact that many more projects have not been delivered.

HON TIM CLIFFORD (East Metropolitan) [1.46 pm]: I rise today in support of the motion. It is quite good to stand in this place and support a pro-rail policy, given that under the two terms of the previous government I was actively involved in campaigns promoting more integrated rail system across the metropolitan region of Perth. It is especially relevant to getting people around the east metro in particular as we see with the Forrestfield–Airport Link and the Thornlie line extension. I know that that is heading out towards the Cockburn way but at least it will keep people moving.

I go back to when my real passion for rail in WA began, which is the light rail system that we have been advocating for since 2007. Under the hung Parliament of the Gilliard government, the Greens negotiated \$ 500 million for a light rail system in WA. That was supported by the Barnett government in 2010 and we applauded that. But the dark shadow of the Abbott government loomed in the distance on the horizon and unfortunately that program sunk and the money was rolled into the doomed Roe 8 project with no business plan to back it up. A light rail system would have integrated the city and would have got people moving, particularly low-income earners in the far regions of outer metropolitan area, such as Armadale, and people in Burns Beach in the north. We have a stretched city and we need to get people moving but unfortunately after cooperation between the federal government and the Barnett government, the Roe 8 project was forced onto the community. That project would not have done much apart from destroy wetlands and go against the wishes of the broader community. It is sad. I have spoken to people over the past few years and people not only oppose the Roe 8 project for environmental reasons, but people who travel around the world have seen other systems that are in place and have seen what we could have had and what has gone, unfortunately.

We are also really lucky. Melbourne, for instance, has an integrated tram system that gets people around the city. It has brought communities together and there is broad support from the community. These days if we ask the public whether they support a rail system, the overwhelming response is yes. In the past, the Perth to Fremantle line, not to mention other projects, was in danger of being scrapped. The broader community is left dumbfounded because whereas there was a push against rail over the previous eight years from the state government, we now have broad support and commonsense in the acknowledgment that the government does play a part in getting people moving.

We have broad support for a public transport system, but we have an issue with getting people onto the public transport system, because there is a decline in usage. I guess that comes with the hardship people are feeling about the decline in the state's economy. It is getting tougher to get around the city. I know that because I speak to students. My dad lives just off the Seaforth train station in Gosnells. He is on the pension now but for a long period it was difficult for him to be on a low income and travel into the city and then go from the city to wherever he had to go for a doctor's appointment or to pick up some goods. He had to pay up to \$8 a day, which might not seem much to people in here, but it is a lot of money if people are travelling three or four times a week. It adds up very fast, especially for people on a pension or a low income. That is a real deterrent to getting people onto the rail system. It is worth noting that we should be looking at ways to encourage people to get onto the system. That requires having unified support across all parties for a good integrated rail system and a good public transport system more broadly. We should look at fees and ask what are the barriers to getting people onto the rail system.

People now are experiencing not only energy poverty but transport poverty. They are not willing to fork out the change that they have been putting away for months just to go from A to B. They are looking at other methods to get on. That is why people are risking getting on the train system and risking getting caught because they cannot afford to pay the fines. A number of people also go through the court system because they have issues with paying not only their parking fines but also their rail fines. A number of times I have been on the Perth to Armadale line and have seen a student picked up for not paying their fare. They say that they are on Centrelink benefits, they are studying and they still have four units to do, they can work only eight hours a week, which barely pays the bills,

and they must decide whether to pay their power bill or top-up their SmartRider. That is the choice that people have to make every day. That is something that needs to be considered when structuring the fees to make our public transport system more accessible. I think we need to make the public transport system more bike friendly for the bike lovers out there. We need to look at what we have compared with other rail networks around the world with regard to having dedicated spaces on a rail network so that people who want to cycle around the city can take their bicycle on the train.

That ties into how we plan our cities. If we consider the light rail network in Melbourne or on the Gold Coast, for example, it is clear that whenever light rail is implemented, developers, communities and councils plan their cities and structure the housing. Specifically when considering low-income earners and where they live, and the low socioeconomic areas of our city, one aspect of breaking the cycle of poverty is getting people closer to the rail system and closer to those bus networks and making places more accessible. Instead of opening up vast areas of land north of the city as the developers are pushing, we need to be part of that conversation and ask if they have considered developing some of the areas around our rail network. I know that they might not make the vast amounts of cash that they would have by opening up thousands of square kilometres north of the city and selling off small lots for pretty expensive prices just to make the profit margins, but they could be good citizens in our community and work with the government to ensure we get our infill up to standard, because we are far away from where our infill needs to be. I was at a planning seminar a couple of years ago and people there talked about how we are very far off where we need to be in relation to infill. One of the issues we have with infill not meeting our target is that we do not have that incentive to get places built around the rail network as well as the businesses. As soon as we put in the light rail system and extend the rail network, people and businesses will be looking to build their infrastructure around those areas.

There is a profound disappointment coming from a lot of people in the outer metropolitan areas and from a lot of councils I have spoken to about our transport system. A huge number of people are moving into the outer region, and an ever-increasing number of people are moving from country areas to the outer metropolitan areas of our city. The expenditure for these councils seems to be going up and the population seems to be going up, yet the revenue base is pretty much either stagnant or going into reverse. We need to look at providing these services to those outer metro regions. We need a good integrated network around the city and we also need to bridge that divide between city and country areas. A lot of debate here goes from country to city, but what is the city and what is the country? Kilometres of suburbia leads out into the hills and to the Byford area in the south where there are new developments in place with thousands of people moving into those areas, so we really need to rethink where we put the infrastructure and the rail system.

In closing, I support the motion. I think we need to do better. We need to be more ambitious. I will continue to advocate for light rail because unless we get the system in the city and get it moving, we will be a less desirable location for some of the people who want to move to our city and we will be hindering ourselves with regard to things like economic growth and social cohesion if we do not have this network.

HON TJORN SIBMA (North Metropolitan) [1.59 pm]: I rise also to make some brief remarks about this motion as put. It will be no surprise to members opposite that I am not going to join them in their orgy of self-congratulation, which is all this is. There is nothing at all innovative in the design of the system and nothing transformative in the function of the policy. It is purely a branding exercise; that is all it is. Forgive me for not patting the Labor government on the back for using this as one of its election-branding exercises.

Several members interjected.

The PRESIDENT: Order!

Hon TJORN SIBMA: But I will say this: I think this is an issue worth returning to probably more frequently than my friend, Hon Donna Faragher, suggested. I think we should come back to this every six months. Let us just plot the progress of the delivery. After eight months, not much has been delivered. If we were to believe the Labor rhetoric, Metronet would be up there with the Colossus of Rhodes and the Great Pyramid of Giza, but it is not that. It is not fantastic, it is not wonderful, it is not transformative, it is not innovative and the Labor government cannot afford to deliver it. This is where the policy is tested.

I want to very briefly refer to the extension of the rail line to Yanchep. Labor went to the election with a \$386 million costing for the Yanchep rail line extension, yet in the budget papers that cost has ballooned to \$520 million, with contingency put outside the estimates. There has been no explanation for that. That is an increase of nearly 50 per cent, when this is still a desktop exercise and not an inch of rail has been built. The government has not built an inch of rail.

Hon Alannah MacTiernan: Seriously! We have been in government for only —

Hon TJORN SIBMA: Welcome to government, minister! The minister might forget which chamber she is in, but in this one she actually has to deliver and she is not delivering.

Several members interjected.

The ACTING PRESIDENT: Order, members! Minister for Regional Development, when the Chair is calling the house to order, the minister will cease interjecting.

Hon TJORN SIBMA: There has been no explanation for that cost escalation.

Hon Alannah MacTiernan: A snail could have done better than your mob.

Hon TJORN SIBMA: That is an apt metaphor to use, former Minister for Transport.

When we inquired in estimates about that cost escalation, there was effectively no answer given. The response was that there was a change in parameters. I think it is worthwhile interrogating why there has been a 50 per cent increase.

Hon Alanna Clohesy interjected.

Hon TJORN SIBMA: Did the Labor Party go to the election with all the costings? Is that what the member is suggesting? Is the member suggesting that Labor did not get its numbers right? That is probably because they were not subjected to Treasury scrutiny before they were put in. That is very, very naughty!

Hon Samantha Rowe: Did you just say “naughty”?

Hon TJORN SIBMA: Hon Alanna Clohesy called a colleague “darling” and I called the Labor Party “naughty”; it seems to be open slather today. Hon Darren West brought out his old train set. This is the anything-goes motion, so I thought I would go with how it is rolling. The contribution given by the member for comic relief on that part of the Labor bench where careers go to die has pretty much set the standard for debate on this motion and I just thought I would participate in the spirit in which it has been delivered.

There is no explanation for that cost escalation before any additional track of rail has even been laid—before the government has even got started. There is nothing there. There are plenty of unknown contingencies. I want to refer to this mysterious Labor concept of value capture in which developers will buy into the rhetoric and the dream and will be happy to cough up to \$100 million in cash or in kind—it is indeterminate—to subsidise the cost of the rollout of the line to Yanchep.

Hon Darren West: It is in the seat of Pearce.

Hon TJORN SIBMA: I know where it is; I know very much where it is.

There is absolutely no contingency provided for if that \$100 million of value capture is not committed by industry. When I put that to Mr Kannis, who is now the project director for Metronet at the Public Transport Authority, his view was that the developers will see it and will want to contribute. Forgive me for not taking such a charitable view of the likely contribution the government will get from industry. The real world does not work that way. The government might think it does, but it does not. Now that the government has set the parameters for when it wants to deliver this extension, guess who has the leverage in negotiations? It is not the government; it does not have a hope.

Hon Alannah MacTiernan interjected.

Hon TJORN SIBMA: Recycled views from a recycled member; I am not really that interested.

Hon Alannah MacTiernan: You think that me actually having experience doing a job is a bad thing. I think that is the problem with your side of the house.

Hon TJORN SIBMA: No.

Hon Alanna Clohesy: Forgive me, but it is a bit of a track record versus no record.

Hon TJORN SIBMA: Not yet, but I promise to invite the member to the opening when inevitably we open these stations. I will put her in the VIP section, because I understand her passion.

What is important about this policy is the delivery, and the government is nowhere near clear to delivering it. The government cannot cost it and it cannot account for blowouts. How is the government going to build three stations simultaneously and take value capture from developers when each has their own interest in not seeing stations all built at once, but in a sequence? From this, I will refer to previous experience too, because I have worked for a land developer in the northern corridor. I know exactly what the calculations are. Some time has gone past, but I know exactly what the strategy is and I tell the government what, it is getting played off a break. The government cannot deliver that extension in the time frame it has set itself with the cost it has set itself. If this comes in under \$800 million, I will write the government a note of congratulation, but until that point, and we might be a long way off that point, we are going to hold the government accountable for what it delivers.

I want to close by saying that I will take advice from the honourable member opposite. I know that she has experience—she does. But I will not take the assurances provided from the current Minister of Transport—I will not do that—because I doubt that the transport ministry has seen more a details-light minister in the last 10 years

than the incumbent in that position today. I refer members to last week's so-called reform of the on-demand service industry. There is no regulation, no legislation and the minister has not gone out to defend it. She has not even sent out a parliamentary secretary to defend it. She sent out the poor underemployed, but talented, member for Armadale, who for whatever reason cannot crack the A team of the Labor cabinet. I can find plenty of opportunities to move him in and move others out, but it would disrupt the factional balance. Forgive me, but because the Minister of Transport is so details-light on this so-called reform, I will not take her word for the costs and the scheduling as they apply to Metronet. It is worth scrutinising. I will refer to another issue under the minister's suite of responsibilities. Like many other members, today I took a briefing on the e-conveyancing regulations. It is impossible to get a straight answer about the kinds of risks that that system, which the minister is overseeing, will impose. I do not think she understands what she is doing. I know that she does not understand what she is doing with the reform of the taxi industry and I have absolutely no faith —

Hon Alannah MacTiernan: You had eight and a half years and you did nothing.

Hon TJORN SIBMA: Forgive me, member, I have been here for only eight months. The member can judge me on my record in eight years' time, but not before that time.

Several members interjected.

The ACTING PRESIDENT: Order, members.

Hon TJORN SIBMA: I think that level of charity is something that even the member can deliver on.

I do not support this motion. I will not participate in this orgy of self-congratulation, of Labor slaps on the back: "Aren't we wonderful." I will judge the government on its performance, and I know its performance is pretty ordinary. I look forward to future opportunities.

HON PIERRE YANG (South Metropolitan) [2.09 pm]: The motion before us congratulates the McGowan Labor government for its great policy of Metronet and the benefits that Western Australians will see in the investment in railway infrastructure, and, more importantly, jobs for Western Australians. Why would people support Metronet? Why was the Labor Party elected on 11 March 2017? A major reason people voted for the Labor Party is that Metronet is a good policy that will deliver for Western Australians and people living in the Perth metropolitan region. We have 2.1 million people living in the greater Perth region, and public transport is a major part of people getting to work, going home, going to events, and taking their family out on the weekend to visit parks, the CBD for shopping, or other activities. In my time as a student and as a lawyer, I used public transport as much as I could. I was lucky to live in a suburb that is well connected to train and bus services. It was so much easier for me to hop onto a bus after I left home and get off at the bus stop about two or three minutes away from my work. It was very convenient. I did not have to worry about parking, petrol or congestion on the way to work or at the end of the day on the way home. My children also very much enjoy bus and train rides on the weekend. They insist on getting onto a train so that they can go to the city or to Scitech; it is their preferred method of transport. I enjoy the time with them on the train. I do not have to worry about traffic conditions and bumping into traffic in front of me.

I have been living in Australia since 1998. I spent the first bit of my time in Australia in Sydney and came to Perth in 2000. I saw the public transport systems in Sydney and in Perth. As an international student, I did not have a car and I used public transport quite a lot. When I first came to Perth, I lived in Osborne Park and I visited my cousin who lived in Belmont. I would jump onto a bus, go to Glendalough station and take the train to Belmont. It was always a good ride. More importantly, as a student with no motor vehicle of my own, that was the way that I moved around. The differences that I observed between the public transport systems in Sydney and Perth back in the days were that the trains in Sydney were a lot bigger; they were double-storey trains that carried a lot of people. The ones in Perth were a bit smaller, but were more comfortable and modern. In 1999 and 2000, the trains in Sydney were gradually being phased out for new modern cars, but Perth already had the newer ones. I was very pleased to use the trains when I first came to Perth. I also used the bus system. The frequency of buses in Sydney was a lot higher. In Perth, especially on a weekend, a person may have to wait for half an hour to an hour for a bus. I am sure that these days the system and the frequency is a lot better.

Another major advantage Perth has is the ticket system. When I came to Perth in 2000, I noticed that when I bought a ticket, it was valid for one and a half hours, whereas in Sydney when I bought a normal ticket, it was valid either for a single trip or a return trip. There was no time limit on either tickets. If a person got on the wrong train or got off at the wrong station and if they went out of the station gate, their ticket was gone and so was the money that they had spent. In Perth, if a person went to a wrong station, so long as it was in the time limit, they were fine. I was very impressed. What I was more impressed by was that after the 2001 state election, I realised that the ticket became valid for two hours instead of one and a half. I now realise that in 1997, the Court Liberal government reduced the time validity of the tickets by 30 minutes and in 2001 the Gallop Labor government reinstated the 30 minutes that were cut. I thought that was very good initiative. For a student with limited income, that half an hour gave me a lot, and that would be true for a lot of people who were on a lower income. That was a helping hand by a government that cared about people.

The other difference I spotted was that Sydney, a big city, has circle routes, whereas Perth has a radial route. Perth station went out on the Joondalup line—we did not have the Clarkson extension yet—Midland line, Armadale line and Fremantle line. If a person lives at one end of the city in Fremantle and they want to go to Armadale, they have to travel all the way to the city and all the way to Armadale on the train. That was the difference that I noted. In Sydney, there were also interconnections and trains that connected stations along the way that were further apart, rather than having a person travel all the way from one end of the city to the central station and going to another destination. A person can shorten their time and get to their destination a lot quicker.

I mentioned that 2.1 million people live in the greater Perth region. Hon Darren West mentioned that quite a bit of the greater Perth metropolitan region is now touching on the agricultural region and the south west region; Perth is growing. How are we going to deal with traffic congestion issues? How are we going to encourage people to use public transport and encourage people to use trains? During the last eight and a half years of the Liberal government, a major transport issue for me was the closing of Riverside Drive. Elizabeth Quay, a project the former government undertook, was built; however, by having this project, the state essentially cut off one of the major traffic arteries for people travelling from the south eastern part of the city to its western part. Traffic was diverted from the Riverside Drive route to the city centre or the tunnel. That caused more time delays and more congestion.

I learnt today, from an interview by Geoff Hutchison with the former Premier, Colin Barnett, on 720 ABC Perth, that the project was initiated and implemented without consultation. That was one of my many concerns about the former Liberal–National government. The creation of that traffic artery caused more traffic congestion.

Hon Simon O'Brien: What traffic artery was that?

Hon PIERRE YANG: Riverside Drive linking up to Mounts Bay Road.

Several months ago, I had a conversation with an engineer. He suggested that a potential solution to that situation would have been to sink the road while the project was being constructed so that traffic would not be disrupted. That would also have been a lot cheaper. It is obviously too late to do that now. It would cost a hell of a lot more if we tried to dig a tunnel under a project that is underway. In any event, that is history. We cannot do much about it. We need to look to the future and how we can help the people of Western Australia by ensuring there is less traffic congestion when they go to work and go home.

The solution is to improve our public transport system. We need to encourage more people to use public transport, both rail and bus, for their daily activities. The more convenient we can make public transport, the more people will use it. However, there is a continuing decline in the number of people who are using public transport. We need to reverse that trend. Metronet will help us do that. Metronet is an integrated transport system. It will be for the long-term benefit of the state. Stage 1 of Metronet will deliver 70 kilometres of new passenger rail, with up to 18 new stations.

One of the important projects in stage 1 is the Forrestfield–Airport Link, which was mentioned by Hon Donna Faragher. I am not disputing who did what, but this is part of the Labor government's Metronet policy. Another project is the Yanchep rail extension. Closer to me, there is the Thornlie–Cockburn link. Those are very good projects that are being delivered by the Labor government. Other projects are the Morley–Ellenbrook line; the removal of level crossings at Denny Avenue, Caledonian Avenue, Oats Street and Wharf Street; the relocation of Midland Station; the new Karnup station on the Mandurah line; and a new multistorey car park at Mandurah Station.

An amount of \$1.34 billion has been allocated in the 2017–18 budget for these projects. Over the life of the Metronet project, thousands of jobs will be created for Western Australians. When we expend public money, we need to get the biggest bang for our buck that we can. On the one hand, we will get a state-of-the-art project that will help people with their daily lives and transport needs. On the other hand, we will create jobs for Western Australians. I am very glad that is being done by this Labor government. Labor has a history of supporting public transport and supporting rail. I will not mention the 1979 closure of the Fremantle line and the reopening of that line in 1983.

Hon Simon O'Brien interjected.

Hon PIERRE YANG: I think 1983 was a very good year! I was born in that year, by the way!

In the last eight and a half years under the Liberal–National government, a mere seven kilometres of rail was delivered. During the seven years that the Labor Party was in government, it delivered 80 kilometres of rail—namely, the Perth–Mandurah line, the Thornlie line, and the Clarkson extension. These projects were done under the stewardship of Minister Alannah MacTiernan. Minister, it is a great honour to serve with you in this house.

Hon Alannah MacTiernan: Thank you.

Hon PIERRE YANG: When I was a youngster, I used to listen to the news and hear these projects announced and implemented, and I looked up to the minister. I am now sitting in the same house as the minister, and I have to say it is a great honour.

Hon Alannah MacTiernan: Thank you.

Hon PIERRE YANG: I would also like to thank Hon Alanna Clohesy for moving this very important motion. I congratulate the McGowan Labor government for taking swift action to implement and fulfil the promises that the Labor Party has made to the people of Western Australia.

HON ALISON XAMON (North Metropolitan) [2.26 pm]: I rise to add to the comments that have been made by my colleague Hon Tim Clifford, and to make some additional observations. I note from the outset that the motion uses the word “congratulates” and goes on to refer to the McGowan government’s Metronet policy. I suspect that is a bit of a poke in the eye for members opposite. If we are to start congratulating a party for its policies, I would like to point out that the Greens have a range of amazing policies, and the house can feel free to congratulate us as well for having those policies.

Hon Darren West: What is your Metronet policy?

Hon ALISON XAMON: I will get to that, member. What we should do is talk about what will be delivered and what will happen. We all go into elections with policies. Some policies are better than others. However, congratulations are probably in order only when a policy has been delivered. Nevertheless, the Greens are very supportive of the Metronet policy, not least because it is very similar to the Greens’ policy “Transit City: A WA2.0 project”, which has been in development since 2007. That policy is not just about heavy rail; it is also about, as has been pointed out by my colleague Hon Tim Clifford, the use of light rail and bus systems. The Greens have always recognised and had as the core of our policies that public transport needs to be integrated with planning for the future of Perth. We have long been advocating for this at both the federal and state level. We recognise that Metronet will fix some of the connectivity issues across Perth. However, that will need to be supported by a fast and effective bus and light rail system, as per the Greens’ Transit City policy.

One of the key things that Metronet can do is support infill and transit-oriented development. Metronet focuses on the suburbs that are currently poorly served by public transport, probably for good reason, because we are talking about areas that have long been neglected around public transport. However, I need to point out that Metronet can be envisaged as also a transformative project that will provide our city with a public transport network that will make it easier to navigate our sprawling suburbs and relieve congestion. Metronet could also—this is what I wish to speak about—provide reasons to build infill development and build up the secondary centres within our centre. The area to the north of Claisebrook train station is a classic example of where we want to make sure that the government gets planning right to maximise the opportunities that would be available for policies such as Metronet. I believe that area would provide an absolutely great opportunity if the planning was done properly. That area could model what an infill development based around public transport could, and I think should, be. A train station is already in the area—Claisebrook train station—and there are two if we also count East Perth train station, which was recently upgraded to facilitate access to Perth Arena. It is at the northern edge of this area. There is already —

Hon Simon O’Brien: Who upgraded that? Was it a Metronet project?

Hon ALISON XAMON: No, I do not believe it was a Metronet project; I believe it was part of the Perth Stadium project. I think it was a really good train station to be upgraded. I was there in the last couple of days; it is looking pretty impressive.

Hon Simon O’Brien: How did you come to be there?

Hon ALISON XAMON: I live around there. A massive drawcard exists in that area, which includes nib Stadium; members may remember it as the old Perth Oval. The area is walking distance to both the WACA and the new Perth Stadium. Even better, a local community is supporting the development of mixed-use residential, commercial and light industrial development in the area. The local council planning scheme for the area is still waiting for formal sign-off by the Minister for Planning. The plan is for a very vibrant diversity of accommodation and business in a mixed residential–commercial setting. For the purpose of today’s motion, it is important to note that the Claisebrook Collective, which is a collection of all these entities, has worked really hard to demonstrate the economic, social and cultural benefits of ensuring that this area is turned into a genuine transit-oriented development. It also recognises that even if the government allows that area only to increase in density to the equivalent Mt Lawley and Highgate areas, we will already have an incredibly vibrant precinct. However, there is scope to increase the density even further, particularly so because it is near two railway stations.

Currently, there are two reasons the development is not going ahead, despite this enormous groundswell of support from a wide variety of stakeholders, and they are effectively the Hanson and Holcim concrete batching plants. We need to recognise that this is an absolutely prime area for infill to demonstrate the sorts of things that Metronet stations can and will provide if the government also gets right the planning around them. Instead, a number of approved development applications have stalled because they are waiting for the concrete plants to move, which they were meant to have done by 17 October, which has just gone. I have said before that the arguments for the concrete plants to stay in the area are weak. They really need to go; there is no requirement for them to be there. The owners of the plants are refusing to move them, which keeps holding up the process and runs contrary to the town’s planning scheme and the development of an area that could and should demonstrate the value-adding of urban infill.

I really want to say that it is not enough to simply look at developing Metronet—developing heavy rail—in isolation. The government should really make sure that the various planning schemes around these corridors are consistent and maximise the opportunities to create transit-oriented developments, particularly where the communities are demanding and screaming out for them. We do not have to wait for Metronet to start implementing transit-oriented developments and urban infill, although that is something that absolutely needs to be created for the future, because we can start to do it now. We can start doing it in Claisebrook. My very strong message to the government is that if it has a vision for how Metronet could potentially transform the city, it has an opportunity to demonstrate that right now with the full backing of the community, businesses, developers, residents and the local council in the area. It is very rare to get that sort of consensus. We need the government to commit to signing off on the City of Vincent's town planning scheme, as it is written without any amendment, and to finally move the concrete plants to a more sensible area of the city.

I am glad that Metronet is a policy on this government's agenda. It is almost as good as the Greens' "Transit City: A WA2.0 Project". There is still more to go to ensure a clear vision beyond simply heavy rail and that we will have the collection of light rail and appropriate rapid bus services. Stuff can still be done right now by this government—in fact, it could be done this week, if need be—to make it very clear that this is a holistic vision that the government is prepared to commit to. The government can start by signing off on town planning scheme 2 and allowing the Claisebrook community to be its first flagship opportunity for a transit-oriented development. If government members want to give Metronet the credit, they can knock their socks off. I do not really care as long as we finally get the plan signed off as is.

HON MARTIN PRITCHARD (North Metropolitan) [2.36 pm]: I am quite pleased to rise to support this motion. I note that it mentions the government's vision for Metronet. It does not criticise any other party that might have good ideas and for that reason I am very pleased to support it. I will make only a brief contribution. Hon Tim Clifford picked up on many of the points that I wanted to raise, so I hope I will not recount them all again.

I have lived in the northern suburbs for all my adult life and much of my childhood, so I am very excited about the extension of the rail line to Yanchep. In my youth, Yanchep was one of those places to which people would travel for a weekend away. It was considered to be a long way away, and I have quite happy memories of visiting Atlantis Marine Park and such there. Now, of course, it is considered part of the metropolitan area, and we will eventually have housing almost up to Yanchep. With that sort of extent of housing up that way, we need to look at how we will cope now and into the future. Obviously, there are a lot of challenges. A vision such as Metronet is something to work towards and hopefully gain support for to try to deal with some of the issues that we will have in the future. The plan is to extend the rail line to Yanchep. My understanding is that Yanchep is touted to be sort of a second city in Western Australia. It is far enough away to be a hub in its own right, and hopefully it will turn into a jobs hub as well. Hopefully, it will start to attract people who are not just travelling south in the am and north in the pm to return home; it will divert some of the traffic to travel north in the am and south in the pm. I think that is desperately needed in the northern suburbs. Again, I reiterate that I have lived in the northern suburbs all my life. I lived up that way before the freeway went anywhere near where it does now. As I said, I am very excited about that aspect of Metronet. It is worth \$520 million and is the sort of infrastructure that we should be planning to spend money on. There are other examples of infrastructure that have been invested in over recent years that I have not been so supportive of, but this is the sort of infrastructure that I am very supportive of.

It is also important to make sure that we put in this infrastructure as part of the planning for that area. We need to put in the infrastructure and have the precincts built around the stations and such. All that sort of planning needs to be put into place now, prior to it being built out. I had occasion to visit some friends in Ellenbrook recently and whenever I drive through Ellenbrook, I think, "Gee, if some planning had actually gone into that place prior to it getting as big as it did, it would've made for better lives for the people living there." Ellenbrook is a lovely place, can I say. It has some lovely areas to visit and is, I think, a great place to live, but if we had our time over again, we would have planned it differently. Part of that would be to make sure that we had the transport infrastructure in place before it grew as large as it has.

In that regard, something that will assist in improving the transport infrastructure we want is the concept of value capture. The government has to be innovative in the way it does things. It cannot just throw up its hands and say, "We've had a bad set of books given to us so this isn't going to be done." We are going to have to think of ways of getting things done, and obviously this is one way of doing it. I do not think there is any problem at all with developers putting their hand in their pocket and supporting these types of plans into the future.

I have noticed that there is a lot of politics around this issue. The opposition is trying to suggest that we are getting to the stage where we have been in government for seven months, so we should have fixed everything by now. That leads to a question in my mind: when will the Barnett government be excused from blame for the books it left us? The answer I have is never. It will never be excused. It was based on a gamble that the former government could convince the federal government to change the way the GST was put together and it lost that gamble, and this state will be paying for that for a long, long time. It is up to the McGowan government to put the state on a path to try to resolve that. We are going to have to find ways of putting in place the transport infrastructure that needs to be put in place. We cannot—although we probably will—just rely on blaming the previous government for leaving us no money to put this sort of infrastructure in place. I think the opposition needs to pull back on that

particular line. Although I am sure that eventually it will get a grip, it is not a line that it can run seven months into a new government. I state again: I do not think the Barnett government will ever be excused for the way in which it dealt with the books of the Western Australian people.

In the debate up until now, both sides have said, “We built, we paid for and we did this.” Actually, the people who paid for it are our constituents. Whether we represent them now or the opposition gets an opportunity to represent them again at some time in the future, it is actually their money, not ours, so any credit we might take should be for the planning, the vision and the ways in which we get things done, using our constituents’ money. Hopefully, if the GST issue is resolved at some point in the future, we might have a bit more money to do these things.

In the meantime, value capture is one of those —

The ACTING PRESIDENT (Hon Martin Aldridge): Order, members! There are a number of audible conversations happening in the chamber, to the point where I am finding it difficult to concentrate on Hon Martin Pritchard. Could we all please pay attention to the member on his feet.

Hon MARTIN PRITCHARD: Thank you, Mr Acting President.

We are going to have to be innovative to ensure that we get some of these things done in the future.

When I look at the reasons behind the distress with regard to Ellenbrook, I always try to remember what it was like to have to scrape a quid together. I think I have been in that situation for the majority of my life. I was listening to the radio on the way in this morning and heard about a guy who bought a \$1 000 car. It was one of those programs in which people can ring in and talk to consumer affairs about issues to do with, for example, buying a \$1 000 car. The guy had bought the car and it did not work; it was not roadworthy and he wanted to find out whether he could get his money back and such. That led me to think that many of the people in Ellenbrook moved out to that area to access home and package deals and pursue the great Australian dream of owning their own home, but it would be foolish to think that they all have a quid. Many of them probably struggle and are the sort of people who will go out and buy a \$1 000 or \$2 000 car if they have to, and one of the issues with Ellenbrook is that they have to do that because there are no alternatives. Their transport needs have not been looked after by governments of either persuasion. We need to put in place a feasibility study to work out how to fix that; that would be a good thing. I am not going to comment on the previous government, but it has to be fixed. The people in Ellenbrook cannot be left without any transport alternatives. At the moment, their only transport alternative seems to be the cost of a car.

As I said, I am reasonably comfortable now and I think most people in this chamber would be in the same boat, but I still remember—I think I mentioned this in my inaugural speech—going to the Bankcard machine, as they were known in the very beginning, and moving money about so I could actually draw out \$20. I have been in that situation, and there are many people in Ellenbrook and around that area who are in the same boat and we need to look after them. I hope Metronet will fulfil all those dreams and I hope other members in the chamber will support good plans that fix those sorts of problems.

There is one other thing I would like to touch on, if I may. There are many aspects of transport that need to be looked into. The train lines are obviously going to carry the most people and I think most people now accept the concept of catching a bus to a train line and then coming in on the train. That sort of infrastructure needs to be improved. If it is improved, it will take pressure off the freeways. As I have mentioned before in this place, the things that happen on freeways are quite fascinating to look at. There have been some small, effective changes, such as merging lanes, that have improved our freeways, but my research shows that it does not matter how good we make freeways because the better we make them, the more people who will use them. We will never get to a stage whereby we will get rid of freeway congestion altogether. We need to have a mixture of all forms of transport—the best freeway system; the best railway system; the best light rail system, if that eventuates; and the best bus system—so that people can move around the city. I am most excited about the Yanchep line. If we can build another hub, another area to which people travel for work and which draws people in a different direction at the appropriate times of day, it will create a more liveable city. I just wanted to touch on those things.

One other thing I saw in the papers was the introduction of the automated train control system. That is very exciting and the money that has been put into it has been well spent. If it lives up to the goal of improving travel times by 150 per cent, that would be an extremely good thing, particularly on the northern line at peak times. We have built longer trains, which is one way of fixing it, but shorter travelling times into Perth would be a great thing, which would improve the line.

As I said, we need an integrated vision for transport into the future. This motion is not about condemning previous governments; it is about congratulating the McGowan government on its vision for Metronet. I think it is a good vision and I have not seen anything that suggests that it will not work. I will be doing everything that I can to support it and I encourage everybody in the chamber to be of a like mind.

HON SAMANTHA ROWE (East Metropolitan — Parliamentary Secretary) [2.51 pm]: I am happy to rise this afternoon to support my colleague, Hon Alanna Clohesy, on bringing this motion to the house that supports the McGowan government’s plan to roll out our Metronet policy. We have heard a number of people across the chamber make contributions. Some of them have been interesting. Some of them, not all of them, have been a little bit overexcited. I want to touch on some comments that were made —

Hon Donna Faragher: It was still better than Hon Darren West's.

Hon SAMANTHA ROWE: I was not talking about Hon Darren West.

Hon Peter Collier: He is always very excitable.

Hon SAMANTHA ROWE: Of course. What is not to be excited about? We are in Parliament debating very interesting topics and issues as always.

I want to comment on remarks made by Hon Tjorn Sibma, who, unfortunately, is not in the chamber due to urgent parliamentary business. He made some comments about our Minister for Transport, Hon Rita Saffioti. He said that she was not across the detail. I refute that. Our Minister for Transport is one of those ministers who is 100 per cent across her portfolio. In rolling out this Metronet plan, she has done an outstanding job with what is a massive portfolio. I want to congratulate her publicly for what she has been able to do in the limited time that we have been in government.

I also want to touch on the great projects that we are rolling out in the East Metropolitan Region. My colleagues in East Metro, Hon Alanna Clohesy and Hon Donna Faragher, have touched on some different projects in the East Metro region such as the Forrestfield–Airport Link and the Belmont link. I forgot to mention my other East Metro colleague, who also rose today to make some comments, Tim Clifford —

Hon Peter Collier: Honourable!

Hon SAMANTHA ROWE: I am sorry—Hon Tim Clifford, obviously. He made some very sound comments. I want to echo some of those as well. Hon Donna Faragher made comment that the previous government has ownership over the Forrestfield train link. I do not think that is correct.

Hon Donna Faragher interjected.

Hon SAMANTHA ROWE: Hon Donna Faragher had her turn.

We went to the election in 2013 with a comprehensive transport policy, which was Metronet. Members opposite got into government in 2013—I congratulate them for that—and had some ideas about what they should do with public transport. I need to put on the record that we are the ones who came up with the public transport plan. Members opposite may have started it, but where did they get the ideas from? They were from our very comprehensive 2013 plan.

Hon Alanna Clohesy: I think it was about sandbagging the seat of Forrestfield, really.

Hon SAMANTHA ROWE: Maybe it was. That is all I want to say on those issues.

Hon Donna Faragher interjected.

Hon SAMANTHA ROWE: Hon Donna Faragher and I will have to agree to disagree on this issue.

The other point I wanted to touch on was the Belmont train station and the name of that station, which has been quite an issue for residents in the local area. I am pleased that the Minister for Transport, Hon Rita Saffioti, has opened up a survey so that locals can have their say on what the train station should be named. That is a great initiative and is welcomed by me and the member for Belmont, Cassie Rowe. People have contacted us who were pretty upset that the previous government named the station Belmont train station, because it is located in Redcliffe. This is a great way for local residents to go online and vote for what they want the train station to be called. It is really simple and I think it is a great initiative. I am pleased that the minister has decided to do that. I fully support everyone in the area making sure that they have their say before the vote closes on 19 November.

HON SIMON O'BRIEN (South Metropolitan) [2.56 pm]: I am delighted to try to resuscitate this quite unnecessary motion, which has attracted some support from the Labor benches but not enough to sustain it. Maybe I can help by saying that the government's proposal, its transport plan, has merit. I find it regrettable that we still seem to be unable to develop the maturity in this state whereby plans of necessity, plans of this type, can endure over successive governments and changes of government. That is what we need. We saw another illustration of that today with the discussion of the Forrestfield rail route—who owns it, who does not own it and all that. The government has to put a Metronet badge on it and say that Labor is exclusively responsible for everything that ever happens with the railway and so on. Some members need to develop a bit more awareness about how this sort of policy is formed. All too often, it is taken over by petty politics. I have expressed my observations about that as recently as yesterday when I spoke about similar matters in my budget reply speech so I do not intend to go over that again.

It is true that we need a blueprint for government. I will tell members when the Forrestfield line was identified as a future public transport infrastructure need and was first consolidated in a planning document. Other people might have mooted it at any stage and people in the Public Transport Authority or some other planning agency might have said that in due course we would probably need a rail line out there, but it became official and took final shape in a document that was prepared for me when I was Minister for Transport in about 2010. That was part of a process involving some people I had asked to prepare a paper to form a blueprint for public transport needs in the short, medium and longer term over the next 50 years. It was chaired by Stuart Hicks, a chap who has been a loyal servant to both sides of government over the years.

Hon Alannah MacTiernan: Hear, hear. I agree with that.

Hon SIMON O'BRIEN: Yes, that is right. I do not think there was a hell of a lot of enthusiasm for it in the government that I inhabited, which I think is quite regrettable, but it was a genuine attempt to try to develop a blueprint. Ultimately, it was put out in some form by a subsequent minister who I do not think got it, and that is regrettable. My intention had always been not to put a political party's badge on the paper, but to put it out as a discussion document for the whole community and for all stakeholders to contemplate and possibly for political parties to try to develop some joint ownership of. There was a range of shopping lists and timetables for short, medium and long-term projects within the document. It takes years and years to get, for example, sources of funding from maybe the feds or wherever for medium to long-term projects. That did not happen, because someone else wanted to do something else with it; they wanted to make it a political thing, and I think that is regrettable. That is a criticism of my own party and those responsible at the time. It is also a criticism of the party that is in government now, because it cannot help doing the same thing. I think that idea is regrettable for the people of Western Australia. The Forrestfield rail link was most definitely part of that plan. I know that because when Troy Buswell was away from the campaign for a few days in 2013, they asked me to step in and take a bunch of journos around to look at different infrastructure projects, and I had to pretend that that one was a bit more important than some of the projects that I would have prioritised if I had still been in the job. But that is the sort of gymnastic ability, Hon Martin Pritchard, that one has to develop in this place.

It has been interesting to observe members on the other side of the chamber in the debate on this motion thus far climbing the greasy pole and having to move these pointless, senseless motions that no-one outside this chamber ever listens to, congratulating themselves and noting the benefits that Western Australia will derive and the jobs that will be created. Okay; the government builds something, and there will be a workforce on it. Let us call that "Jobs being created for Western Australia!" For heaven's sake, are we ever going to get past that? Apparently not. I must admit that I was touched by Hon Pierre Yang's declared undying devotion for the former Minister for Planning and Infrastructure. It was very touching; I am sure the minister was moved by it, too.

Hon Alannah MacTiernan: I'm waiting for people on your side to get up and talk about your stellar performance as Minister for Transport.

Hon SIMON O'BRIEN: As ever, the minister is too gracious.

Hon Alannah MacTiernan: I'm sure that they are very keen to do it. I'm sure there's heaps over there who want to do that, and they will do it. We're not stopping them.

Hon SIMON O'BRIEN: The minister should sit tight, and we will give her heaps. We will probably continue to do it from now until doomsday, because that is the nature of the beast we are riding.

Anyway, I am trying to help the government out now, because it cannot muster up enough support to fill in the time available to it to brag about its own policy—none of the government members wants to get up!

Hon Alannah MacTiernan: I think we've had quite a few up, actually.

Hon SIMON O'BRIEN: We have had several contribute briefly. One or two government members mentioned Metronet, but the only thing of substance I heard was about what name to give a station in Redcliffe. I reckon, and I do not need to consult that widely, we should give full marks to the government for consulting with the public to work out that possibly the Redcliffe station ought to be called Redcliffe! It would be a major thing to work that out. I can hardly wait to see all Hon Samantha Rowe's constituents in Belmont ring up and say, "No, we vote for Belmont." I do not know what the member will do in that situation, but it is something we will look forward to.

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 — First Report —
"The efficiency and timeliness of the current appointment process for Commissioners
and Parliamentary Inspectors of the CCC" — Motion*

Resumed from 11 October on the following motion moved by Hon Jim Chown —

That the report be noted.

Hon NICK GOIRAN: Mr Chair, it is interesting that it is called the resumption of the debate when nobody has spoken. That being the case, I will happily start.

I understand that on the last occasion we clarified that we are operating under the standing order that a member is allowed to speak only once, and until such time as government members pull up their socks and get on with the proposed change to that standing order, that will be the case. As I read it, this tabled report by the current

Joint Standing Committee on the Corruption and Crime Commission simply seeks to put on the record the findings and recommendations found in the committee's thirty-first report, which was tabled in November 2016 when I was the chair. The committee has done that to seek a government response. One of the difficulties is that this report was tabled on 14 September, but it is not apparent to me when the government is due to respond. I wonder whether Mr Chair might give that some consideration into the future. I think it would assist members in the future if there could be some change to our proceedings whereby a request for a government response could be listed with the date for that response. I understand that this is a report of a joint standing committee operating under the auspices of the Legislative Assembly standing orders, and I do not know whether that has any bearing on our capacity to make such notations on our notice paper. The difficulty for me at the moment is that I do not know the answer to the questions: When is the government due to respond? Has the government responded? Of course, I am now eating into my time for my one contribution to the consideration of this matter. I do not think I can assist the chamber any further, and other than if there are any violent objections, I think that the matter should be postponed to the next sitting, because, as I read it, there is not yet the government response.

The CHAIR: The government response for this report is due on 14 December, which of course is after the house is due to rise for this year. If the committee is so minded, of course, it is open to the committee to either make remarks now on the content of the report or, for the reasons you have given, members may wish to preserve their moment to speak until the government response is available. In relation to the possible amendment of our standing order to provide for multiple speaking times, that is a matter that is within the control of the house and I am sure we all look forward to that matter being resolved in due course. However, there is also a tendency that we have seen in recent sitting weeks when contemplating committee reports that if a member does wish to have a second bite of a particular report, the Committee of the Whole has been inclined to grant leave to do so, so we can find ways around all of that. Member, were you proposing a motion before you sat down that consideration of this report be postponed to the next sitting of the house?

Consideration Postponed

Hon NICK GOIRAN: I move —

That consideration of the report be postponed.

For the absence of any doubt, that is precisely what I proposed and I think that my various comments were made in support of that procedural motion. I hope that I still have plenty of opportunity when we next resume to make a proper contribution.

*Joint Standing Committee on the Corruption and Crime Commission — Second Report —
“The ability of the Corruption and Crime Commission to charge and prosecute” — Motion*

Resumed from 11 October on the following motion moved by Hon Jim Chown —

That the report be noted.

Consideration Postponed

Hon ALISON XAMON: I move —

That consideration of the report be postponed.

It is important that we hear the government's response to this. A substantive number of recommendations are illustrated within the report. It is well and truly worthy of the consideration of the house in further detail.

The CHAIR: I inform members that the government response to this report is expected by 14 December.

Question put and passed.

*Joint Standing Committee on Delegated Legislation — First Report —
“Observations arising from the Committee review of the City of Joondalup Local Government
and Public Property Amendment Local Law 2015” — Motion*

Resumed from 11 October on the following motion moved by Hon Jim Chown —

That the report be noted.

Consideration Postponed

Hon ROBIN CHAPPLE: I move —

That consideration of the report be postponed.

It is unfortunate that this is a report from the previous Parliament that we have reconstituted because it was a very important report into process. I look forward to the government's response and, therefore, I seek to postpone deliberation on this motion until after we have received the government's response.

The CHAIR: I inform members that the government response to this report is expected by 14 November.

Question put and passed.

*Joint Standing Committee on Delegated Legislation — Third Report —
“Procedures for dealing with consequential amendments to delegated legislation
following enactment of primary legislation”*

Resumed from 12 October.

Consideration Postponed

Hon ROBIN CHAPPLE: I move —

That consideration of the report be postponed.

This is a fairly interesting report. I am not expecting a response, but we certainly made recommendations about the Premier’s circular. If I could seek some clarification, I do not think there is a response from the government on this. I seek to postpone deliberation on this motion until after we have received the government’s response.

The CHAIR: Members can find this on the notice paper of the day; it is the last item. The time given for the government response to this report is 12 December, so that answers your question, member.

Question put and passed.

*Joint Standing Committee on the Corruption and Crime Commission — Fourth Report —
“Parliamentary Inspector’s report on a complaint by Dr Robert Cunningham and Ms Catherine Atoms”*

Resumed from 12 October.

Motion

Hon ALISON XAMON: I move —

That the report be noted.

I want to make some comments about this report, which I think is a report of important public interest. If members have not had an opportunity to read the report, I urge them to get a copy. The committee has made a couple of recommendations. It follows the report by the parliamentary inspector, who is responsible for the oversight of the Corruption and Crime Commission and whose report is also tabled at the back of this report.

For those people who are unaware of the history, I might quickly summarise the circumstances that have led to this report. I imagine this may provoke some people’s memories about this incident, because it has been the subject of considerable media coverage over the past decade. In summary, in November 2008, Dr Cunningham and his wife, Catherine Atoms, were arrested while they were attempting to help a man who had fallen into a garden bed in Fremantle. During the course of their arrest they were both tasered and subject to rough treatment by the arresting police officers.

In December 2008, Dr Cunningham complained to the Corruption and Crime Commission about the incidents and the CCC oversaw an internal police investigation that found no evidence of misconduct on behalf of the police officers. I will say a little bit more about that, because the internal police investigation was done effectively by the same people within the station. In April 2010, Dr Cunningham and Ms Atoms were subject to criminal proceedings for their alleged conduct leading to their arrest on 2 November 2008 and the charges were subsequently dismissed. Then in mid-2010, Dr Cunningham wrote to WA Police, the CCC and the Parliamentary Inspector of the Corruption and Crime Commission regarding the ongoing investigation of the incident. I think WA Police, almost predictably, said that they had found that the officers had acted appropriately. The CCC referred the matter back to WA Police for investigation and ultimately determined not to take any further action, so there was no joy for Dr Cunningham and Ms Atoms at that point.

In 2011, the parliamentary inspector decided to investigate the matter and, as I have mentioned, that report is annexed to this report. The parliamentary inspector found that serious and credible complaints concerning police use of excessive force should be subject to a full independent investigation by the CCC. I note, and I think this is quite significant, that in December last year, Dr Cunningham and Catherine Atoms successfully sued the police officers as well as the state of Western Australia. The District Court determined that the nature of the police officers’ conduct was unlawful and malicious, and Dr Cunningham and Ms Atoms were awarded general aggravated exemplary and special damages totalling just over \$110 000 and more than \$1 million respectively. That was after going through all the court proceedings.

What is of great concern to me, however, is that despite having had their case demonstrated in a court of law and despite being awarded damages for what happened to them, the CCC still has not seen fit to further investigate the matter. There are two recommendations from the committee about this. The first recommendation is —

That the Corruption and Crime Commission recommends to the Commissioner of Police that the conduct of the police in this matter is reinvestigated by experienced investigators unconnected to the original internal investigation. Focus would be on ascertaining whether any criminal conduct on the part of police occurred and if so, consideration be given to appropriate prosecution and disciplinary proceedings.

The second recommendation is —

That the Corruption and Crime Commission reassess and report on the conduct of the police involved in the complaint made by Dr Cunningham and Ms Atoms, in the light of all relevant facts, including those established upon investigation and having regard to the findings made by Her Honour Judge Davis in CUNNINGHAM – v – TRAYNOR [2016] ...

They are the recommendations of the committee, effectively backing up the independent report by the parliamentary inspector, who has found that in effect justice has not been served for these two people. This is something we should be particularly concerned about. Police justifiably enjoy a particular status within our community as the people who are responsible for upholding the laws of this state, and that means that when the police breach these laws, when people are subject to police misconduct, it needs to be treated with absolute, utmost seriousness. Likewise, the CCC has unique and very extensive powers and it has an obligation as the independent body charged with the oversight of overarching investigation into what is happening with police corruption to do that.

Quite frankly, I am astounded by the decision of the CCC, with all the evidence that has been made available to it both through an independent assessment by the parliamentary inspector, which all members are welcome to read, and by an independent court that has the full weight of the burden of needing to weigh up evidence in front of it. They found that wrongdoing had occurred and yet the CCC has still formed the view that it will just let it go and does not have to deal with it anymore. We have made comment about this in the report, but it is only the sheer tenacity of people like Dr Cunningham and his wife, Catherine Atoms, that has enabled things to get to this point. I shudder to think about how many people do not have the sorts of resources these people have at their disposal in terms of being educated and having a level of privilege to be able to pursue this. I shudder at the number of people who have also been subject to gross misconduct by the police, but have never had any opportunity to pursue it as far as they can.

I think this is an issue of enormous public interest. This is something that all members should be very, very concerned and very upset about, because the one thing we expect is that when wrongdoing occurs in the police force, it will be independently assessed in the police force. If that does not occur, we expect the CCC to step in to ensure that wrongdoing is uncovered, remedied and addressed. In this case, I have to say that the system has comprehensively failed Dr Cunningham and Ms Atoms. I also point out that even though they have been through an extensive court process and were awarded damages, they are still being dragged through an appeal process. I think that is an absolute abomination. There is still no independent investigation or oversight pertaining to their matter. They are still being dragged through the courts.

This has been 10 years of their lives. I cannot imagine the toll that this has taken on the two of them. I have to say that this is something that every single member in this place should be paying very close attention to and should be very concerned about. I am not quite sure what is happening with the government response to this report, but the one thing that absolutely needs to happen is for the CCC to suck it up, recognise that it has got this wrong and accept that it should have investigated properly in the first place and that it failed to do that. Now is the time for the CCC to do its job. It is getting a lot of money and it has an awful lot of power. The CCC needs to recognise that it got this wrong. It needs to backflip and ensure, as per the first committee recommendation, that this is properly investigated.

I will also say that in the transcript of the court hearings a number of really concerning matters come to light, and that forms the basis of the second recommendation. There are some serious allegations of potential wrongdoing that are worthy of further investigation. They are not necessarily canvassed in the full report, but, of course, the court transcript is on the public record. I urge members to look at this.

Hon SIMON O'BRIEN: I want to comment on this report. This is why Parliament has a standing committee system. This report is from a joint standing committee, one that we place a great deal of store in. I would urge members who have not read this report that they need to read it, as I did, cover to cover. I could not believe the comments in the Chair's foreword at the start of the report. I could not believe what I was reading. I could not believe that with all the checks and balances that have been installed in our systems that it should have to get to this. The police, quite clearly, right through the force, behaved in a way that is less than commendable and reflects very poorly on the police force. I am a big supporter of the WA Police Force and when they have been under attack before I have stood up in this place and defended them when it was not fashionable to do so. But on this occasion, the several officers who were involved in the first instance in this incident did nothing except bring the force into disrepute and in so doing, according to Her Honour, probably broke the law as well.

The matter was not taken up by the Corruption and Crime Commission—or it declined to take it any further—on several occasions. Two successive Parliamentary Inspectors of the Corruption and Crime Commission have raised it with the CCC and even then, all the CCC seems to want to do is find excuses not to open it for further investigation. That is not what it is there for. In the same way as I would never have thought that the CCC is there as some sort of sledgehammer to be used to crack walnuts over very minor matters—we have seen a lot of that happen over the years—its repeated refusal to be involved in this is just staggering. Similarly staggering is the conduct of the police force, at all levels, in not wanting to revisit this matter again and again.

I share Hon Alison Xamon's view that were it not for Dr Cunningham's and Ms Atoms' tenacity and determination, this would not have arrived at where we are today. I think my friend alluded in her remarks to Dr Cunningham's and Ms Atoms' ability to persevere and work their way through a very unresponsive system. It ultimately got them somewhere, but the vast majority of people dealing with police in similar circumstances would in no way have the skills, resources or the credibility to come out on top. We rely on police to behave, in the first instance, in accordance with the law. The description of the events as it emerged here is absolutely appalling. I have been involved in law enforcement and I cannot comprehend why the officers involved behaved as they did. That in itself, we would think, would call for its own line management to inquire into what happened, but apparently that is not seen as a priority.

I am not going to go through the report in detail, but I draw particular attention to page 19 of the report, on which our parliamentary inspector refers to the findings of fact and law by Her Honour that are relevant to his report that then gave rise to this report. The findings of Her Honour about the attitudes that were brought to the court by the three police officers involved are very damning indeed. I suggest members read this report cover to cover for this reason. The standing committee system that all members are a part of exists for a reason. Sometimes the things that happen at standing committees—dare I say, a delegated legislation committee that has a lot of routine matters that necessarily have to be gone through—can be fairly mundane sometimes. It gets down to a bit of a grind when members have to go through, for example, hundreds of pieces of subsidiary legislation, most of which are going to be given a tick anyway. But it is very important, using this report as an example of what our standing committees can and should be doing. I remind members that if it were not for the parliamentary inspector process set up by the Parliament to oversight one of the agencies set up by Parliament, where would this be? Even now, after the damning findings in the District Court, the government and its agencies will not tap the mat and say, “We got it wrong”, and that is not good enough. I am sure we will all look out with great interest for the government response to this report. Because, with Dr Cunningham and Ms Atoms, there but for the grace of god goes anyone in this community, including any one of us, and so we will look out with great interest for the government's response.

In concluding my remarks I want to make it clear that I know a policeman's job is not always a happy one. It is damn tough and sometimes they have to deal with some pretty nasty types out there at night. Sometimes it is a bit harder to distinguish whether people are deserving of vigorous police intervention or they are just caught up in something like trying to help some bloke who has fallen into a pot plant, as was the case here. We need officers who are able to save some judgement, compassion and ultimately integrity when they are making these decisions, even when they get them wrong. As to changing CCTV footage and erasing it, giving evidence that no-one can rely on and all the rest of it, we expect more from our police. I know that all my friends in the police force do not want to be tarred with that brush because they are people of integrity. We need a firm response, now and at length, to this matter to help not only restore public confidence, but also encourage officers that we share their professional pride in the job that most of them seek to do.

Hon NICK GOIRAN: I am pleased to join with Hon Alison Xamon and Hon Simon O'Brien in noting the fourth report of the Joint Standing Committee on the Corruption and Crime Commission. I thank the committee for the work it has done in bringing this report to the attention of the Parliament. My two colleagues who have just spoken mentioned that they are looking forward to a government response to this committee report. Unfortunately, there will be no government response to this report. There is a capacity for committees to ask for a government response. I think “ask” is the right word to use—ask, command, request; I am not sure. That has not been done in this instance. It has been done in the case of the earlier reports that we considered this afternoon. The Joint Standing Committee on the Corruption and Crime Commission operates under the standing orders of the Legislative Assembly. Standing order 277(1) of the Legislative Assembly empowers a committee to direct that a minister provide a response. Therefore, although I would be the first to harass the government in the event that it failed to do something, in this instance, in fairness to members opposite, no government response is required. Having said that, I believe that what has been said by Hon Alison Xamon and Hon Simon O'Brien is sufficient to warrant someone from the government providing a response to this report. The fact that the committee has not directed that the relevant minister provide a response does not mean the government is unable to respond. It would be helpful if someone from the government were to indicate to the house the view of the government about this sorry saga. This is not a one-off event. As has been outlined and is mentioned in this report, this incident goes back to 2008.

Hon Sue Ellery: If you will take an interjection, I indicate that I am happy to give you my commitment that I will take that up with the Minister for Police and the Attorney General.

Hon NICK GOIRAN: Wonderful. I thank the Leader of the House. That is helpful and entirely appropriate.

This matter has had quite a long history. I recall this matter because it was brought to the attention of the Joint Standing Committee on the Corruption and Crime Commission in 2011 when I was a member of the committee. The then parliamentary inspector had provided a report to our committee, and we tabled that report in the house. The then parliamentary inspector stated in his report that serious credible complaints about police use of excessive force should be subject to a full and independent investigation by the Corruption and Crime

Commission. It is laughable that that was examined by the committee in 2011 and we tabled a report in the house, and we are now in 2017 still discussing this matter. The only thing that has transpired in the meantime is that these citizens have had resources at their disposal and have obviously become so exasperated by a failed system that they have taken the matter to court, with spectacular success. It is quite something for a court in the Western Australian jurisdiction to award more than \$1 million in general aggravated, exemplary and special damages. Just a mere award of aggravated damages is highly unusual—it is allowable, but it happens rarely. That again should be a red alert to those involved in this matter that this is not an ordinary case.

I want to mention two things briefly. Firstly, the convention and practice of the Joint Standing Committee on the Corruption and Crime Commission is that when it receives a report from the parliamentary inspector, it has 30 days in which to consider that report and make a decision about whether to table that report in the house. In the event that the committee decides not to table the report, the parliamentary inspector is free to table the report directly in Parliament. It is not necessary for the parliamentary inspector to table the report via the committee, but he or she has the option to do so. That has been the excellent convention and practice of at least the last two parliamentary inspectors, and I am pleased that is continuing, because it is appropriate.

I will not bore members with the detail, but there was an episode in the life of the Corruption and Crime Commission and the parliamentary inspector in which there was a massive dispute between the two—I will say agencies, rather than individuals—and there were suggestions about injunctions and all kinds of things. The commission was able to broker peace by establishing this protocol and convention. This convention provides a further layer of oversight by enabling the joint standing committee to look at a report from the parliamentary inspector before it becomes public. It is often the case that when a report that is highly critical of the CCC is made public, as it was in this case, it becomes explosive. Therefore, it is useful to have someone else look at the report first. That is exactly what has happened in this committee under the chairmanship of the member for Girrawheen. I commend the committee for continuing with that useful practice.

Secondly, I want to mention the reason why this particular report is so important. I also recall an episode in the life of the CCC in which the former parliamentary inspector and the joint standing committee raised the concern that the CCC was not giving enough attention, priority and focus to the independent investigation of complaints against police and was in almost every instance referring everything back to police internal affairs. The concern was that that was not appropriate. After some discussion among those various bodies and agencies, there was a change in attitude by the CCC and greater focus and attention was placed on the police. That was good. However, I fear that the CCC has now reverted to type and is not taking on these investigations itself but is sending everything back to the police. The CCC does not have the resources to respond to every single complaint against the police. However, it has the opportunity to select cases that it will take in-house and investigate. Clearly, this must be one of those cases. If this is not one of those cases, there would be no point in the CCC having any oversight over the police. Two different parliamentary inspectors have expressed concern about this matter. A judge of the District Court of Western Australia has also expressed her view and awarded substantial damages.

I commend the committee for bringing this matter to the attention of the house, and I look forward to at some point in time a verbal response from the government about this disturbing incident.

The CHAIR: Hon Alison Xamon, were you about to seek leave to make a further contribution?

Hon ALISON XAMON: Yes, I am.

Leave granted.

Hon ALISON XAMON: I understand that I have five minutes.

I rise to thank members for their contributions and to thank the Leader of the House for giving an undertaking to draw the attention of relevant ministers to this report and seeking to be able to give a response. I think it is really important that we do not allow this issue to fall off the agenda, precisely for the reasons that have already been articulated. We have many amazing police officers in this state. Police officers I know tell me that they really do not like the rotten apples within their ranks who bring disrepute to the entire force. Likewise, when internal investigations break down, it reflects badly on the entire Police Force as well as other police officers. In this case, I frankly think that the Corruption and Crime Commission has also brought itself into disrepute by stubbornly refusing, despite all the evidence that was presented to it over and over again, to undertake an independent investigation.

I would like to offer a personal apology to Dr Cunningham and Ms Catherine Atoms for what they have been through. I would like to thank them for their sheer bloody-mindedness in making sure they pursued this to try to get some sort of justice. I recognise that it is not over for them yet and it will not be until the whole appeals process is effectively resolved, when it is either withdrawn or found in their favour. I am sorry that a decade on, they are still not able to put this behind them. I hope that at the very least, if the appeals process is disposed of and if the damages are still able to be maintained—even if the CCC decides it will not do its job—there can be some comfort for Dr Cunningham and Ms Catherine Atoms. At the very least, I hope that the Joint Standing Committee on the Corruption and Crime Commission and the Parliamentary Inspector of the Corruption and Crime Commission,

and, reflecting on comments in this chamber, the members of the Legislative Council, recognise that a wrong has been committed and that justice has not been served. As such, it is important to me that I acknowledge this and offer my apologies for what they have been subject to.

I remain very concerned about the situation with many people who do not have the level of training and education that these two have, as well as the privilege of being white and educated—all these things—that have enabled them to pursue this matter as doggedly as they did. I look forward to hearing the government's response. I particularly hope that a decision is made not to pursue the appeal. I do not think that would be in the interests of justice; it is certainly not in the interests of the wellbeing of those two people who were subject to such ongoing injustices. Again, I urge members to read the report. I think it is really important to have an idea of how wrong things can go and when our systems fail. Systems are in place for very good reasons. When we fail to ensure they do their jobs, it has very real repercussions for innocent citizens. I encourage members to read the report and I thank members for their contributions.

Consideration Postponed

Hon PETER COLLIER: I move —

That we postpone the consideration of the fourth report given that the Leader of the House has offered to provide a response from the government.

The CHAIR: The Leader of the Opposition has moved that we defer further consideration until the next sitting of the house.

Hon SUE ELLERY: I am not sure whether I need to do this as a point of order or if you will give me the call, but I indicated by way of interjection that I would raise the issues with the Attorney General and the Minister for Police. Without speaking to them, I cannot give a commitment on behalf of both of them that members will get a formal response from the government. I have said that I will raise the issues with them.

The CHAIR: Thank you, Leader of the House. In contemplation of that, I think the intent of the motion is to keep this report alive. It is for procedural convenience. It has been moved that the consideration of this report be deferred.

Question put and passed.

*Joint Standing Committee on the Corruption and Crime Commission — Fifth Report —
“Current Committee Confirmed: Clarifying the legal composition
and powers of the Committee”*

Resumed from 2 November.

Motion

Hon ALISON XAMON: I move —

That the report be noted.

I have already given a statement in this place on this report so members are aware that the committee undertook to clarify concerns that were raised around a Greens (WA) member being appointed to this committee. It was found that it is perfectly acceptable, as long as one member of the official opposition, in this case the Liberal Party, and one member of the government, in this case the Labor Party, are on the committee. Effectively, the committee's other two members could come from a composition of any of the other parties. I want to make a comment because if members have read the report, they will have noted that the advice received indicated that when it comes to the appointment of the Parliamentary Inspector of the Corruption and Crime Commission, that is the only time—as the only member of the committee who is neither a member of the Liberal Party nor the Labor Party—I effectively have no say. I want to express my concerns around this. The legislation stipulates that —

Hon Nick Goiran: A second-class member.

Hon ALISON XAMON: I will get to that; I thank the member.

The legislation stipulates that it requires bipartisan support, so it effectively requires a consensus, but only between those who are members of the Liberal Party and the Labor Party. I do not think that that is an appropriate provision to remain in the legislation. I think its intent is appropriate, which is to ensure that there is a consensus in that group on the appointment of the parliamentary inspector. It is a very good and appropriate provision because the one thing we want to ensure is that whoever is appointed as the parliamentary inspector is absolutely free of any partisan consideration and is clearly going to be the best person for the job. Reflecting on the discussions we have just had on the previous report, I think that highlights the important role that the parliamentary inspector plays within our democratic system. I think it is problematic that a member of the committee who has been duly elected by the Western Australian people in just the same way as every single other member in this place is somehow not able to be party to that discussion. I think it is an oversight from the way that the legislation was originally written.

It is quite clear that contemplation was given that the original joint standing committee could potentially have members from outside the Liberal and Labor Parties, but no reason or rationale is given why any one member should be excluded from the consensus process.

I considered the discussions that we had many years ago when my former colleague Hon Giz Watson was in this place. Interestingly—but unsurprisingly, because she is a smart woman—she foresaw that some concerns may have been raised about the composition of the committee, and she questioned at the time whether there was any suggestion that the Greens or any other party would be excluded from being able to be on the committee. She was assured at the time—there is considerable commentary on the public record in *Hansard* on this—that this would not be the case and that of course it was not what was intended with regard to the make-up of the committee. The purpose was to ensure that there would be at least a bipartisan—by which I mean a cross-party—approach to this because it was recognised that the activities of the CCC, and particularly the committee overseeing the CCC, should never be politicised by any political party.

I really think that is something that could usefully be pursued at some point in the future. I understand that we will likely be getting a government response to these provisions, but I am not quite sure about that. I think it is really important, considering that in the other place there was a range of borderline hysterical responses to the idea that a Green might be on the committee, which was a little over the top. That was not the case in this place; in this place, everyone was fine. I have no problem with anyone here. Nevertheless, we have confirmed, once and for all, that the make-up of this committee is perfectly valid and perfectly legal but, as I say, it is concerning to note that in this one instance—this is to do with consensus on the appointment of the parliamentary inspector—my views do not matter; they are effectively excluded. I think that is problematic. I do not think that is reasonable. Given that the nature of our Parliament, particularly in the upper house, is changing quite markedly, that sort of approach is clearly becoming outdated.

With those comments, I want to say that I am pleased that the legal advice came back as it did. I was obviously fully prepared to stand down had it been otherwise, but I am pleased to know that this Legislative Council made the right decision in the first place and knew exactly what it was doing. It is a shame that people in the other place were perhaps more confused, but I think we need potentially to look at an amendment to the provision relating to bipartisanship on the appointment of the parliamentary inspector.

Hon NICK GOIRAN: I note with interest this report. I have indicated to the chamber previously that I was looking forward to seeing this report. This report confirms that the composition of the committee is lawful. It also confirms, by implication, that the composition of the committee is unconventional. It is unprecedented for the Joint Standing Committee on the Corruption and Crime Commission to have only one member who is a member of the party of the Leader of the Opposition. That is unprecedented.

Hon Alannah MacTiernan: It is probably unprecedented because the opposition had such a low vote.

Several members interjected.

The CHAIR: Order! Members, there will be adequate time for all members to express their views.

Several members interjected.

The CHAIR: Order! Leader of the Opposition and Minister for Agriculture and Food, I will not tolerate interjection when the Chair is speaking. Thank you.

Hon NICK GOIRAN: What an interesting interjection by the minister. If I had more time, we could have a little discussion about how many members in the Legislative Council were representing the Australian Labor Party in the last Parliament, and how many are representing the Liberal Party of Western Australia in the current Parliament. We could do an analysis, a compare and contrast, and both recognise how appallingly we both did at those respective elections. We could do that and we would all feel terrific about how poorly Labor did in 2013 and how poorly the Liberals did in 2017. What a great conversation that would be. It is totally irrelevant. The point is that it is unprecedented —

Hon Sue Ellery: So is the make-up of this chamber.

Hon NICK GOIRAN: Members opposite, through their interjections, continue to demonstrate that they do not understand this point. For the purpose of clarity, the Liberal Party is very content that it has a member in Hon Jim Chown representing it on this committee. That is not a point of concern. The point that is unprecedented is that the party of the Leader of the Opposition has only one member; that is unprecedented. That is a statement of fact, and this report confirms it. Is it lawful? Yes, this report also confirms that it is lawful, and frankly that comes as no surprise, but it is unconventional.

Hon Alison Xamon in her contribution mentioned that she cannot be part of the discussion. Helpfully, later in her contribution she indicated that that meant she is effectively excluded. Again, for the purposes of clarity, the situation is that Hon Alison Xamon is able to be part of the discussions on who will be the Corruption and Crime Commissioner, who will be the Acting Corruption and Crime Commissioner, who will be the parliamentary inspector and who will be the acting parliamentary inspector. The point that she makes is well made, and that is that she is, in effect, a second-class member because, irrespective of how she chooses to vote on any one of those appointments, it is irrelevant.

The Labor Party in government has created this mess and it is incumbent upon it to sort out this mess. It is ridiculous that there could be a class structure within a committee. We have the first-class members, and in this situation Hon Jim Chown, who is away on urgent parliamentary business, is in first class, but in economy class over there is Hon Alison Xamon. The Labor Party in government has created this mess.

Consideration of report adjourned, on motion by Hon Simon O'Brien.

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

DISALLOWANCE MOTIONS

Discharge of Order

Hon Robin Chapple reported that the concerns of the Joint Standing Committee on Delegated Legislation have been addressed to the satisfaction of its members on the following disallowance motions, and on his motions without notice it was resolved —

That the following orders of the day be discharged from the notice paper —

1. Bunbury–Harvey Regional Council Standing Orders Local Law 2017 — Disallowance.
2. Commerce Regulations Amendment (Fees and Charges) Regulations 2017 — Disallowance.

DANGEROUS SEXUAL OFFENDERS LEGISLATION AMENDMENT BILL 2017

Second Reading

Resumed from 7 November.

HON SUE ELLERY (South Metropolitan — Leader of the House) [4.12 pm] — in reply: I thank members for their contributions to the second reading debate on the Dangerous Sexual Offenders Legislation Amendment Bill 2017. I note the support of the opposition and Hon Charles Smith, and I note the opposition of the Greens to the bill.

In my response I will go to the particular policy issues that relate to the bill before us and I will make an overarching response to some of the issues raised by Hon Michael Mischin. The question of constitutionality of such legislation is pertinent. Lessons were learned in a matter before the High Court about similar legislation in Queensland. When we came to government, we received advice on how to achieve the policy objective, which was to enable continuing detention in custody or supervision in the community of dangerous sexual offenders if their unconditional release from custody would present an unacceptable risk that they would commit a serious sexual offence, and to do so in such a way that did not go beyond the constraints of commonwealth constitutional law. That was the balancing act we had to perform.

I will speak about some specific issues that were raised. Some were raised by a couple of speakers; others were raised by just one. I will cover them in no particular order. I will start with the question of the reverse of the onus of proof. The onus of proof in these matters is on the offender. The court must be satisfied that each condition set out in section 18(1)(a)–(g) of the Dangerous Sexual Offenders Act will be substantially complied with. If the court does not have before it sufficient information from the Director of Public Prosecutions to be positively satisfied that the offender will meet the conditions as required, the offender will have to adduce the appropriate evidence. Importantly, because the onus is on the offender, if an offender chooses not to give evidence or adduce evidence, the court may, in certain circumstances, draw the inference that the evidence that the offender would have given would not have assisted them.

I refer to the practical effect of the reversal of the onus of proof. Under the new bill, the paramount consideration remains the need to ensure adequate protection of the community, with a court being able to state the conditions that it considers appropriate subject to section 18, and the new onus provisions apply. The onus of establishing that the offender is an unacceptable risk remains on the DPP. That is in section 7(2).

Debate interrupted, pursuant to standing orders.

[Continued on page 5578.]

Sitting suspended from 4.15 to 4.30 pm

QUESTIONS WITHOUT NOTICE

CABINET SECRETARY — ROLES AND RESPONSIBILITIES

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

- (1) In her newly created role as cabinet secretary, is Amber-Jade Sanderson responsible for identifying ministerial conflicts of interest; and, if not, why not?
- (2) If yes to (1), has Amber-Jade Sanderson identified any conflict of interest of any minister since 17 March 2017?
- (3) What are the precise roles and responsibilities of Amber-Jade Sanderson in her capacity as cabinet secretary?

Hon SUE ELLERY replied:

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

- (1) For the information of the honourable member, the position is not newly created and was in place under the Richard Court Liberal government and has been re-established. Ministers are required to identify and declare any conflicts of interest.
- (2) In accordance with the Ministerial Code of Conduct, all ministers and parliamentary secretaries are required to make declarations concerning conflicts of interest. These declarations remain cabinet-in-confidence.
- (3) The parliamentary secretary to the cabinet's responsibilities include the following: working with the Premier and ministers to coordinate cabinet submissions; ensuring government priorities are progressing through cabinet; and working with the cabinet to ensure that election commitments are delivered as promised to the people of Western Australia.

MINISTER FOR WOMEN'S INTERESTS — FEMALE SENIOR EXECUTIVE SERVICE WORKERS**805. Hon PETER COLLIER to the Minister for Women's Interests:**

- (1) What was the percentage of women in SES roles for each of the minister's portfolios at 17 March 2017?
- (2) What was the percentage of women in SES roles for each of the minister's portfolios at 30 October 2017?
- (3) What was the percentage of women in each of the minister's portfolios at 17 March 2017?
- (4) What was the percentage of women in each of the minister's portfolios at 30 October 2017?

Hon SUE ELLERY replied:

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

More time is required to provide this information as it refers to collating complex data on pre-machinery-of-government and post-machinery-of-government arrangements, and across different agencies. I request that the question be placed on notice.

NATIVE TITLE — YINDJIBARNDI CLAIM**806. Hon MICHAEL MISCHIN to the minister representing the Minister for Aboriginal Affairs:**

I refer to the minister's decision that the state will not appeal the Yindjibarndi native title claim judgement.

- (1) Did the minister inform cabinet of his decision that the state of Western Australia would not be appealing the judgement; and, if so, when and how?
- (2) Did his decision not to appeal conform with the legal advice available to government or was his decision based on political considerations notwithstanding that advice?
- (3) Given that on 20 July 2017, the day the judgement was delivered and before he received legal advice, he as the responsible minister released a media statement congratulating the claimants for their success against the state of Western Australia, how can Western Australians be confident that his decision that the state not appeal is in the interests of the state and not the claimants?
- (4) Why did the minister not recuse himself from making this decision given that there is at least a perceived conflict of interest or lack of impartiality between his support for claimants in litigation against the state and his responsibility towards the state in this matter?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The following answer has been provided by the Minister for Aboriginal Affairs.

- (1) The decision was made by the responsible minister.
- (2)–(3) The decision was taken in the state's best interests, based on legal and departmental advice.
- (4) It is disappointing that a former Attorney General of Western Australia holds the paternalistic assumption that a Minister for Aboriginal Affairs is unable to make decisions on native title that are in the interests of the state without somehow being conflicted. This is offensive to suggest, and reflects the outdated and prejudiced position of the member.

STUDENT-CENTRED FUNDING MODEL — REVIEW**807. Hon DONNA FARAGHER to the Minister for Education and Training:**

I refer to the proposed review of the student-centred funding model for public schools.

- (1) Who will undertake the review?
- (2) When will the review commence?
- (3) What are the review's terms of reference?

Hon SUE ELLERY replied:

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

- (1) An independent contractor will be engaged.
- (2) The preparation for the procurement process is currently underway.
- (3) The evaluation of the student-centred funding model will assess the outcomes that were set at its commencement: funding to schools is allocated and distributed based on the learning needs of individual students; funding is responsive to the difference in circumstances of individual schools and their students; increased flexibility for principals regarding financial and workforce management decisions; and a simple and transparent funding model. Details of the terms of reference are being finalised as part of the procurement process.

DEPARTMENT OF HEALTH — STAFF — WORKING WITH CHILDREN CHECKS

808. Hon NICK GOIRAN to the parliamentary secretary representing the Minister for Health:

I refer to the minister's answer to my question without notice asked and answered on 7 November 2017 in which he informed the house that two employees of the Child and Adolescent Health Service obtained a valid working with children check card on 29 June 2017 and 10 July 2017.

- (1) On which date was the valid card obtained for the employee who commenced child-related work on —
 - (a) 20 October 2014; and
 - (b) 14 October 1991?
- (2) On which date did the immediate last card expire for each of the two employees referred to in (1)(a) and (1)(b)?
- (3) Is this the first occasion that either employee has been found to be working without a valid card?

Hon ALANNA CLOHESY replied:

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

- (1)
 - (a) Employee A's card is valid from 21 June 2017 and was obtained by Health Support Services on 29 June 2017; and
 - (b) Employee B's card is valid from 26 June 2017 and was obtained by Health Support Services on 10 July 2017.
- (2) Employee A's immediate last card expired on 28 June 2017. Employee B's immediate last card expired on 25 June 2017.
- (3) Not applicable, as neither employee was working invalidly. Employee A has a gap of eight days between receiving cards but had submitted an application for a working with children check prior to the expiry of her card. Employee B received a new card dated before the expiry of their previous card but had not submitted it for recording and, therefore, it showed as pending. This employee had also submitted an application for a working with children check prior to the expiry of the card. The Working with Children (Criminal Record Checking) Act 2004 allows for employees to work without a valid card provided evidence is provided that a working with children check application has been made.

GOLD ROYALTY RATE INCREASE

809. Hon JACQUI BOYDELL to the Leader of the House:

Noting the decision of this house to disallow an increase in the gold royalty, will the Leader of the House confirm that her government has no intention of introducing the same or similar regulations?

Hon SUE ELLERY replied:

No, I will not confirm. The member needs to direct that question to the appropriate minister.

POLICE — FIREARMS CARRIAGE

810. Hon RICK MAZZA to the minister representing the Minister for Police:

I refer to the issue of Australia Post not being an approved commercial carriage for firearms.

- (1) Does the Western Australia Police Force currently use Australia Post for the carriage of police-owned firearms?
- (2) If yes to (1), are firearms that are deemed to be category D and H carried by Australia Post?
- (3) If yes to (1) and (2), what is the rationale for not allowing firearms dealers and other stakeholders to use Australia Post?

Hon STEPHEN DAWSON replied:

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

- (1)–(3) The Western Australia Police Force advises that it uses TNT Failsafe to move weapons.

POLICE — REVIEW

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

I refer to the appointment of the new Commissioner of Police, Mr Chris Dawson, who stated he wanted a short, sharp probing review into the police to find out what has been going on over the last three years.

- (1) Who is undertaking this review?
- (2) What costs are involved in performing the review and the production of the report?
- (3) What is the time frame for this review?
- (4) When will the review be made public?

Hon STEPHEN DAWSON replied:

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

- (1) It is Mr Ron Bogan, trading as Business Improvements.
- (2) The cost is \$50 050.
- (3) The review commenced in August 2017 and the report will be finalised and delivered to the commissioner before the end of the year.
- (4) A time frame for the release of the review report has not been determined at this time.

KIDNEY HEALTH — GOLDFIELDS

812. Hon ROBIN CHAPPLE to the parliamentary secretary representing the Minister for Health:

I refer to a study into the correlation between water quality and kidney health in the goldfields, focusing on the communities of Coolgardie, Kurrawang, Norseman, Menzies, Morapoi, Leonora, Mulga Queen, Laverton, Mt Margaret, Tjuntjuntjara and Coonana carried out by Kalgoorlie paediatricians Dr Christine Jeffries-Stokes and Annette Stokes.

- (1) Is the minister aware that uranyl nitrate— $\text{UO}_2(\text{NO}_3)_2$ —a compound formed when nitrate and uranium are present in water, has been identified in the communities listed?
- (2) Is the minister aware of the implications of drinking water tainted with uranyl nitrate, particularly on renal health?
- (3) What action is this government taking to ameliorate the impacts of this contaminant on the communities where it has been identified?

Hon ALANNA CLOHESY replied:

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

- (1) The Department of Health has advised that all drinking water supplied to the communities mentioned complies with the Australian Drinking Water Guidelines in relation to both uranium and nitrate. Accordingly, there is no health issue posed by uranyl nitrate to community members.
- (2) Yes.
- (3) The Department of Health requires all drinking water supplies in the region that are either managed by the Department of Communities or the Water Corporation to conform with all health-related criteria set out in the Australian Drinking Water Guidelines, including for uranium, arsenic and nitrates. I am advised that both the Department of Communities and the Water Corporation continually monitor drinking water supplies to their respective communities to ensure that drinking water is safe to consume.

PASTORAL LANDS BOARD — DIVERSIFICATION PERMIT APPLICATIONS

813. Hon Dr STEVE THOMAS to the minister representing the Minister for Lands:

I refer to page 34 of the Western Australian Department of Lands 2016–17 annual report where it states, in relation to the Pastoral Lands Board —

During 2016–17, 26 diversification permit applications were received. Whilst the majority of these related to conventional activities, such as irrigated fodder crops and pastoral tourism, non-traditional purposes (such as carbon abatement through fire management) were also included. This increased demand has created bottlenecks in the processing and grant of clearing permits and water licences.

- (1) How can 26 applications for diversification in a year, or just over two a month, be such an impost as to cause a bottleneck?
- (2) What is the average length of time required for the processing of these applications?
- (3) What is the cost to the leaseholders of the delays caused by such bottlenecks?
- (4) What is the cost to the regional economy, including employment, of the department or the board being unable to process these applications, by their own admission, in a timely manner?

Hon STEPHEN DAWSON replied:

I thank the member for some notice of the question.

- (1)–(4) Only the Pastoral Lands Board has the power to issue diversification permits under part 7, division 5 of the Land Administration Act 1997. The LAA precludes the PLB from issuing diversification permits unless a range of other statutory requirements are satisfied. These may include native vegetation clearing permits and water licences. There was an unusually high number of permit applications received in 2016–17, with 26 applications received compared with 13 in the previous year. On average, the total period for the permit application assessment and issuing is between 22 and 28 weeks. The majority of this time frame centres on seeking and obtaining relevant clearances and the complexity, scale and location of the particular application.

POLICE — FIREARMS TRANSPORT

814. Hon COLIN de GRUSSA to the minister representing the Minister for Police:

I refer to changes in WA Police's firearm licensing policies that now prevent Australia Post from transporting firearm components.

- (1) What action are the Minister for Police and the Commissioner of Police taking to ensure that firearms can be transported to regional, rural and remote locations at an affordable price?
- (2) What course of action will the minister take to compensate businesses that are at risk of closing because of the adverse effects this change of policy has had on their business?
- (3) What was the outcome of the meeting held between the minister and key stakeholders that she referred to in the Legislative Assembly estimate hearings on 20 September 2017?
- (4) What led the police to believe that transporting firearms through Australia Post would compromise community safety, given that Australia Post has been doing so for many years and continues to transport firearms in the rest of Australia?

Hon STEPHEN DAWSON replied:

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

- (1)–(4) There have been no changes to WA legislation pertaining to transportation of firearms and ammunition. The Western Australia Police Force approved new standards for carriers last year. At the minister's initiative, senior police have met and liaised with firearms stakeholders and Australia Post. The WA Police Force is continuing to work to resolve this important issue. Today the WA Police Force advised that EnLog, an authorised carrier, will transport firearms to anywhere within the state and is willing to take on new business.

PAYROLL TAX

815. Hon DIANE EVERS to the minister representing the Treasurer:

I refer to the proposed temporary progressive payroll tax scale for large employers, which is projected to result in an additional \$435 million in revenue and only impact the top eight per cent of payroll tax-paying employers.

- (1) Of the estimated 1 300 employers to be affected by this change, how many, or what percentage, of these employers are in the mining industry?
- (2) Of the projected additional revenue of \$435 million, how much is expected to be received from employers in the mining industry?
- (3) Of the \$3.3 billion collected in payroll tax in 2016–17, what is the breakdown by industry?
- (4) As the payroll tax applies to WA taxable wages, will this include wages paid for WA-based equipment operated using drone technology by employees outside of WA?

Hon STEPHEN DAWSON replied:

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

- (1) Of the estimated 1 300 employers to be affected by this change, around 100, or eight per cent, are in the mining industry. Note that some large corporate groups run each of their operations through distinct companies or employers. Therefore, while 100 employers in mining may be impacted by the changes to payroll tax, this is likely to represent a smaller number of groups. Note also that the answers to parts (1) and (2) are based on taxpayers' self-assessment of their industry classification.
- (2) The mining industry is estimated to contribute around 29 per cent of the additional revenue expected to be raised.
- (3) As the answer is in tabular form, I seek leave to incorporate the attached information into *Hansard*.

Leave granted.

The following material was incorporated —

Payroll tax by industry Western Australia	2016-17 \$m
Accommodation and Food Services	70
Administrative and Support Services	262
Agriculture, Forestry and Fishing	26
Arts and Recreation Services	28
Construction	426
Education and Training	113
Electricity, Gas, Water and Waste Services	68
Financial and Insurance Services	149
Health Care and Social Assistance	95
Information Media and Telecommunications	48
Manufacturing	243
Mining	725
Other Services	74
Professional, Scientific and Technical Services	285
Public Administration and Safety	61
Rental, Hiring and Real Estate Services	79
Retail Trade	192
Transport, Postal and Warehousing	197
Wholesale Trade	152
No industry classification	5
Grand Total	3,298

- (4) No.

HOMELESSNESS SERVICES

816. Hon ALISON XAMON to the Leader of the House representing the Minister for Community Services:

I refer to state government funding of homelessness services, in particular short-term accommodation facilities.

- (1) Is there a requirement within existing procurement processes stipulating that services must not turn people away on the basis of their sexual orientation?
- (2) If no to (1), will the government consider including this as a requirement in future procurement processes?
- (3) If no to (2), why not?

Hon SUE ELLERY replied:

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

- (1) All organisations contracted by the Department of Communities are required to provide services appropriate and accessible to all Western Australians. No person should be denied a service on the basis of culture, race, disability, sexuality or inability to pay for the service.
- (2)–(3) Not applicable.

GOLD ROYALTY RATE INCREASE — REGULATIONS

817. Hon ROBIN SCOTT to the minister representing the Treasurer:

- (1) Is it true that the government intends to increase the rate of gold royalty by regulation before 30 June 2018?
- (2) Will the Treasurer give a commitment that there will be no increase in the rate of gold royalty prior to the next general election in Western Australia?
- (3) Will the Treasurer give a commitment that there will be no increase in the rate of royalty for any mineral prior to the next general election in Western Australia?
- (4) Has the Treasurer any explanation for current rumours to the effect that the government intends to increase the gold royalty by gazettal on Friday, 8 December 2017?

Hon STEPHEN DAWSON replied:

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

- (1) The government is continuing to consult with industry on an approach to a gold royalty rate change.
- (2)–(3) The government will not rule in or rule out budget repair measures. Agreed budget repair measures will be announced in due course. As noted by Standard and Poor's global ratings in its recent credit rating assessment, the government does not have the luxury of ruling out possible budget repair measures. The release states —

At the time of writing, the proposed gold royalty hike was being blocked in the parliament. (We expect that the government will enact other measures to make up this revenue if the legislation is ultimately unsuccessful.) These policies indicate the government's willingness to improve budgetary performance during the next few years.

...

We could revise the outlook to stable if we perceive that the government remains highly committed to improving its budgetary performance, such that it's likely to sustainably return its budgetary performance to cash operating surpluses and stabilize its debt burden. This commitment would be demonstrated by its spending and revenue policies and their successful implementation, ...

- (4) The government is continuing to consult with industry on an approach to a gold royalty rate change.

PUBLIC SERVICE — VOLUNTARY TARGETED SEPARATIONS —
TREASURER'S CORRESPONDENCE

818. Hon MARTIN ALDRIDGE to the minister representing the Treasurer:

I refer to the government's plan to reduce the public service by 3 000 full-time equivalents and the answer given by the Under Treasurer during the Standing Committee on Estimates and Financial Operations budget estimates hearings that states —

The Treasurer will soon be writing to ministers, probably as early as tomorrow or early next week, on effectively what each minister needs to do to achieve this 3 000 target.

- (1) Have these letters been sent?
- (2) If yes to (1), can the minister please provide a copy of the correspondence?
- (3) If no to (1), when will these letters be sent?

Hon STEPHEN DAWSON replied:

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

- (1) Yes.
- (2) No. The voluntary targeted separations scheme is open to all general government agencies and each application for a separation will be assessed on its merits regardless of notional targets. The 2018–19 budget is expected to include information of the number of actual separations finalised by each agency. The number of actual offers accepted under the scheme will determine the agency allocation and associated savings. As noted in response to the first question, details will be included in the 2018–19 budget.
- (3) Not applicable.

ELECTRONIC CONVEYANCING

819. Hon TJORN SIBMA to the minister representing the Minister for Lands:

I refer to the answer to my question of 7 November 2017 concerning the mandated implementation of e-conveyancing for all mortgage, discharge of mortgage, and refinance transactions in Western Australia from 1 December 2017.

- (1) How does the minister's answer provided yesterday that "nil" additional charges would be borne by users of PEXA's platform reconcile with the conveyancing industry's view that approximately \$220 of unavoidable new fees will be charged to users and split between buyers and sellers?

- (2) How does the minister's answer yesterday reconcile with the pricing schedule publicly available on the PEXA website?
- (3) Can the minister confirm that people engaging in mortgage, discharge of mortgage and refinance transactions will be liable for both the schedule of gazetted fees and charges levied by Landgate and those to be charged by PEXA?
- (4) If yes to (3), what advantage is gained by the consumer as a consequence of the rushed implementation of this monopolistic conveyance system from which the consumer cannot opt out?
- (5) Noting that the state government is a part owner of PEXA, if there is an efficiency gain to be realised from the mandated utilisation of this e-conveyancing system, why is the government not passing these savings through to the consumer through reduced fees and charges?

Hon STEPHEN DAWSON replied:

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

This is a reform that was initiated by the previous government and inherited by the current government.

- (1)–(2) The fees replace a series of costs in the paper-based system. In many cases the PEXA fee is less than the fees that settlement agents would pay in a paper-based transaction.
- (3) It is confirmed, but in the context outlined in the answer to question (1).
- (4) The property buyer or seller benefits from electronic conveyancing in three ways—security, certainty of settlement and faster finalisation. This implementation is not rushed. Electronic conveyancing has been mooted since the 1980s and formally agreed by the Council of Australian Governments in 2008. The first transaction went through in June 2014 and the Registrar of Titles announced the move to requiring eligible documents be lodged electronically in May 2016.
- (5) The greatest efficiencies offered by electronic conveyancing are to those involved in property settlement. The state benefits by the greater security and accuracy of the land titles register.

MAIN ROADS — MURDOCH DRIVE CONNECTION PROJECT

820. Hon TIM CLIFFORD to the minister representing the Minister for Transport:

I refer to question without notice 397 in which the minister stated that the Murdoch Drive extension has been —
... planned solely to provide access to Murdoch Drive to support the Murdoch Activity Centre and was not intended to be an extension of Roe 7 or provide a replacement to Roe Highway stage 8.

- (1) Why does the Murdoch Drive connection project provide access from the Kwinana Freeway southern connection onto Bibra Drive and Hope Road if the intention is to only provide access to the Murdoch Activity Centre?
- (2) Can the minister confirm that this project is being built solely on the basis of traffic modelling from 11 years ago?
- (3) If no to (2), will the minister make the new traffic modelling publicly available?
- (4) If yes to (2), will the minister heed community concerns and stop works until new traffic modelling has been conducted?
- (5) Will the minister please provide details of hydrology studies and environmental risk assessments that have informed the plans for the Murdoch Drive connection?

Hon STEPHEN DAWSON replied:

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

- (1) The primary objective of the Murdoch Drive connection project is to provide a southern connection from Kwinana Freeway and Roe Highway to the Murdoch Activity Centre. The opportunities and constraints associated with a southern connection to Bibra Drive are still being investigated in consultation with key stakeholders.
- (2) No; the project will be built using traffic modelling conducted in 2017.
- (3) Yes; the modelling will be made public after completion of the current consultation process with project stakeholders, including local government.
- (4) Not applicable.
- (5) Hydrology studies were conducted as part of the “Roe Highway Extension: Public Environmental Review”. The environmental risks and processes designed to manage and alleviate these risks are documented in the review.

FIREARMS — REGIONAL TRANSPORT

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

Some of the question has been partially answered already. Can the minister provide a list of Western Australia Police Force–approved commercial transport methods for transporting firearms, firearm parts and ammunition that operate throughout regional Western Australia?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The Commissioner of Police has approved a number of carriers to transport firearms throughout Western Australia. These include companies such as EnLog, Northline, Great Eastern Freightlines, Centurion Transport, Warren District Transport and Great Southern Transport.

SHARK SHIELD REBATES

822. Hon PETER COLLIER to the minister representing the Minister for Fisheries:

- (1) How many shark shield rebates have been redeemed since 26 May 2017?
- (2) How many shield rebates have been redeemed by postcode of the recipient?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

- (1) There have been 836 rebates.
- (2) I table the attached information.

[See paper 857.]

DISABILITY — YOUNG PEOPLE RESIDING IN AGED-CARE FACILITIES

823. Hon ALISON XAMON to the Minister for Disability Services:

I refer to a question without notice about young people with disabilities housed in aged-care facilities

- (1) Is the Disability Services Commission implementing measures to identify those young people and connect them to the National Disability Insurance Scheme?
- (2) If no to (1), why not?
- (3) If yes to (1), what are those measures?

Hon STEPHEN DAWSON replied:

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

- (1) Yes.
- (2) Not applicable.
- (3) Young people in or at risk of entering residential aged care is a significant issue that is being actively addressed by the state government. Disability services works actively with the commonwealth government to identify young people in residential aged care across WA to explore more appropriate long-term accommodation options and to divert entry for those at risk of entering residential aged care. When local coordinators have knowledge of young people in aged-care settings, direct contact is made to discuss eligibility for the NDIS. The potential for this group of people to be eligible for the NDIS is also promoted through information sessions and public events. As Minister for Disability Services, I am keen to see the Department of Communities play an active role in identifying the cohort of young people with disability housed in aged-care facilities who are not currently connected with the department.

Disability Services works closely with the Aged Care Assessment Teams, or ACAT, to explore all disability service options and alternative accommodation services that are more appropriate to the person's need.

NATIVE TITLE — YINDJIBARNDI CLAIM

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

I refer to the answers provided on 1 and 2 November from the Attorney General and the Minister for Aboriginal Affairs about the government's decision not to appeal the Yindjibarndi native title claim decision.

- (1) Will the Attorney General provide a detailed chronology of his involvement in the decision-making process leading to the decision not to appeal the Yindjibarndi judgement; and, if not, why not?
- (2) With regard to the decision not to appeal, which the Attorney General claimed was made "on or about 11 October 2017", was a record made of the decision; and, if so, by whom and how?

- (3) With reference to the Attorney General's answer of 1 November, which other ministers were involved in the decision, what was the extent of their involvement, and which ministers argued for or argued against an appeal?
- (4) On what basis does the Attorney General claim that a minister's reasons for refusing to appeal a decision are subject to legal professional privilege rather than any legal advice he received?
- (5) Given that the Attorney General was prepared on 28 August to tell the media about the Solicitor-General's "general conclusion" about the prospects of success in a constitutional challenge to the goods and services tax arrangements, why will the Attorney General not reveal the general conclusion of the Solicitor-General and the State Solicitor's Office—without the content of the reasoning—about the prospects of success of an appeal against the Yindjibarndi decision?

Hon SUE ELLERY replied:

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

- (1) No.
- (2)–(5) This decision was made by the Minister for Aboriginal Affairs, Hon Ben Wyatt, on advice from the State Solicitor's Office. The reasons not to appeal provided in that advice are subject to legal professional privilege. Similarly, this advice and the general conclusions are for the minister to disclose, not the Attorney General, as it falls under the minister's portfolio responsibilities.

PUBLIC SECTOR — WESTERN AUSTRALIA POLICE FORCE

825. Hon JACQUI BOYDELL to the minister representing the Minister for Police:

I refer to the government's cuts to 3 000 public sector jobs.

- (1) How many staff have been made redundant in the Western Australia Police Force to date?
- (2) Where were those staff located?
- (3) What is the cost of the redundancies so far?
- (4) Have redundancies been offered to frontline officers?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The Western Australia Police Force is currently receiving and assessing applications from staff in accordance with the Public Sector Commission voluntary targeted separation scheme 2017. To date, no redundancies have been finalised.

GOVERNMENT DEPARTMENTS—CITIZEN LEADERSHIP AND COORDINATION

826. Hon DIANE EVERS to the Leader of the House representing the Premier:

I refer to an answer given by Mr Darren Foster, director general of the Department of the Premier and Cabinet, during the hearings of the Standing Committee on Estimates and Financial Operations on Tuesday, 17 October 2017, to my question about leadership and coordination of cross-agency solutions to complex issues:

- (1) Will the state government consider using innovative processes to enable citizens to actively collaborate with government to find solutions to complex issues beyond existing modes of citizen and stakeholder consultation?
- (2) If yes to (1), will the government consider using approaches such as deliberative democracy?
- (3) If yes to (2), how might citizen involvement be triggered?

Hon SUE ELLERY replied:

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

- (1)–(2) Yes.
- (3) Citizen involvement may be triggered via a variety of options, including community cabinets. A new community cabinet format that is deliberately open, modern and focused on encouraging greater community engagement, has been implemented since the election. The format provides an opportunity for local residents, community groups and businesses to have direct dialogue with ministers on issues that affect them in their local area. Two community cabinets have been held since the election—one in the metropolitan area and one in a regional area. The government has committed to follow up issues raised at the community cabinets directly with the people involved. Further community cabinets are planned for next year.

A number of options are being considered with regard to consulting with the community on specific issues, including forums, town hall-style meetings, workshops, site inspections with stakeholders, and briefings to key groups, including nongovernment groups. This is in addition to traditional methods of stakeholder consultation, including providing information in alternative formats to meet accessibility requirements.

PUBLIC SECTOR — DEPARTMENT OF FIRE AND EMERGENCY SERVICES

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

I refer to the government's cuts to 3 000 public sector jobs.

- (1) How many staff have been made redundant in the Department of Fire and Emergency Services to date?
- (2) Where were those staff located?
- (3) What is the cost of the redundancies so far?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The Department of Fire and Emergency Services advises as follows.

- (1) Nil.
- (2)–(3) Not applicable.

TRANSPORT — ON-DEMAND TRANSPORT INDUSTRY

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

This question is from yesterday, and it is C815. I refer to the minister's media release of 2 November about reform of the on-demand transport industry.

- (1) Has the Department of Transport and/or the minister and/or staff from the minister's office met with representatives of Swan Taxis, ComfortDelGro, Uber or Shofer at any time between 17 March and 1 November 2017?
- (2) If yes to (1), on which dates did these meetings occur; who was present at these meetings; and what topics were discussed?

Hon STEPHEN DAWSON replied:

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

- (1) Yes.
- (2) I seek leave to have the following information incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

Date	Attendees	Topics Discussed
29 March 2017	Member for Armadale, Policy Adviser, Shofer representative	On-demand transport reform
3 April 2017	Member for Armadale, Policy Adviser, Swan Taxis representatives	On-demand transport reform
5 April 2017	Minister, Member for Armadale, Chief of Staff, Policy Adviser, Uber representatives	On-demand transport reform
12 April 2017	Member for Armadale, Policy Adviser, Uber representatives	On-demand transport reform
25 May 2017	Department of Transport staff, Uber representatives	On-demand transport reform
27 June 2017	Department of Transport staff, Shofer representative	On-demand transport reform
6 July 2017	Member for Armadale, Policy Adviser, Uber representatives	On-demand transport reform
6 July 2017	Department of Transport staff, Uber representatives	On-demand transport reform
2 August 2017	Department of Transport staff, Uber representatives	On-demand transport reform
8 August 2017	Department of Transport staff, Swan Taxi/ComfortDelGro representatives	On-demand transport reform
11 September 2017	Department of Transport staff, Uber representatives	On-demand transport reform
26 September 2017	Department of Transport staff, Shofer representative	On-demand transport reform
5 October 2017	Policy Adviser, Uber representatives, Megan Anywl (Hawker Britton)	On-demand transport reform
5 October 2017	Department of Transport staff, Uber representatives	On-demand transport reform
10 October 2017	Department of Transport staff, Shofer representatives	On-demand transport reform
26 October 2017	Department of Transport staff, Swan Taxi/ComfortDelGro representatives	On-demand transport reform
31 October 2017	Member for Armadale, Policy Adviser, Swan Taxis representatives	On-demand transport reform
1 November 2017	Department of Transport staff, Uber representatives	On-demand transport reform

WA COUNTRY HEALTH SERVICE

829. Hon MARTIN ALDRIDGE to the parliamentary secretary representing the Minister for Health:

I refer to the media statement from the WA Country Health Service dated 2 November 2017 and headed “Finance service consolidated with no job losses”.

- (1) Would the minister please provide a list of the positions affected by the change by position title, level classification, town and WACHS region location?’
- (2) How many of these positions will be relocated to Perth and Bunbury respectively?
- (3) On what basis were the hubs in Perth and Bunbury chosen as the preferred location for financial service delivery?
- (4) What will be the proposed structure and service delivery arrangements for the Perth and Bunbury hubs once established?

Hon ALANNA CLOHESY replied:

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

- (1) I have a list of the positions that will be impacted in the current structure and the new structure post consolidation. The list is in tabular form and I seek leave to have it incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

Table 1.0 Current List of Positions by position title, level classification, town and WACHS region location

Position Title	Level Classification	Town	WACHS Region	Position Count	Type
Senior Finance Officer	L5	Kalgoorlie	Goldfields	1	Current
Senior Finance Officer	L5	Esperance	Goldfields	1	Current
Accounts Clerk	L2	Kalgoorlie	Goldfields	2	Current
Clerk Finance	L2	Kalgoorlie	Goldfields	2	Current
Senior Finance Officer	L6	Albany	GREAT SOUTHERN	1	Current
Finance Officer	L5	Albany	GREAT SOUTHERN	1	Current
Accounting Officer	L3	Albany	GREAT SOUTHERN	1	Current
Accounting Clerk (VMO's)	L3	Albany	GREAT SOUTHERN	1	Current
Finance Officer	L2	Albany	GREAT SOUTHERN	1	Current
Clerk	L2	Albany	GREAT SOUTHERN	3	Current
Medical Imaging Account / Relief Clerk	L2	Albany	GREAT SOUTHERN	1	Current
Relieving Clerk	L2	Albany	GREAT SOUTHERN	1	Current
Accountant	L8	Derby	KIMBERLEY	1	Current
Senior Finance Officer	L5	Derby	KIMBERLEY	1	Current
Finance Officer	L3	Derby	KIMBERLEY	1	Current
Accounts Coordinator	L3	Derby	KIMBERLEY	1	Current
Receptionist/Clerk	L2	Derby	KIMBERLEY	1	Current
Accounts Clerk	L2	Derby	KIMBERLEY	2	Current
Senior Finance Officer	L6	Geraldton	MIDWEST	1	Current
Finance Officer	L4	Geraldton	MIDWEST	1	Current
Senior Accounts Clerk	L3	Geraldton	MIDWEST	1	Current
Finance Clerk	L2	Geraldton	MIDWEST	3	Current
Senior Finance Officer	L5	Hedland	PILBARA	1	Current
Business Support Officer	L4	Perth	Central Office	1	Current
Senior Assets and Finance Officer	L7	Bunbury	SOUTH WEST	1	Current
Finance Officer - VMP/Tax/Creditors	L5	Bunbury	SOUTH WEST	1	Current
Finance Officer	L3	Busselton	SOUTH WEST	1	Current
Accounts Clerk	L2	Bunbury	SOUTH WEST	11	Current
Accounts Clerk	L1/2	Bunbury	SOUTH WEST	1	Current

VMP Accounts Clerk	L2	Collie	SOUTH WEST	1	Current
VMP Accounts Clerk	L2	Bunbury	SOUTH WEST	1	Current
Senior Finance Officer	L7	Northam	WHEATBELT	2	Current
Accounts Payable Svr	L3	Northam	WHEATBELT	1	Current
Finance Officer - AR Oracle / PBRC Billing	L3	Northam	WHEATBELT	1	Current
Finance Officer	L3	Northam	WHEATBELT	2	Current
Clerical Assistant Finance - AP / AR	L2	Northam	WHEATBELT	1	Current
TOTAL				55	

Table 2.0 Post Consolidation List of Positions by position title, level classification, town and WACHS region location

Position Title	Level Classification	Town	WACHS Region	Position Count	Type
Coordinator - Accounts Payable	G7	Bunbury	SOUTH WEST	1	After
Accounts Payable Officer A	G3	Bunbury	SOUTH WEST	8	After
Accounts Payable Officer B	G3	Bunbury	SOUTH WEST	7	After
Team Leader - Accounts Payable	G5	Bunbury	SOUTH WEST	2	After
Coordinator - Accounts Receivable	G8	Bunbury	SOUTH WEST	1	After
Account Receivable Officer A	G3	Bunbury	SOUTH WEST	6	After
Account Receivable Officer B	G3	Bunbury	SOUTH WEST	8	After
Team Leader - Accounts Receivable	G5	Bunbury	SOUTH WEST	2	After
Coordinator - General Ledger	G7	Perth	Perth	2	After
General Ledger Officer A	G4	Perth	Perth	4	After
General Ledger Officer B	G4	Perth	Perth	4	After
Senior General Ledger Officer A1	G6	Perth	Perth	1	After
Senior General Ledger Officer	G5	Perth	Perth	2	After
Regional Business Analyst Goldfields	G7	Kalgoorlie	Goldfields	1	After
Regional Business Analyst Great Southern	G7	Albany	GREAT SOUTHERN	1	After
Regional Business Analyst Kimberley	G7	Broome	KIMBERLEY	1	After
Regional Business Analyst Midwest	G7	Geraldton	MIDWEST	1	After
Regional Business Analyst Pilbara	G7	Hedland	Pilbara	1	After
Regional Business Analyst Southwest	G7	Bunbury	SOUTH WEST	1	After
Regional Business Analyst Wheatbelt	G7	Northam	WHEATBELT	1	After
TOTAL				55	

- (2) Thirteen positions will be relocated to Perth and 25 positions will be relocated to Bunbury.
- (3) The hubs in Perth and Bunbury were based on similar contemporary service delivery models that benefit from centralisation, standardisation of process and strong management oversight. The general ledger function will reside in Perth, close to the WA Country Health Service chief financial officer, with the remaining transactional services located in Bunbury, the largest rural centre in country WA. WACHS has ensured that the majority of jobs will be retained in the country by locating one of the two hubs in a regional centre.
- (4) The proposed structure is work-stream based and led by service experts.

LEGAL AFFAIRS — CHILDREN'S COURT DRUG COURT — EVALUATION
LEGAL AFFAIRS — DRUG COURT — EVALUATION

Questions on Notice 364 and 365 — Answer Advice

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.07 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answers to questions on notice 364 and 365 asked by Hon Alison Xamon on 7 September 2017 to me as the Leader of the House representing the Attorney General will be provided on 28 November 2017.

QUESTION ON NOTICE 377

Paper Tabled

Papers relating to question on notice 377 asked by Hon Robin Chapple were tabled by **Hon Alannah MacTiernan (Minister for Regional Development)**.

MINISTER FOR REGIONAL DEVELOPMENT*Carnegie Clean Energy — Hon Peter Collier's Comments — Personal Explanation*

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [5.08 pm] — by leave: Last night Hon Peter Collier claimed I was a former director of Carnegie Clean Energy Limited. This is not true. I was never a director of that company, and I was never a director of any company that had any interest in wave energy.

DANGEROUS SEXUAL OFFENDERS LEGISLATION AMENDMENT BILL 2017*Second Reading*

Resumed from an earlier stage of the sitting.

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.09 pm] — in reply: Before the house dealt with other matters, I was talking about the reversal of the onus of proof. I made the point that the onus of establishing that an offender is an unacceptable risk remains on the Director of Public Prosecutions and that it is necessary to ensure the constitutional validity of the laws. Importantly, because the onus is on an offender, if an offender chooses not to give evidence or adduce evidence, the court may in certain circumstances draw the inference that the evidence the offender would have given would not have assisted him or her. This is referred to as a Jones v Dunkel inference and generally applies when the onus of proving a particular matter rests with a party. Under the current law, a Jones v Dunkel inference could only ever be drawn against the DPP, not the offender. Consistent with this, no decisions of the Supreme Court under the DSO act appear to refer to Jones v Dunkel. The Dangerous Sexual Offenders Legislation Amendment Bill will change that.

I turn to the presumption against bail. This bill seeks to treat dangerous sexual offenders the same as those charged with homicide offences whereby there is a presumption against bail. However, like these offences, bail can still be granted in exceptional circumstances. The amendments on the supplementary notice paper to be moved by the opposition that thereby deny bail in all circumstances are unconstitutional and cannot be supported. Both Hon Michael Mischin and Hon Alison Xamon raised the issue of substantial versus full compliance with conditions of an order. The view was expressed that it should be full compliance by one of them and Hon Alison Xamon was of the view that full compliance is unreasonable and does not allow for incidental events that may impact an offender's ability to fulfil their orders. In drafting this bill and the amendments, the concerns raised by Hon Alison Xamon were taken into consideration and, accordingly, substantial compliance was included as opposed to full compliance. As the shadow Attorney General would know, when members come into government, they are afforded the full support and advice of various agencies. It is with this knowledge that this provision was included and not the amendments provided last year.

Hon Michael Mischin interjected.

Hon SUE ELLERY: I appreciate that much of the comment we heard yesterday, which went over many hours, was about the honourable member's disappointment in what he claimed were the expectations raised and the delivery of the bill. I am going to concentrate my remarks on the specifics of the bill before us.

When the matter of the Attorney General's ability to instruct the DPP was raised in the other place, the Attorney General sought advice from the DPP. It advised —

- The decision not to appeal by the DPP is a decision made by the State and precludes any further actions at a Ministerial level.
- The AG can only instruct under the act if this has not occurred.
- However the AG has full confidence in the DPP and their DSO team to ascertain its chances of success on appeal.

Regarding community notifications about suppressed details of released offenders, in every circumstance the release conditions of dangerous sexual offenders, including their residence and other details, are suppressed. As members would be aware, suppression orders are in place to enable effective management and supervision of these offenders in the community. Furthermore, to contravene a suppression order and release this information, even inadvertently, would be highly inappropriate, especially for the government to do so. The decision to release these particulars is subject to a court order and the legislation before the Legislative Council seeks to ameliorate community concerns through the amendments it will make to the dangerous sexual offenders regime.

Regarding the issue raised about the distinction between a warrant for arrest versus a summons to court and a suspected contravention of orders and mandatory detention, contravention proceedings refer to the proceedings under sections 21 to 24A of the DSO act in which an offender is brought before the Supreme Court on the basis of a reasonable suspicion that the offender is contravening, has contravened or is likely to contravene a supervision order. The standard structure of the onus throughout the bill is as follows: a court cannot make an order unless it is satisfied on the balance of probabilities that the offender will substantially comply with the standard conditions of the order. The onus of proof as to the matters described is on the offender. This consideration is included in the

bill's amendments to section 23, which sets out the orders available to the court. To maintain the constitutional integrity of the legislation, the paramount consideration for orders is the need to ensure adequate protection of the community and that is maintained under section 23(2). Pending determination of the appropriate orders under section 23, interim orders can be made for detention in custody at section 24(A)(2)(b) or otherwise. Although the object of the entire act is the protection of the community and the threshold for proof is high when considering the likelihood of an offender committing another serious sexual offence, the amendment that was proposed by the opposition and flagged in Hon Michael Mischin's commentary would allow for detention on a likely contravention of any condition of a supervision order without any consideration of community safety. I am advised that the provisions of the nature proposed in that amendment would almost certainly be constitutionally invalid.

Hon Alison Xamon raised some queries about rehabilitation services in and outside of court. Psychological services provide a range of services for the assessment and management of people who are subject to dangerous sexual offender orders. Psychologists provide three main types of service: assessment, consultation and psychological interventions. It is quite difficult to break down the funding any further as services are provided to various cohorts of offenders at different times depending on demand and need. Regarding assessment services, there are risk assessment reports on prisoners being considered for dangerous sexual offender applications. Treatment and management plan reports assist the court with the identification of relevant supervision, management and intervention strategies for people who are subject to these proceedings. Treatment update reports are used to provide the court with information about an offender's treatment progress and other assessments are provided, as requested by the court, for example, regarding contravention hearings. Consultation services include: participation in regular risk management meetings with the community justice services and WA Police; provision of advice and support to community justice staff, police or prison staff as required to assist with the management of risk issues or offender behaviour; psychological case management of prisoners or offenders who are engaged in interventions; and delivery of training on managing high-risk and high needs offenders. Individual psychological counselling is given to address particular needs and contributions are made to the development and implementation of systemic interventions for offenders when necessary. Regarding contracted services for dangerous sexual offenders' supported accommodation, there are two contracts, each of some \$445 699 a year. For the specialist re-entry link program, there is one contract for the value of \$497 234 a year.

Hon Alison Xamon also raised a question about access to experts to prove the reverse onus. The majority of dangerous sexual offenders have legal representation, both at reviews and in cases of breach. Whether representation of a dangerous sexual offender would include arranging and funding expert reports for the dangerous sexual offender to assist in meeting the reverse onus of proof is a matter to be determined by the legal representative in each case.

Questions were asked about mandatory chemical castration. It is not included in this bill. The Supreme Court, in setting the conditions of a supervision order for a DSO, may order that the offender take anti-libidinal medication in accordance with the direction of the community corrections officer. If such an order is appropriate for the adequate protection of the community; the rehabilitation, care or treatment of the offender; or to ensure adequate protection of victims, regular blood tests are conducted to ensure that dangerous sexual offenders subject to such a condition do complying with it. Regarding consultation on the review versus consultation on the bill, parties consulted during the review were: the DPP; the Department of Corrective Services, as it was then; WA Police; and the Commissioner for Victims of Crime.

In preparing the bill before the house today, the following parties were consulted: the Director of Public Prosecutions; the Department of Justice, corrective services division; the Department of Justice, courts and tribunal services division; the Commissioner for Victims of Crime; the Solicitor-General; and the Chief Justice of Western Australia. In respect of the question about amendments that had previously been proposed by Hon Adele Farina, those amendments have not been included in the bill because the government is satisfied that the reverse of onus provisions in the bill will provide sufficient strength in the act to ensure that the Supreme Court will be satisfied that an offender will comply with the conditions of an order. In view of the bill's amendments, the GPS amendment would be an unnecessary restriction on judicial discretion.

There was a question about the degree of consultation, or lack thereof, with the Commissioner for Children and Young People. Although the Dangerous Sexual Offenders Act applies to juveniles, there are no juvenile dangerous sexual offenders at present. Targeted consultation on the bill was undertaken with key stakeholders. In respect of section 6 of the act regarding the Attorney General's powers and why there are no Attorney General appeals, the Solicitor-General provided advice to the Attorney General that he was not able to appeal the recent supervision orders made for certain DSOs. This is essentially because the DPP was already representing the state in those cases. This is contrary to the legal opinion that the Attorney General had previously held. As the Attorney General himself said in the other place, on 13 September —

There is nothing to be embarrassed about in coming to a revised position on the law when more fully explained on current case law. The Solicitor-General, Mr Quinlan, SC, advises me that I cannot institute an appeal, and I am taking the Solicitor-General at his word. I have every faith in the Solicitor-General and I will abide by his advice.

A question was asked about the time between reviews not being extended to every five years instead of every two, in line with amendments moved by the then opposition last year. The amendment from one to two years took effect in September 2016, and it is prudent to provide sufficient time to analyse the effectiveness of that new provision.

A question was asked about how many dangerous sexual offenders had been released since March 2017. I am advised that since 1 April, four dangerous sexual offenders have been released from detention orders onto supervision orders.

In respect of clause 14, Hon Alison Xamon asked why the bill provides the ability for the DPP to apply for a continuing detention order when a person is coming up for renewal of a supervision order. The honourable member had correctly indicated that the bill has the effect of allowing the DPP to apply for a continuing detention order or a further supervision order when an offender's current supervision order is due to expire. The addition of the ability to apply for a continuing detention order is to ensure that there is consistency throughout the legislation. The policy intention underpinning this amendment is to add the reverse onus of proof requirement for all cases in which the court has to consider a supervision order. As such, the option of a custody order under section 8(4A) has been introduced to cover cases in which the onus is not met. Having said that, it is unlikely that a detention order would be applied for, let alone granted, by a court when a supervision order has been working well. Proposed new section 8(4B) obliges the DPP to specify the type of order she or he will be seeking.

A question was asked about the efficacy of treatment assessed. The department has a dedicated branch that undertakes ongoing analysis and evaluation of the effectiveness of offender treatment programs. This includes short-term impact and long-term outcome evaluations of offender programs, as well as system and process evaluations for new initiatives. The branch also contributes to cross-jurisdiction evaluations, in coordination with other justice authorities.

I hope I have addressed all the issues that have been raised. If not, I am sure there will be an opportunity to cover them in Committee of the Whole, but I did my best to canvass all the issues raised in the second reading debate. I commend the bill to the house.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chair of Committees (Hon Laurie Graham) in the chair; Hon Sue Ellery (Minister for Education and Training) in charge of the bill.

Clause 1: Short title —

Hon MICHAEL MISCHIN: I will start by saying that I appreciate that the minister is not the one who made the very large claims for this bill over the course of the last several months, is probably not the person who is responsible for the very large claims for Labor Party policy in this respect at the time of the election manifesto of January this year, and is only the proxy for the relevant minister now. But I have to say that I am disappointed in the minister's response to many of the matters that were raised during the second reading debate. That is because the government, when in opposition, was repeatedly, consistently and very vocally critical of the manner in which the legislation operated. It was critical of the then government's efforts to improve the legislation and it insisted that certain things it proposed were essential for strengthening the legislation and for guaranteeing the safety of the public.

Now we have had an admission that everything the former government said back then was correct and everything the former opposition said back then was wrong, and that the propositions that were put by a very loudmouthed shadow Attorney General were false. The now Attorney General answers that by saying, "Well, I've had another opinion; there's no harm in that." The criticisms he made of the former government, and the very personal criticisms he made of me and my professional judgement, are now being resiled from. He is now saying that I was right, but he does not have the spine to actually admit that he was wrong.

It will take a little bit of time to go through these elements so that I can put it quite plainly on the record that what the Labor Party put forward last year—which was the fuel for the now Attorney General to wax lyrical in the other place, criticising everyone for failing to take sufficient steps to protect the public by explaining why certain things he demanded be done could not be done—is apparently all going to be glibly passed over. The Attorney General is now saying, "Well, I'm in government now. I took some further advice. I've just changed my mind, so please forget about that. We're doing what we can."

This is very important. This bill purports to fix a problem that the last government neglected and had not done sufficient about. All the elements that were identified by the then shadow Attorney General as being concerns to the public that he planned to fix are now being glossed over. He and the McGowan Labor Party demanded, up to the last election, that offenders should have to prove that they will comply with every condition of their order, with no distinction between them in terms of seriousness of breaches or importance of conditions. That has now been qualified drastically. The demand that there be no bail if there is an alleged breach until the case is dealt with by

the court has now been watered down. The government has said, “Sorry, we can’t do what we promised; it’s unconstitutional.” They were the very weapons that were being used against the last government. This McGowan Labor Party has bought its way into office using counterfeit currency on a number of occasions. This is an example of the tinsel that was dressed up as policy. The government is now trying to walk away from it and say, “We’re doing what we can. This’ll fix the problem.” Let us see whether what is proposed will fix the problem that it banged on about for the last four years.

One of the things that was not addressed in the honourable minister’s reply was the Attorney General’s very trenchant comment—this cannot be dismissed on the basis that it was a year ago, before he could draw on the resources of government to come to a different view—that the release of the last dangerous sex offender would not have happened if not for the slack laws of the Liberal Party. I still do not know which part of that judgement would have been decided differently had there been in place either what the Labor Party proposed last year, but now resiles from, or what is now proposed. If what is proposed were in place now, it should have been introduced by the Labor Party before September, for a start. Second, if it were because we failed to agree to Labor’s suggestions last year, it is saying that they would not have worked anyway because they were unconstitutional. I would like that explained in due course to see how this Attorney General can run wild in the public and deride the views of others both in the other chamber and in public. Now he is so cowardly that he cannot even admit that he was wrong. This is very important to the passage of these elements of the bill because I want to make it entirely clear. I want the Labor Party and Attorney General Quigley to understand that the next time a dangerous sexual offender is released I want to make sure that the Attorney General is in front of the cameras explaining why he has changed his tune and is singing from a different song sheet. It appears that four dangerous sexual offenders have been released—not just the two that received publicity—which the public has not been told about by the man who demanded that the government of the day ought to do these things.

I will get back to some of the propositions that were raised that were essential for community safety, yet have not been addressed. I also want to deal with some of the propositions that were essential to community safety and that were being put as recently as 12 months ago—indeed, as recently as about six months ago in the election manifesto—that will not be done under this bill. I want to hear in detail the explanations as to why. I do not want the glib palming off, “We’ve taken advice and this is unconstitutional.” I want to hear the reasoning behind it. I want to expose the lies that have been told over the last four years to whip up community concern.

I will turn to the more general issue of the consultation that has taken place, but before we get to that, I ask the minister for the date of the cabinet submission that formed the basis of the drafting instructions to Parliamentary Counsel, approved by cabinet. I want to know when the proposal for this legislation went to cabinet.

Hon SUE ELLERY: I am not in a position to give the member that. In respect to the commentary that led up to the question, I note the member’s views and I hear his affront at what he thinks happened. I am not able to give him any additional information about the issues that he takes objection to other than the information that I gave in my second reading reply. In respect to the question that the member just asked, I do not have that information.

Hon MICHAEL MISCHIN: Plainly, this will not be completed today, so the minister will have ample opportunity—overnight, if necessary, or until we resume again—to find that out. Having regard to the alleged urgency of this legislation and the claims that were made that the McGowan government has moved swiftly to fix this problem left over by the slack laws of the Liberal government and its inaction in that regard, I want to know how swiftly the McGowan government moved to have this bill drafted and introduced. That should not be difficult to ascertain. The minister may be able to help with how many drafts of this legislation there were before it received the endorsement of cabinet.

Hon SUE ELLERY: I am advised that there were six or seven drafts.

Hon MICHAEL MISCHIN: The minister may be able to answer this from her own recollection. A media report of 14 June this year claimed that the go-ahead had been given to draft legislation to address the problems in the dangerous sexual offender legislation raised by WA Labor in opposition. Can the minister tell me which problems this bill was meant to address? Was it all that stuff that Labor had raised in opposition about the fact that people who had been classified as dangerous sexual offenders were being released, or was it only some of the issues relating to dangerous sexual offenders? As I understand it, the outrage that was exploited by the Labor Party had to do with the fact that anyone classified as a dangerous sexual offender could possibly be released into the public under a supervision order rather than be detained. Will this bill stop dangerous sexual offenders being released?

Hon SUE ELLERY: I tried to tackle this in my second reading response. The policy objective that we were trying to achieve was continuing detention in custody or supervision in the community of a DSO if their unconditional release from custody would present an unacceptable risk that they would commit a serious sexual offence. We wanted to do so in a way that would not take us beyond the constraints of commonwealth constitutional law. The plan to fix the problem of offenders being released on bail too easily is the basis of the policy. The presumption against bail is very significant. It is a major amendment and equals the treatment of bail for murder.

Hon MICHAEL MISCHIN: I thank the Leader of the House, but she has not really addressed the point. What changes will address the problems in dangerous sex offender legislation raised by WA Labor in opposition, which were the reported comments of the Attorney General through a spokesperson? Is it simply the ease of being released on bail when charged with a breach, is it the ease of being released at all, or is it the fact that dangerous sex offenders, as defined in the act, are being released per se?

Hon SUE ELLERY: I appreciate that the honourable member wants to revisit what he sees as the discrepancy between the policy discussion that occurred before we were elected to government and the bill before the house. I have provided to the best of my ability the information that I am able to. I am not able to add anything to what I said in my response to the second reading debate or to the answer I have just given.

Hon MICHAEL MISCHIN: I thank the Leader of the House, but I am also addressing the policy statement made since the government was elected, which drew on the policy statements and the claims, assertions, complaints and allegations made over the previous four years. The issues were meant to be fixed by this government and were articulated in its law reform initiatives document back in January, upon which it relied in part to attract votes from the public, which, it assured us repeatedly, had cause for concern about this legislation. Has the Labor Party changed its position since it got into government?

Hon SUE ELLERY: I will make the point again: what we were trying to do once elected was meet the policy objectives that we had set out prior to being elected and to take cognisance of the need to ensure that those laws were constitutionally valid.

Hon MICHAEL MISCHIN: Perhaps the Leader of the House could point me to where in the law reform initiatives document it states anything about Labor changing the laws to achieve this so far as constitutionally valid.

Hon Sue Ellery: I have nothing further to add.

Hon MICHAEL MISCHIN: Is it reasonable to assume that very broad and bold claims were made in the document without sufficient thought about whether those plans and objectives were achievable?

Hon SUE ELLERY: I am really not in a position to add anything more and I am not in a position to enter into a debate about the intent of a policy document that I did not write. I am not sure that I can add anything further to the examination of the policy that the honourable member has referred to.

Hon MICHAEL MISCHIN: Is the Leader of the House able to say who did have input? Would Attorney General Quigley have had input to this document? He is the draftsman of this bill. He is the sponsor of this bill. He initiated it. He was a great spokesman over the last several years about what ought to be done and how it should be done. Would he have had anything to do with this document or is the Leader of the House not able to even say that?

Hon SUE ELLERY: I am not sure how identifying whether I knew who may or may not have contributed to a policy document that the WA Labor Party took to the election gets us anywhere with the detail of the bill before us. I am not able to add anything to assist the honourable member with the policy document that he is referring to.

Hon MICHAEL MISCHIN: The Leader of the House will understand that I am trying to determine whether the policy that underpins this bill—we will see whether the provisions of the bill meet the policy—has changed since the McGowan Labor Party got into government. It went to the election with a particular set of objectives. It has claimed that all the problems—those problems have not been identified yet, but we will get to that—are the fault of the previous government and that this will fix them in some fashion. I am trying to narrow down what those problems were seen to be so that I can see whether this bill will actually achieve that end. I would like to help and make sure that this bill will do what the government hopes to achieve by it. I need to understand whether the policy basis for it at the start of government is any different from what it is now.

Hon SUE ELLERY: With absolute respect to the line of questioning being put by the honourable member, I am really not able to add anything further on the policy document that he is referring to.

Hon MICHAEL MISCHIN: We will get away from the policy document, as no-one seems to want to take responsibility. We will find out where it came from, although after we rise today, perhaps the Leader of the House can make herself able to assist.

I turn to a *WAtoday* article of 14 June, which states —

Mark McGowan's cabinet has given the go ahead for legislation to be drafted which will strengthen WA's dangerous sex offender laws.

A spokesperson for the Attorney General John Quigley told *WAtoday* on Wednesday cabinet had approved the drafting of legislation which was committed to before the state election.

Committed to before the state election! That gets back to the policy document, sadly. The article continues —

“These changes will address the problems in dangerous sex offender legislation raised by WA Labor in opposition,” the spokesperson said.

Again, what has been going on in the last several years? There were problems that apparently we had not addressed and could have addressed and things that we could have done but, because of my misunderstanding of the law, I did not do. It continues —

The legislation is expected to be introduced this year.

Under WA's dangerous sexual offender laws, the Supreme Court can order certain sexual offenders to be the subject of either a continuing detention order, or a stringent supervision order.

That is the law at the moment and the Leader of the House told us on several occasions during her second reading reply that that will be the regime afterwards. It then goes on to state —

Measures to be included in the soon-to-be-drafted legislation will mean prisoners will have to “bear the burden” of satisfying the courts they will comply with any supervision order conditions.

Removing the court's discretion to release an offender on bail during proceedings relating to a supervision order breach, until those proceedings conclude, will also be included.

Will this bill do either of those things?

Hon SUE ELLERY: It certainly does address both things. I think that the point the honourable member is trying to make is that he is personally affronted by the views expressed by the now Attorney General, the former shadow Attorney General, in the lead-up to the election, and as a result of that personal affront the bill before the house is in some way invalid or dishonest. I think that is the point the member is trying to make. I understand that. I hear his personal pain at the affront, but I am not sure I can take this matter any further in respect of the policy that was put by the Labor Party and the shadow Attorney General before the election. We have a bill before us that takes us forward in how dangerous sexual offenders are treated. I am ready, willing and able to discuss the detail of the bill before us. I really cannot go back to canvass the matters that I think the member wants me to canvass.

Hon MICHAEL MISCHIN: I thank the Leader of the House for her patronising attitude. I think it is probably about time I took offence at something now, because what I am asking the Leader of the House to do, rather than making it personal about this somehow being a personal affront and the like—yes, I am offended that I had a liar who is now the first law officer of this state —

The CHAIR: Order!

Hon Sue Ellery: You cannot use that language it is unparliamentary.

Hon MICHAEL MISCHIN: Okay, someone who was loose with the truth.

Withdrawal of Remark

The CHAIR: Before we replace the words, you will withdraw.

Hon MICHAEL MISCHIN: I withdraw.

The CHAIR: Let us just take that in order. Can the member resume his seat for a moment.

I want to take the temperature down for a moment. I will give members a moment to collect their thoughts while I point out that the question we are debating is whether clause 1 be agreed to. In contemplating that, of course, we are not revisiting the second reading debate. The house has a bill before it and the second reading speech discussed the scope and policy of the bill. That is what this house is aware of. Although it is legitimate in the context of the second reading debate to refer to other matters such as election undertakings and so on, we are perhaps a little more restricted when we come to the consideration of clause 1. Nonetheless, I have been following the debate closely and plenty of the material being canvassed is about the scope of the bill. Having said that, let us concentrate on the bill rather than the personalities.

Committee Resumed

Hon MICHAEL MISCHIN: I do withdraw that remark. Perhaps I could rephrase it. He is someone who is prepared to say one thing and be critical of others, but then resiles from that when it suits him. But I am concerned that the Leader of the House has turned this around as though it is something that is personal to me, rather than answering the question about how the policy of the bill, as announced in the second reading speech, differs from what was said when the drafting of the bill was announced only a matter of months before. That is why I am quoting this article from 14 June 2017 about what this bill was going to achieve. That gets back to why the government has changed its position on this and why it has not admitted as publicly as it announced on 14 June that it is doing less than what it felt it could do at the time. Instead, the government is trying to trumpet this bill as being the toughest law in Australia and making out that it is a great victory to do somewhat less than promised only a matter of months before. To try to turn that around as though somehow that is an unreasonable approach to take is frankly insulting. I ask again: does this bill achieve either of those measures or is it something less than that?

Hon SUE ELLERY: As much as I am enjoying every minute of this exchange, I am going to have to ask that progress be reported, because I have to leave at six o'clock.

Progress reported and leave granted to sit again, on motion by Hon Sue Ellery (Leader of the House).

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

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Darren West (Parliamentary Secretary)**, read a first time.

Second Reading

HON DARREN WEST (Agricultural — Parliamentary Secretary) [5.58 pm]: I move —

That the bill be now read a second time.

The purpose of the Iron Ore (Channar Joint Venture) (Hamersley Range) Agreements Amendment Bill is to ratify two variation agreements. The bill is necessary to give effect to amendments to the Iron Ore (Channar Joint Venture) Agreement Act 1987 and the Iron Ore (Hamersley Range) Agreement Act 1963, which I will refer to as the Channar state agreement and the Hamersley state agreement respectively.

The Channar state agreement will expire on 22 February 2018. The key purpose of the variation agreements is to extend the term of the Channar state agreement by 10 years to 2028, with the possibility of a further extension for a period not exceeding five years. Its extension will allow mining to continue at the Channar mine and for rehabilitation and decommissioning activities to be undertaken once mining has been completed. In the 1980s, the Channar mine was the first large-scale overseas mining project in which China had taken a direct equity interest. I will now provide some background on the parties to the Channar and Hamersley state agreements, their operations and the requirement to vary the two state agreements.

The parties to the Channar state agreement are the state, Channar Mining Pty Limited, Sinosteel Channar Pty Ltd and Hamersley Iron Pty Ltd. Channar Mining and Sinosteel Channar are collectively referred to as the joint venturers. Channar Mining has a 60 per cent share of the joint venture and Sinosteel Channar has the remaining 40 per cent. Channar Mining and Hamersley Iron are part of the Rio Tinto group. Sinosteel Channar is part of a major Chinese state-owned enterprise. The parties to the Hamersley state agreement are the state and Hamersley Iron.

The Channar mine is located approximately 20 kilometres from Paraburdoo and is situated on a mining lease granted under the Mining Act 1978 and held pursuant to the Channar state agreement. The project was approved in 1988 under the Channar state agreement. Hamersley Iron provides services and facilities under the Hamersley state agreement to support mining at Channar. The Channar mining operation involves conventional open pit mining, crushing and screening of iron ore. The ore is then transported from the Channar mining areas by conveyor to Hamersley Iron's Paraburdoo processing plant. The conveyor is located on a special lease granted under the Land Administration Act 1997 and held pursuant to the Channar state agreement. Following further processing at the Paraburdoo plant, the ore is then loaded onto trains and railed to either Dampier port or Cape Lambert port for export. The Channar mine produces about eight million to 10 million tonnes of high-quality iron ore per annum and employs around 142 workers.

I turn now to the provisions of the bill and the two variation agreements. The provisions of the bill essentially set out to amend the Channar and Hamersley state agreements by ratifying and attaching two variation agreements. The bill ratifies the Channar variation agreement and attaches a copy as schedule 2 to the Channar state agreement. Similarly, the bill ratifies the Hamersley variation agreement and attaches a copy as the sixteenth schedule to the Hamersley Range state agreement.

The key provisions of the Channar variation agreement are as follows. Clauses 1(3) and 1(4) essentially require the state to introduce into Parliament a bill to ratify a variation agreement by 31 October 2017 and to have it ratified by 31 December 2017; otherwise, the Channar state agreement will expire in February 2018. Similar provisions also exist in the Hamersley variation agreement. Clause 2(4)(a) deletes clause 23(1) and substitutes it with the requirement that the joint venturers pay to the state iron ore royalty in accordance with the Hamersley state agreement. The Channar state agreement royalty provisions have been amended to reinforce the current arrangements whereby the joint venturers pay to the state iron ore royalty in accordance with the Hamersley state agreement.

Clause 2(5) inserts new clause 23A after clause 23, which allows the joint venturers to blend iron ore from the mining lease held pursuant to the Channar state agreement with iron ore mined under the Hamersley state agreement. Clause 2(6) amends clause 31 relating to the payment of rates by excluding from the unimproved value rating exemption any part of the land that is a specified improvement, with specified improvements being accommodation, recreation or administration facilities and associated buildings or maintenance workshops within 100 metres of such facilities.

Clause 2(8) deletes clause 50 and substitutes it with a new clause that extends the expiry date of the Channar state agreement. New clause 50(1) extends the term of the Channar state agreement by 10 years to 22 February 2028. New clause 50(2) provides that the joint venturers may give notice to the state agreement minister no later than

22 February 2027 of their desire to extend the Channar state agreement for a further period not exceeding five years. Under new clause 50(3), the state agreement minister is able to extend the Channar state agreement for the joint venturers to complete any productive mining activities or to decommission and rehabilitate the mine site in accordance with clause 8(2) for a further five years.

Clause 2(9) inserts new clause 50A after clause 50. New clause 50A(1) deems, upon endorsement of the relevant registers, the extension of the term of the mining lease and special lease I163654 held pursuant to the Channar state agreement so that they expire on 22 February 2028, or such later date agreed to by the state agreement minister pursuant to new clause 50(3) of the Channar state agreement. This essentially means that the term of the leases held under the Channar state agreement shall be deemed to be extended to coincide with the same term of the Channar state agreement

The key provisions of the Hamersley variation agreement are as follows. Clause 2(1) inserts a new definition, “Channar Joint Venture Completion Date”, which means the date, if it occurs, on which an associated company such as Hamersley Iron becomes, prior to the cessation or determination of the Channar state agreement, the sole entity of the joint venturers for the purposes of the Channar state agreement. Clause 2(2) inserts new subclause (8) after clause 8(7), which obligates the company to include in the company’s local participation plan activities in connection with the Channar state agreement. Clause 2(3)(a) amends clause 10(2)(i) by inserting provisions to the effect that the company is required, when it is reasonably and economically practicable, to use local labour, materials, plant and equipment and supplies from Western Australia when it is not prejudicial to the interests of the company in respect to activities in connection with the Channar state agreement. Clause 2(3)(b) inserts a new subparagraph (ia) after clause 10(4)(a)(i), which includes the blending of iron ore with iron ore mined under the Channar state agreement.

Clause 2(4)(b) inserts new subclause (1A)(a) after clause 10H(1), which provides for the inclusion of land subject to the mining lease held pursuant to the Channar state agreement within mineral lease 4SA, which is held pursuant to the Hamersley state agreement. This inclusion of land can occur on and from the Channar joint venture completion date and prior to the cessation or determination of the Channar state agreement. Application for such inclusion is to be made to the Minister for Mines and Petroleum and with the written consent of the joint venturers under the Channar state agreement. This new subclause will allow the transfer of land from the Channar mining lease to mineral lease 4SA while operations continue under the Channar state agreement on the remaining land subject to the Channar mining lease. Clause 10H(1A)(b) allows the Hamersley state agreement party to apply for a similar lease, licence, easement or other title to that which is held pursuant to the Channar state agreement. The application is to be made with the written consent of the joint venturers under the Channar state agreement. Clause 10H(1B) requires Hamersley Iron to complete any outstanding decommissioning, remediation, rehabilitation and other closure activities and works relating to land included in mineral lease 4SA, or in respect to any lease, licence, easement or title granted under clause 10H(1A)(b).

The ratification of this bill provides certainty for the ongoing operations of the Channar mine that will support the continued employment of workers in 142 jobs at Channar and continuation of the payment of royalties to the state. The extended term of the Channar state agreement will also provide time for the rehabilitation of those areas that have been disturbed once mining has been completed.

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 859.]

Debate adjourned, pursuant to standing orders.

FIRST HOME OWNER GRANT AMENDMENT BILL 2017

Committee

Resumed from 7 September. The Chair of Committees (Hon Simon O’Brien) in the chair; Hon Stephen Dawson (Minister for Environment) in charge of the bill.

Clause 14: Section 52 amended —

Progress was reported after the clause had been partly considered.

Hon STEPHEN DAWSON: When this bill was last debated during the Committee of the Whole stage, Hon Nick Goiran asked a series of questions in relation to clauses 14, 15 and 16. I have taken advice since then and would like to address those issues before we move on to a number of amendments that the government is proposing. During the debate I stated that advice had been received from the State Solicitor’s Office that confirmed

the Commissioner of State Revenue does not currently have the power under the First Home Owner Grant Act to recover the legal costs when a general procedure claim has been issued, but the matter does not proceed to court because the applicant agrees to pay the debt and enters into a payment arrangement. At the time I had not seen a copy of the advice; however, I have since seen a copy from the State Solicitor's Office and this confirms the previous advice obtained by the commissioner and what I previously told the chamber—that the commissioner does not currently have the power under the First Home Owner Grant Act to recover legal costs incurred during recovery proceedings when the court does not award those costs. Since then, I have also arranged for a briefing for Hon Nick Goiran to air his concerns with the State Solicitor's Office and the Office of State Revenue. A briefing took place some weeks ago on the proposed amendments to clauses 14, 15 and 16. I understand that during the meeting the State Solicitor confirmed the commissioner does not have the power to recover legal costs incurred during recovering proceedings in certain circumstances. I cannot go into the specifics of the particular case to which the advice pertains; however, I want to provide some comments on the recovery process and the circumstances in which the commissioner cannot recover legal costs.

The proposed amendments to clauses 14, 15 and 16 are favourable to the applicant who is required to repay a grant debt. As Hon Nick Goiran correctly stated when the bill was last debated in this place some weeks ago, the success rates of legal actions are reasonably high. This is because the debt is certain and cannot be disputed through debt recovery proceedings. The requirement to repay the grant can only be disputed through objection proceedings, and then the State Administrative Tribunal. After a general procedure claim is issued and served to recover a debt, in most cases the applicant will approach the commissioner to request a payment arrangement. The commissioner usually agrees to the payment arrangement without requiring the applicant to lodge their request through the court, which would give the commissioner a default judgement. My advisers tell me that this is a better outcome for the applicant for a number of reasons. Once the applicant agrees to enter into an instalment arrangement, the commissioner issues a memorandum of consent to clear the applicant's credit rating. It removes the need for the applicant to confess the debt and it avoids the time and expense involved in the applicant attending the proceedings. If an applicant subsequently defaults on the instalment arrangement, the commissioner will have to go back to the court for judgement on the general procedure claim or, if the claim has expired, the original matter will have to be withdrawn and a new claim issued for the remaining balance. The commissioner is not able to recover the cost of issuing and serving the first claim.

If the proposed amendments to clauses 14, 15 and 16 are not passed, it will be necessary for the commissioner to require the applicant to confess to the debt in all cases in which a general procedure claim is issued, before an applicant can enter into a payment arrangement. This would affect the applicant's credit rating and incur more time and expense for the applicant.

The other scenario in which proposed section 52A may be used is when the commissioner issues a general procedure claim and the applicant pays the grant debt without having to enter into an instalment arrangement but not the legal costs. Although section 52A could be used to recover the costs of issuing the general procedure claim in this scenario, it is unlikely the commissioner would commence legal proceedings to recover the costs. This is because the amendments will allow the commissioner to secure the costs by memorial, which will not be withdrawn until those costs are paid. As I have already told the chamber, the commissioner does not incur lawyers' fees from recovery proceedings. The only cost that the commissioner seeks to recover under proposed section 52A are the costs of issuing a general procedure claim in circumstances in which an applicant agrees to enter into a payment arrangement after the claim is issued but subsequently defaults on the payment arrangement. The legal costs the commissioner is seeking to recover are not significant. However, given Hon Nick Goiran's concerns that the commissioner may incur external lawyers' costs if the commissioner ever decides to outsource that recovery action, the government would like to move an amendment to the bill to allay his concerns. That is my intention. The proposed amendments insert new clauses 11A, 12A and 12B into the bill and amend clause 15 to allow an applicant to object to the requirement to pay the legal costs or the amount of legal costs being recovered.

That is the intention of the government. As a result of the conversations that happened between the solicitors, it will require me to report the bill out of committee before the report is adopted. I will move a motion that the bill be recommitted for the purposes of dealing with amendments to clauses 11A, 12A and 12B.

Hon NICK GOIRAN: Noting the limited time we have today, I think we will try to wrap this all up tomorrow. Can the minister indicate to the chamber whether it is his intention to have the bill recommitted tomorrow, perhaps at first instance, so that we can then deal with all of the remaining amendments? Or is it the minister's intention to deal with clause 14, which we are on, and the rest of the bill, perhaps his and my proposed amendments to clause 15, and then go back to deal with new clauses 11A, 12A and 12B?

Hon STEPHEN DAWSON: The advice given to me is that we need to proceed on the course that we are on to deal with the remainder of the bill first, and then for me to recommit the bill to enable us to consider clauses 11A, 12A and 12B. We have to keep going. That means we will deal with the amendments at clause 15 first, get to clause 18 and then report, but then come back to deal with clauses 11A, 12A and 12B.

The CHAIR: The explanation by the minister is, of course, right. Under the standing orders the house has provided us with, we have to deal with clauses as printed and proposed new clauses notified on the notice paper, in numerical order. We have already gone past where clauses 11A, 12A and 12B would be inserted; therefore, we have to proceed now and then come back through a recommittal process. It is inconvenient and less than ideal, but those are the mechanics in this interesting situation.

Hon STEPHEN DAWSON: Thank you, Chair. I ask that you report progress.

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

**MINISTER FOR REGIONAL DEVELOPMENT — PERSONAL EXPLANATION
HON BILL JOHNSTON'S COMMENTS**

Statement

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [6.20 pm]: I will not take much of the house's time tonight. Before I get onto the point I want to raise this evening, I want to respond to Hon Alannah MacTiernan's personal explanation today. I went through all of this last Thursday with regard to her involvement with Carnegie, so I will not start that again. I will say that Hon Alannah MacTiernan was a director of Energy Made Clean. Carnegie bought Energy Made Clean. I want to make that perfectly clear. I am very conscious of the fact that she was not a director of Carnegie. I am very conscious of the fact, however, that she was a director of Energy Made Clean. I made that quite clear last Thursday.

The point I want to raise today is with regard to standing order 45 of the Legislative Council. It is headed "Imputations and personal reflections", and it states —

All imputations of improper motives and all personal reflections on members shall be considered highly disorderly.

We adhere to that standing order in most instances—not all the time. Having said that, I was made aware last night that a member of the lower house—the other place—has made some accusations about me. Those comments were made during consideration in detail of the Occupational Safety and Health Amendment Bill 2017. I had a look at the comments made by the honourable member and saw that it was a very heated debate, and it got quite personal, not about me, but about the circumstances surrounding the resignation of the former Road Safety Commissioner. The debate had nothing to do with me whatsoever. However, all of a sudden, my name popped up. The comments really disappointed and surprised me, particularly coming from the person they came from, Hon Bill Johnston. Hon Bill Johnston stated —

On 30 August 2013, all those members who were here remember the tabling of the report from the Public Sector Commissioner who looked at the bullying and intimidation by Hon Peter Collier against Ruth Shean.

He also stated to the Acting Speaker at the time —

I am not trying to canvass your ruling, I am getting back to the bill. The report that landed on the table over there in 2013 was about a bullying case by Hon Peter Collier against a senior public servant.

I flatly refute that accusation by Hon Bill Johnston. Never on any occasion has an accusation of bullying been levelled against me—never. Never on any occasion has a report been completed with regard to possible bullying on my part. I have never been accused of bullying. It is nonsense. It is absolute rubbish.

I found those comments highly offensive, particularly when we consider Legislative Assembly standing order 92, which actually goes further than our standing order on this matter. It is headed "Imputations and personal reflections", and it states —

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

Those comments were not made during debate on a substantive motion. They were made in the heat of a debate. I do not know why on earth Hon Bill Johnston made those accusations. They are simply not true. If the honourable member thinks that they are true, I challenge that honourable member to come forward with the evidence. I challenge Hon Bill Johnston to speak to Ruth Shean and Mal Wauchope, and they will confirm that the allegations that he made last night were absolutely false. Hon Bill Johnston might be a member of the other place and he has the protection of this great institution of ours, but he cannot use the protection of this institution of ours to make allegations that are completely and absolutely false.

The only reason I have raised this matter is that these comments were made in the other place. I was made aware of them from some of my colleagues. I do glance through *Hansard*, but I obviously would not have been made aware of them were it not for my colleagues. The allegations that Hon Bill Johnston made in the other place last night with regard to purported bullying on my part are completely and absolutely false. I refute them, and I ask him to withdraw them.

MANUS ISLAND REGIONAL PROCESSING CENTRE*Statement*

HON ALISON XAMON (North Metropolitan) [6.24 pm]: I rise tonight to speak about the urgent humanitarian crisis that is currently occurring on Manus Island. The crisis has effectively been created by the federal government, and I point the finger specifically at Peter Dutton. Australia's Manus Island prison, which was reopened by the Labor government and has been run very punitively under the current government, has long been a human rights disaster. However, it is now an escalating human rights emergency.

On 31 October, the federal government abandoned the regional processing centre on Manus Island and cut the supply of drinking water, food and electricity to the over 600 refugees and asylum seekers at that facility. That begs the question: How did we get to this point? How did this situation come about? As many members will be aware, last year, the Papua New Guinea Supreme Court found that the imprisonment of those 600 men on Manus Island was unconstitutional. As a result of that decision, the detainees were allowed to move freely around Manus Island, because that was considered to be sufficient to meet the terms of the court ruling.

The Australian government has since decided that it will close the Manus Island processing centre. This is an arbitrary decision that was made by Peter Dutton and was not necessary to meet the terms of the court decision. The problem is that although the regional processing centre has been closed, not enough accommodation is available on Manus Island for the 600 men who were detained at that centre. The Australian government has offered three sites at which the men can be relocated. However, the accommodation at those sites is not finished and the sites are still unsafe. This has been confirmed by the United Nations High Commissioner for Refugees. One of those sites is still a construction site, with a couple of demountables that have effectively been dropped into a sea of mud. More notably, and of great concern, is that after multiple knife and machete attacks on these refugees, the men do not believe they will be safe in the community, which is where these other sites are located. Their concerns are not unwarranted. The Papua New Guinea Commissioner of Police stated recently that the safety of the refugees is not to be taken for granted, given the tensions that have been expressed by the locals on Manus Island. While these men were at the regional processing centre, they witnessed murder, beatings and deprivation, and an armed assault by Papua New Guinea naval personnel. The fact that they feel unsafe in the community speaks volumes about the situation in which these men find themselves.

The refugees and asylum seekers who remain at the regional processing centre on Manus Island no longer have access to medical treatment and medications. These are vulnerable men, many of whom have gone through unspeakable hardship and trauma in their country of origin and in their efforts to get to safety in Australia. These men are largely from the Middle East, Africa and South Asia, and they have fled war and persecution. I note that some of these men are Rohingya Muslims who are fleeing violence in Myanmar. As far as I am concerned, to cut off access to basic essentials for these men is appalling, unjustifiable and totally inhumane. Many of these men are clinically depressed and living with the effects of post-traumatic stress disorders. They now have no further access to their psychotropic medications. It is over 30 degrees Celsius on Manus Island. There is stifling humidity that is as thick as soup. It is swarming with mosquitoes. It has been reported that the men have resorted to digging holes to find water, and they are adding hoarded sugar and salt to the water that they are able to find.

These individuals are supposed to be in Australia's care. They have had their basic human rights taken away from them by the Australian government. This humanitarian emergency has been created by our government, yet it is another example to add to the terrifying catalogue of Australia's outrageous treatment of refugees and asylum seekers since the *Tampa* 16 years ago. These men want simply their freedom and safety. They have already suffered for over four years at the hands of our government. The commonwealth government needs to start showing some compassion and evacuate them to safety. I think it is abhorrent that the offer by New Zealand to take some of the men was turned down. I would argue that we have enough space to be able to bring people here to Australia, to safety. Now is the time that we need to make sure get these men out of this place as soon as possible.

I also want to acknowledge the Love Makes A Way protesters today. They are faith-based protesters who made a point of hanging off the side of a building near Julie Bishop's office to try to highlight this issue. It was also a source of protest at the Melbourne Cup yesterday. Many people are starting to become increasingly distressed by this. I participated in a non-violent gathering on Sunday to express my distress about what is happening. We really need to see an end to this. It is at breaking point and we want to ensure there are no deaths and no blood is left on our hands.

ABORIGINAL COMMUNITIES — ROLE MODELS — SUPPORT PRIORITIES*Statement*

HON COLIN TINCKNELL (South West) [6.31 pm]: I would like to raise an issue that affects close to a million people in Australia. I am talking about something that I have raised in this chamber before and I believe we are losing the battle. Over the past decade or more, our various state governments have consistently been losing the battle that Aboriginal people face. Incarceration rates are higher than they have ever been and Aboriginal prisoners have been the subject of ex gratia payments due to terrible situations that have arisen from a lack of understanding

of Aboriginal life and culture. For instance, Aboriginal people are picked up for minor traffic offences, they go to jail, and die in jail. Then *ex gratia* payments are made. Aboriginal kids are often not interested in gaining high school diplomas. Their educational requirements are often quite different and by being painted with the same brush as everyone else, they lose interest and do not continue with their education. We need to find and promote Aboriginal role models in more areas than just footy. Aboriginal people excel in so many other areas, including arts and drama, politics, business and academia. I think the media needs to buy into this and promote it because they certainly do it on the football field. People need to be held up as role models for the wider Aboriginal people, while understanding that many differences exist within Aboriginal communities.

Our policies often reflect that we treat Aboriginal people as one group. We are 100 per cent wrong when we do that; we have talked about this in the past. It certainly affects any opportunity for us to improve their plight. We need to engage in further discussions with all the separate communities to find out what they need and attempt to provide for them. It is really not a case of providing for their needs; it is more about listening to them and allowing these people to provide for themselves. We need to make that possible for them. We need to listen to each problem and address each situation individually, and not just attempt to throw money at the problems or create bureaucratic organisations that get paid to simply tick a box.

In some areas, the rate of sexually transmitted diseases is very high, especially for juveniles. In other areas, drug and alcohol abuse is rampant and the youth suicide rate is a great concern. Health in Aboriginal areas is a major problem in this country and it has not improved for many years—only in certain areas. The lack of basic services in micro and ultra-remote communities carries on this problem. The priorities of the state and federal governments have been found lacking in Aboriginal affairs. Western Australia has many of the same issues as our northern friends do in the Northern Territory, yet the money we get is not great. Broome Regional Prison is an example. The conditions are inhumane and deplorable. It was recommended that both a new prison and a courthouse are required immediately. A significant number of people brought before the Broome courthouse and held in the Broome prison are Aboriginal, yet these facilities have been neglected time and again. They are the oldest prison facilities in the state. I want to repeat that: they are the oldest in the state. I repeat that the government needs to prioritise these kinds of projects.

Without any chance of rehabilitation, the state is condemning these prisoners to a life of reoffending and returning to prison, thus compounding the problem. The funding from the federal government to the Northern Territory to deal with Aboriginal affairs is substantially more than it is in Western Australia, but the problems there are almost identical. We have the same drug and alcohol abuse problems, crime and incarceration rates, sexual abuse and sexual education problems, domestic and nondomestic violence, and suicide and suicide prevention needs, yet if members look at the funding coming, it is quite a bit different. These problems do not stem from Aboriginal people being bad people. They stem from Aboriginal people not being involved in a lifestyle that offers them alternative opportunities. Young Aboriginal kids need to be inspired to want to achieve in the areas they are interested in, not in areas that we tell them they should be interested in.

In my 20-odd years of working in Aboriginal affairs and in Aboriginal communities, I have found that face-to-face community engagement by trusted individuals is most effective. The government does not have to do all the work; that is the beautiful thing. Many initiatives by certain previous governments and the private sector have been successful. They can be emulated and built on. A bipartisan approach by all parties is needed, not just the two sides of government. We need the crossbench—the Nationals, the Greens and everyone involved—otherwise this problem will not go away.

GAMBLING

Statement

HON PIERRE YANG (South Metropolitan) [6.37 pm]: Yesterday was Melbourne Cup day.

Hon Charles Smith: Did you win?

Hon PIERRE YANG: No, I did not, but I have before many, many years ago.

Hon Simon O'Brien: Did you at least have a bet, because that is a prerequisite?

Hon PIERRE YANG: I was going to touch on that, honourable member. I will continue and I will not take any more interjections in the time I have. I understand that quite a few members are keen to give their members' statements, Hon Nick Goiran.

The Melbourne Cup captures the minds and hearts of our nation. I was just about to say that it is almost un-Australian for people not to celebrate Melbourne Cup day. So I celebrated it and I enjoyed watching the show when I was on the treadmill yesterday. Although it is harmless that we bet on the Melbourne Cup, I think it is important that we note that excessive gambling is causing a lot of social harm and it destroys lives and families. I will touch on the issue of poker machines in Australia and in Western Australia. Gambling is a \$23 billion a year business in this country.

Hon Martin Aldridge interjected.

Hon PIERRE YANG: No interjections, sorry.

Poker machines take half of that annual spending. We are unique and I think truly lucky—a lucky state in the lucky country—in that, compared with other states, where casinos, clubs and hotels all have poker machines, we do not. We have poker machines only in the casino.

I have some numbers I would like to share with honourable members. In New South Wales, there are 100 500 poker machines; Queensland, 47 811; Victoria, 30 000; South Australia, 13 113; ACT, 5 200; Tasmania, 3 680; Northern Territory, 2 185; and WA, 1 750. I am proud of the fact that we have the least number of poker machines, and we also have the harshest and most strict legislative framework for gambling via poker machines.

I refer to an article that appeared on 28 June 2016 in news.com.au, which reported that former Premier Colin Barnett had confirmed that WA would not allow poker machines to be operated outside the casino. Minister Papalia was reported in *The West Australian* of 6 June 2017 as saying that the state government would not drop the regulation to allow poker machines to be operated outside the casino. A total of 8 832 Western Australians were surveyed last year, with the result that more than 70 per cent of Western Australians are happy with the regulation we have to not allow pubs, clubs and hotels to have poker machines. That survey was reported on 4 November.

I am grateful for the longstanding bipartisan support for the strong restriction in legislation on gambling and poker machines in this state. At this time, a lot of people in the eastern states may not like us because of the GST issue; however, I think we have their respect when it comes to gambling and poker machine regulation. It is a good thing that we are the envy of the country for making sure that families and children are not suffering because of an excessive number of easily accessible poker machines infesting our streets. It is a good thing that we have strong control.

However, we should never lower our guard. In the same article in which Minister Papalia said that the state government would not drop the regulation and restriction, it was reported that he—and the former government, in the other article I mentioned—had been lobbied to ease the regulation. Furthermore, taxation revenue may be tempting, but the social harm and financial damage to this state would far outweigh the financial benefit that it might—might—provide any state government.

I just want to raise this important issue and I thank members for their indulgence.

DEPARTMENT OF HEALTH — STAFF — WORKING WITH CHILDREN CHECKS

Statement

HON NICK GOIRAN (South Metropolitan) [6.43 pm]: I rise to remind members that I have had a series of problems in this Parliament with answers provided by the Minister for Health, his parliamentary secretary, who is away on urgent parliamentary business, and the Department of Health, which no doubt is responsible for writing the words to assist the Minister for Health to give to his parliamentary secretary to give to this house.

I have had a series of problems, and I have raised them before. I am now at the point at which I can have no confidence whatsoever in any answer that is provided by the Parliamentary Secretary to the Minister for Health about the health portfolio. The latest indiscretion was an answer to a question without notice that I asked on 7 November—yesterday. I asked a question about working with children check cards that had been applied for by two employees of the Child and Adolescent Health Service. The first of my simple questions, according to the uncorrected *Hansard*, was—this is how easy I made it for the parliamentary secretary —

Were those two applications lodged on 23 March 2017 and 28 March 2017?

I actually provided the dates to the Parliamentary Secretary to the Minister for Health in my question. I asked that question because I already knew that the answer was yes, the two applications were provided on that day. The answer from the parliamentary secretary was, according to the uncorrected *Hansard* —

One application was lodged on 28 March 2017. A record of the application date could not be found for the other.

Why is that remarkable and how is it that the parliamentary secretary is unable to provide the answer but that I am already able to know the answer? The answer to that is pretty easy because on Tuesday, 31 October—the previous week—I asked the parliamentary secretary about this whole issue, in question without notice 715, for the benefit of *Hansard*, and the answer provided included this —

On any given day, the HR information system can provide accurate data regarding the status of any employee in a position classified as child-related.

So the previous week, the parliamentary secretary told the house that on any day, the HR system is so fantastic we can provide accurate data regarding the status of any employee, but the following week when I actually asked about two employees, one of the answers was, sorry, a record of application date could not be found for the other

person. What is true in the Health world here? Can the parliamentary secretary provide the data, or can she not provide the data?

What makes this worse is that we have only to go back to a question on notice I asked the Parliamentary Secretary to the Minister for Health on 29 June this year, and the answer that was provided on 7 September 2017, which gave us the answers. The answer, at part (g), was —

CAHS advise the dates for the two applications lodged were 23 March 2017 and 28 March 2017.

That is where I got the information from. I asked the question as far back as June, and an answer was given in September, when I was told by the parliamentary secretary that the two applications were lodged on 23 March 2017 and 28 March 2017. When I asked the question yesterday, just to make sure and just to check, whether those applications were lodged on those dates, suddenly the answer was that one application was lodged on that date and, sorry, the record for the second one could not be found.

I now have three different, inconsistent answers. On day one we were provided with two dates; on day two we are told, “Don’t worry about it; we can provide you information whenever you want on any day with regard to any employee”, and then, when I tried to confirm yesterday, “Sorry; the record of application date could not be found.” All of the above cannot be true. At least one of those answers has to be false. What confidence can I have in the answers provided to the house by Health?

As if that was not bad enough, in the same answer on 7 November 2017, the answer to part (5) states, in part, according to the uncorrected *Hansard* —

These applications were renewal of expired working with children checks.

Any reasonable person who is told that these applications were for the renewal of expired working with children checks would observe that “expired” is the past tense. The working with children check card has expired and now these two employees have applied to make sure that they have a valid working with children check. That was not so, apparently. Today in question time we got an answer from the parliamentary secretary that told us about these two famous employees. I do not know whether the answers provided today were right or wrong, but let us assume that today’s answers were correct. Employee A started working in Health on 20 November 2014. Their working with children check card was due to expire on 28 June this year. They applied for a renewal in March 2017. The card had not expired in March 2017, so employee A still had a valid card. They applied for a renewal and got a new card that was valid from 21 June. At no time did this employee have an expired working with children check card. But that is not what the parliamentary secretary told us last week. She said —

These applications were renewal of expired working with children checks.

In one answer we got information inconsistent with either past answers to Parliament or, indeed, today’s answers. My question is: which of these various answers do I take as truth and which of them are just rubbish? It is utterly confusing for a member of Parliament who has a responsibility to ask questions and to hold the government to account, particularly in the sensitive area of child protection and working with children checks, to ask questions and to get responses that I have to assume are correct, but when I check, I find that they are false.

Yesterday, Madam President, you gave a ruling about an answer that Hon Stephen Dawson had given me that effectively told me to put in a freedom of information application. As I understand that ruling—I am paraphrasing—you said that when we ask a question, it is up to the minister how they respond and that they are responsible for the answer. If I am not happy with the answer—I am paraphrasing again—that is the way the cookie crumbles. In all this, at what point are members opposite held to any level of accountability for the answers that they give? It is one thing for Hon Stephen Dawson to tell me that I have to put in an FOI application; when he said that, it was not untrue. He was just saying that that was where I should go for the further information that I was seeking. I would rather that he provide the answer to the house, but in accordance with the ruling, it is legitimate for him to say that to me. That is fine; I can accept that. But when it comes to questions about Health, we are not told to put in an FOI application or that we can pursue this information somewhere else. We are given answers. Surely there has to be a standard of accountability when it comes to these answers. At some point, members opposite have to be held to account when they give them. I can demonstrate that in Health they consistently provide one answer on one day and a different answer the next day. In all that, at what point is the house misled? Is it when the first answer was given or is it when the second answer was given? I do not even know because I do not know whether the first answer or the second answer is right. Tomorrow I will ask a question and I will probably get a third different variation.

Madam President, I am not sure what, if anything, you want to do about that but, as I have said to the house, I no longer have any confidence whatsoever in the answers provided here about Health. I cannot say the same about other portfolios, but in Health we are consistently getting different answers, even when I am trying to confirm something that has already been provided to the house.

VETERANS — HEALTH AND WELLBEING*Statement*

HON CHARLES SMITH (East Metropolitan) [6.53 pm]: Members may know that I have an interest in police matters, most notably in their health and welfare. I also have an interest in veterans' affairs—their health, welfare, housing needs and so on. The week before last was Veterans' Health Week. This was a nationwide event designed to assist veterans, war widows, widowers, current and ex–Australian Defence Force members and their families maintain and improve their health and wellbeing. I am sure that members agree that we all owe enormous gratitude to the men and women who serve in defence of our country and I am glad that veterans' affairs are now gaining more interest in the media in general. However, there is still plenty of work that we as a society need to do in this area, especially when it comes to the mental health of our veterans.

Members may be aware that the suicide rate for ex-serving men is much higher than the suicide rate of the general community. According to a study by the Australian Institute of Health and Welfare that looked at the period 2002–2014, younger ex-serving men were at higher risk of suicide death compared with all Australian men of the same age. Among ex-serving men, those aged between 18 and 24 accounted for one in six suicide deaths and had a suicide rate almost twice as high as Australian men of the same age. Needless to say, these are alarming statistics that we should all take note of. A recent federal parliamentary inquiry into suicide by veterans and ex-service personnel highlighted a range of issues which contribute to veteran suicide, self-harm and suicidal ideation. These include mental health issues, including depression and post-traumatic stress disorder; homelessness; poverty and lack of income; unemployment and low job security; stress on personal relationships, and family violence; social isolation and lack of connectedness; experiences of sexual assault, bullying and harassment in the ADF; perceived maladministration within the military justice system; the side effects of mefloquine, which is an antimalarial drug, as I am sure you all know; and substance and alcohol abuse.

Our veterans should not have to suffer in silence like they do. It is important that both state and federal governments develop adequate programs to assist veteran health and wellbeing and help veterans return to civilian life. I note that the state government has indicated that it wants to see improved data collection systems in order to help identify veterans in our community and subsequently offer them more early intervention and support services. I agree that this is a very important step and I urge the state government to take tangible action and to commit funding where appropriate.

MEDICAL CANNABIS*Statement*

HON AARON STONEHOUSE (South Metropolitan) [6.57 pm]: We have heard a good deal by way of promises from this government about its intention to make medical cannabis more accessible to those in chronic pain, but as I stand here today I have to ask myself whether that commitment is real. Members will be aware that medical cannabis was legalised in Western Australia in November 2016—almost a year ago to the day. Members may be less familiar with the realities of accessing it. Twelve months on, the process is still bogged down in a quagmire of red tape and bureaucracy. The current system is so stifling that some patients are finding it almost impossible to obtain prescriptions, even after a year of government tinkering and Australian Medical Association interference. In fact, there is quite a lot of fearmongering from the quacks at the doctors' union—those self-appointed fun police.

We are not content with asking medical practitioners—licensed doctors—to make one application. WA does not just mean “wait awhile” when it comes to medical cannabis; it also means “wait again” and do things twice. I say that because the government currently forces doctors to submit almost identical paperwork to the federal Therapeutic Goods Administration and to the state Department of Health, both sets of which need to be completed and assessed before a prescription can be issued. Representatives from Medical Cannabis Research Australia have told me that the WA end of this process can often take between 20 and 30 hours to complete. Let us be clear: we are not talking about the end result being a doctor who is certified to issue prescriptions as his or her medical training indicates; this is the process for each individual patient. Those patients are said to be waiting for up to two months for their applications to be processed by the Department of Health. That is two months of pain and additional anxiety—two months too long. The Therapeutic Goods Administration in Canberra has a standard processing time of one week. It is not unheard of for applications to be processed within a day. What is the health department here in Perth doing with its nearly identical paperwork that takes it at least eight times longer to process than its federal colleagues do? Furthermore, is this not a clear case of duplication? I have a lot of reasons to condemn needless bureaucracy, but I cannot think of any as valid and as gut-wrenching as the knowledge that citizens across the state right now are in debilitating pain from diseases, such as multiple sclerosis, drug-resistant epilepsy and cancer, to whom we have promised medication in a timely manner and whom we are failing right here, right now. I have urged the minister and I urge all members of this house in good conscience to ensure that our health services are helping those in need and not suffocating them in needless red tape.

House adjourned at 7.00 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

MINISTER FOR REGIONAL DEVELOPMENT — GOVERNMENT AIRCRAFT USE**370. Hon Tjorn Sibma to the Minister for Regional Development:**

- (1) Will the Minister provide the following information concerning their use of government aircraft over the period of 7 to 11 September 2017 inclusive:
- itinerary of all flights taken;
 - time spent at each destination;
 - purpose of each travel leg, including details of any public meeting;
 - complete passenger manifest for each travel leg; and
 - full travel and accommodation expenses incurred for the travelling party?
- (2) Will the Minister advise if other travel arrangements, including travel by commercial airlines, were considered?
- (3) If no to (2), why not?

Hon Alannah MacTiernan replied:

- (1) (a) and (d)

Thursday 7 September 2017		
	Flight route	Passengers
6:00pm	Perth to Broome	Minister MacTiernan Mark Scott Shelley Court Cole Thurley Josie Farrer Leuwin O'Connell Rahman
Friday 8 September 2017		
11.00am	Broome to Karratha	Minister MacTiernan Mark Scott Shelley Court Cole Thurley
2.15pm	Karratha to Albany	Minister MacTiernan Mark Scott Shelley Court Cole Thurley
7.30pm	Albany to Perth	Mark Scott Shelley Court Cole Thurley

- (b) Broome 14.5 hours (including overnight)
Karratha 2.25 hours
Albany 2.5 hours
- (c) 7:30–10:30 AM CCI Budget presentation and industry meetings – Broome
12:30–2.00PM CCI Budget presentation – Karratha
5:15–7.00PM CCI Budget presentation– Albany
- (d) See table above.
- (e) All costs associated with travelling on the Government Aircraft are covered under the primary contract and are not able to be attributed to a single destination or passenger. Accommodation expenses for Minister and staff in Broome \$702.40. No meals were purchased.
- (2)–(3) The Minister and her staff travelled close to 5000kms within 24 hours to deliver Budget speeches in three regional towns. There are no commercial airlines that link these regions in any way for this to be achieved in this timeframe.

MINISTER FOR ENVIRONMENT — GOVERNMENT AIRCRAFT USE

371. Hon Tjorn Sibma to the Minister for Environment:

- (1) Will the Minister provide the following information concerning their use of government aircraft over the period of 7 to 11 September 2017 inclusive:
- itinerary of all flights taken;
 - time spent at each destination;
 - purpose of each travel leg, including details of any public meeting;
 - complete passenger manifest for each travel leg; and
 - full travel and accommodation expenses incurred for the travelling party?
- (2) Will the Minister advise if other travel arrangements, including travel by commercial airlines, were considered?
- (3) If no to (2), why not?

Hon Stephen Dawson replied:

- (1) (a) and (d)

Thursday 7 September 2017		
Departure	Flight route	Passengers
19:30	Perth to Meekarratha	Minister Dawson Kevin Michel MLA Senior Media Advisor to Minister
21:45	Meekarratha to Port Hedland	Minister Dawson Kevin Michel MLA Senior Media Advisor to Minister
Friday 8 September 2017		
10:30	Port Hedland to Karratha	Minister Dawson Kevin Michel MLA Senior Media Advisor to Minister
13:00	Karratha to Perth	Minister Dawson Senior Media Advisor to Minister

- (b) Port Hedland – 10.5 hours (including overnight)
Karratha – 2 hours
- (c) Port Hedland:
Post budget report breakfast with the Port Hedland Chamber of Commerce and Industry
Meeting with the Kevin Michel MLA, the President of the Port Hedland Chamber of Commerce and Industry Mr Jim Henneberry, Ms Jan Ford and Mr Arnold Carter.
- Karratha:
Meeting with local staff at the Department of Biodiversity, Conservation and Attraction, and Department of Water and Environment Regulation.
Media engagement with Hon Alannah MacTiernan and Kevin Michel MLA.
- (d) See table above.
- (e) All costs associated with travelling on the Government Aircraft are covered under the primary contract and are not able to be attributed to a single destination or passenger. Accommodation expenses for Minister in Port Hedland \$142.10. No meals were purchased.
- (2)–(3) There were no commercial airlines that offered connecting flights for this to be achieved in the scheduled timeframe. I was required to attend Parliament on Thursday evening until 19.00, and was unable to catch the last commercial flight to Port Hedland at 15.00 that afternoon.

I needed to arrive at my budget speaking engagement at 07.15 on the Friday morning. Due to unexpected inclement weather I was advised that a flight could not take off until later in the morning of 8 September 2017. Therefore, it was decided that the flight needed to depart on the evening of 7 September 2017.

DEPARTMENT OF MINES AND PETROLEUM — STAFF — RECRUITMENT CAMPAIGN

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

I refer to the Department of Mines and Petroleum (DMP) Environment E-newsletter Edition number 4, dated 19 December 2012, titled, *Directors foreword: 2012 at a glance* and the recruitment of extra additional environmental officers, and ask:

- (a) can the Minister advise what was the total cost of the recruitment campaign to employ and engage new DMP environmental employees/contractors which were recruited as part of the recruitment campaign in October, November, December 2012 and January to December 2013;
- (b) if no to (a), why not;
- (c) can the Minister advise what was both the total number of environmental employees/contractors within the environment division in July 2012 and the total operating costs for salaries/wages and contractor payments made by the DMP;
- (d) if no to (c), why not;
- (e) on or around July/August 2012, can the Minister explain with detail why the workload within the environmental division could not have been dealt with utilising the existing level of employee/contractor numbers within the DMP thereby totally necessitating the recruitment campaign of new employees in October 2012 through till December 2013;
- (f) if no to (e), why not;
- (g) can the Minister explain what specific skills/expertise for each newly created respective position of employees/contractors did the DMP environmental division not have prior to October 2012 when the recruitment campaign was purportedly in full swing;
- (h) if no to (g), why not;
- (i) will the Minister table copies of all the job description statements/forms which were previously publicly available for all the newly created respective positions of employees/contractors recruited in October, November, December 2012 and January to December 2013;
- (j) if no to (i), why not;
- (k) for each of the newly created positions from October, November, December 2012 and January to December 2013, can the Minister advise the respective level of remuneration, the title of the position/contract and the level within the public service; and
- (l) if no to (k), why not?

Hon Alannah MacTiernan replied:

- (a) \$198 234
- (b) Not applicable.
- (c) Total number of environmental employees/contractors: 62
Total operating costs for salaries and wages: \$562 000 (inclusive of superannuation)
Total contractor payments: \$15 587
- (d) Not applicable.
- (e) The recruitment of additional senior staff was undertaken as part of the Reforming Environmental Regulation (RER) program.
The objective of the RER program was to implement the principles of best practice regulation. Specifically, the RER program aimed to consolidate and complement a range of policy, processes, systems and legislative reforms to provide assurance to the community that the industry is effectively regulated.
- (f) Not applicable.
- (g) The recruitment campaign attracted a number of experienced senior staff to the Division, including the new roles of Director Operations, General Managers, as well as several team leader and senior environmental officer positions. These positions ensured the Department had the necessary knowledge, skills, experience and capacity to achieve best practice environmental regulation.
- (h) Not applicable.
- (i) [See tabled paper no 858.]
- (j) Not applicable.
- (k) [See tabled paper no 858.]
- (l) Not applicable.

DEPARTMENT OF MINES AND PETROLEUM — PROGRAMME OF WORK

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

I refer to the Department of Mines and Petroleum (DMP) Environment E-newsletter edition number 7, dated December 2013, Edition number 4, dated 19 December 2012 titled, *Directors foreword: 2012 at a glance and extension of POW – E approval timeframes*, and ask:

- (a) in relation to the above edition, dated 19 December 2012, can the Minister explain how the “new two year timeframe” for extension to the standard approval timeframe for Programmes of Work (POW) from one year to two years would provide explorers with more flexibility to plan and conduct exploration programs within the State of Western Australia;
- (b) if no to (a), why not;
- (c) can the Minister explain why is it so important and necessary to allow explorers/miners with more and greater flexibility with their POW as part of developing the resources of the State as opposed to reducing flexibility to plan and conduct exploration programs;
- (d) if no to (c), why not;
- (e) in relation to the above edition, dated 19 December 2013, can the Minister explain why the DMP chose and decided to increase the validity period for POW from two years to four years as opposed to decreasing the validity period of approval back to one year;
- (f) if no to (e), why not;
- (g) in relation to the above edition, dated December 2013, can the Minister explain how many extra new DMP employees/contractors were recruited as part of the recruitment campaign in October, November, December 2012 and January to December 2013; and
- (h) if no to (g), why not?

Hon Alannah MacTiernan replied:

- (a) The benefits of this decision for industry included:
 - an ability to undertake larger drilling programmes, enable more effective planning for post-exploration rehabilitation activities;
 - minimisation of the impact of unforeseen events such as extreme weather, and providing more time for assaying drill results to inform the requirement for further exploration activity under existing approvals;
 - improved certainty in securing access to drill rigs and other relevant resources, as well as greater opportunities for raising capital for exploration programmes; and
 - it was forecasted that the extension of the PoW validity period would reduce the number of PoW applications received on an annual basis, thereby delivering efficiencies for both Government and industry.
 - (b) Not applicable.
 - (c) Greater flexibility reduces the administrative burden on both Industry and Government, which is essential in promoting the State’s resources industry. The increased flexibility is also consistent with a risk-based outcomes focused approach towards regulation, which ensures applications are commensurate with the risk of the activities.
 - (d) Not applicable.
 - (e) The decision was made in recognition of the efficiencies the previous extension (from one to two years) had delivered to both Government and industry.
 - (f) Not applicable.
 - (g) There were seven new employee appointments as part of the recruitment campaign during the period October 2012 to December 2013. An additional 13 contractors were engaged for short-term engagements throughout this period, however their recruitment was not attributed to the recruitment campaign and reflected operational demands at the time.
 - (h) Not applicable.
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