

Hon Colin De Grussa; Hon Martin Aldridge; Hon Louise Kingston; Hon Peter Collier; Hon Dr Brian Walker;
Hon Wilson Tucker; Hon Jackie Jarvis; Hon Dan Caddy; Hon Tjorn Sibma; Hon Sophia Moermond

CONSULTATION PROCESSES

Motion

HON COLIN de GRUSSA (Agricultural — Deputy Leader of the Opposition) [10.06 am] — without notice:
I move —

That this house —

- (a) recognises the pivotal role of genuine consultation with the public in delivering improved outcomes for both communities and government;
- (b) notes recent examples of flawed and failed consultation processes by the Cook Labor government as instances when genuine good-faith consultation did not occur; and
- (c) calls upon the Cook Labor government to take immediate corrective measures and commit to open and transparent consultation processes to ensure the best outcomes for our state.

In bringing this motion for debate today, I want to focus a little on the first limb as well as note some of the specific examples, which I am sure other members will want to talk about, in which consultation has not been done in good faith and in a genuine way. When governments are elected, they are elected on whatever their particular platform is and whatever particular policies they seek to implement, and I have no problem with that, obviously. That is the nature of the game. However, in implementing those particular priorities or policies, it is critical that the government engages with the community in such a way that it is involved in the process of implementing those policies, because those affected will have particular points of view on any unintended consequences or other things.

I will start by talking about the fundamental premise of genuine, good consultation; it is active and transparent engagement with the community, stakeholders and affected parties in order to seek their views, their insights and their feedback on the particular policy, decision or action of a government. It is absolutely a critical part of our democracy. It goes to the heart of accountability and transparency, and it is incredibly important to ensure that the community does not lose faith with the political system.

There are many recent examples of consultation that this government has taken that have failed, and I will come to those in a little while. I want to talk a little bit about some of the aspects of non-genuine consultation that seem to be prevalent under the Cook Labor government. When consultation is not genuine, it is conducted for a politically expedient reason or merely as an exercise to tick boxes. Invariably, that results in a number of detrimental consequences, ultimately leading to a lack of trust and faith in the government's ability to deliver for the people.

A classic example of that would be, in my view, the South Coast Marine Park. I remember the first meeting for the South Coast Marine Park when former Minister for Environment Hon Amber-Jade Sanderson announced that we were not there to debate whether we were going to get a marine park; we were getting a marine park and that was not up for debate. I do not have a problem with that; that is the government's particular policy. It had a policy to create five million hectares, I think it was, of national parks, and marine parks are part of that, obviously. I have no issue with that, but it is what follows that statement that really matters, and that is genuinely listening to the people who will be affected by those decisions and understanding that issues they have down there and what issues the government will need to address in implementing the policy.

Ultimately, when things are done in a way that is non-genuine, one of the first things that happens is it erodes transparency and openness. Rather than trying to provide a clear overview of the policy or decision, a selective approach will be taken and government will cherry-pick the things it talks about with a preferred narrative to try to gloss over essentially what is really happening. That leaves people in the dark. It creates uncertainty, and when questions cannot be answered, it obviously leads to further issues.

The other aspect of non-genuine consultation is tokenism, which is the box-ticking exercise. A fleeting engagement is done quickly as a cursory meeting here and there, but the government is not really listening; it is simply ticking the box of saying that it has consulted. Numerous examples of that have happened recently as well.

Another hallmark of the non-genuine consultation that this government seems to undertake is the predetermination of outcomes before the process has even commenced. Again, this goes back to the box-ticking exercise in that the public consultation is just a means of ticking a box; the government's resolve is steadfast, and it is heading down that path no matter what public sentiments is. Unfortunately, we have spent the last week and a bit in this place debating the repeal of the Aboriginal Cultural Heritage Act 2021 as a result of the government not listening to the people. That is one example of when the outcome has led to the repeal of legislation very hastily. Again, that could have been avoided if the government had genuinely listened all the way through that process and taken the views of people seriously a long time before that point. We probably could have resolved a lot of those issues had the government not been belligerent in its view that it had to plough ahead. By government, I am talking about agencies as well.

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The other aspect is even when that public feedback comes in, the government does not listen to it, weight it or value it. I asked a question in this place only last week on the South Coast Marine Park as an example, and the government's response to that question was that the views of people who do not live in Western Australia will be weighted equally with the views of people who will be affected by the proposal put before them. As a state, we are looking after our people, the Western Australia public, yet we do not seem to value their input or views more than we value the views of people who are not affected and are not even citizens of our state. I find that incredible. That kind of neglect of public feedback is another thing that leads to erosion of trust in the process and erosion of trust in the government and political system.

When questions are asked, we do not get adequate responses. We get delayed responses. We get concerns that are answered with a vague response. A classic example of that would be in the last two days I have asked questions on the recently announced review of the firearms legislation and the consultation paper, but I have received no answers. The document itself does not provide the answers. It raises questions, but when I ask those questions, I do not get answers. Clearly, there is this kind of view that the government will push this down the road. It does not need to answer the questions. It will get through the consultation process and say it is done. Again, it seems to me that the government has not learned from the problems that it saw and admitted were problematic with the cultural heritage legislation. It is still ploughing on down this road of consultation, but it does not really listen to the people and certainly does not provide answers to the questions that so many people have. In reality, lots of promises are made, but they are unfulfilled. People eventually get to put their input into these, if you like, fake consultation processes, and the result is that, even though they have gone to the effort of being involved and putting in their submissions and views, they are not listened to, because the process is predetermined and the outcome is already decided.

I go back to my point of listening to the people, weighing submissions from affected residents and so on. Often, this process will under-represent key segments of people. The government might not listen to a particular industry. It might not listen to a particular group of people in a community or a particular community as a whole. Of course, the outcome of all of those things is that we end up with public distrust and cynicism, and we then move to the process whereby the government ends up having to do things like it has done in the past week, which is repeal legislation and then go into damage-control mode because it got it wrong.

From my perspective, what I see here is that these are the processes this government has adopted in its consultation on many of the reforms it seeks to bring in. Some of those reforms are probably quite good, but at the same time, it still needs to consult people, it still needs to understand their views and it still needs to genuinely listen to their concerns. I have a real concern that this government does not do that, has not done that and will not change. That is why we are debating this motion today, and I know that other members will want to talk about more specific examples as well.

The real-world impact is what matters here. When one is consulting on these things, one actually has to be genuine and listen to what the people have to say and what the outcomes of those decisions will be. I have talked a little bit about the South Coast Marine Park. At its outset, the government set up a consultative group in the community reference committee. The committee had a brilliant person involved in the public engagement in that process. It was someone who, from the outset, formed my view that this was going to be a very good process because we have the right person here who clearly knows what they are doing. Unfortunately, that person is no longer in that position and the process still is not complete. All the way along, we have seen instances whereby that committee was not really listen to, could not form views or agreement on things, but rather than trying to flesh out what the issues were, it just ploughed along to the time line it had and finished up even though it did not make a final recommendation. It is finished.

All the way along, we had little subgroups of that committee. One of those was the tourism sector advisory group—TSAG, as it was called—which never even met. It did not have a meeting, yet tourism stands to be one of the industries that will be most affected by this decision in one way or another. The government makes the argument that tourism will benefit from the marine park, yet tourism is already at capacity along that south coast, so how will it benefit? Surely, that industry should have had input into that process so its views could be considered. It seems to me that input was not wanted. Its views certainly were not considered, because, as I said, that group never met.

Other sector advisory groups include the environment sector advisory group, which was chaired by a member of The Pew Charitable Trusts. That is a charitable trust based in the United States. It clearly has a mandate to create all sorts of marine parks and reserves, but it is not an Australian-based charitable trust. One of its clear roles, as stated on its website, is to improve the lives of people in Philadelphia. That is about as far removed from the south coast of Western Australia as we can get, yet that organisation was chairing this group. That creates distrust in the community and a concern that it is not going to be listened to. This theme has come out clearly during this process for the south coast marine park. We are now at the point at which we are very close to putting out the indicative management plan, as it is called, for public consultation. It has been clearly stated in the public consultation

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process that it does not matter whether someone is from the south west of Western Australia or from Europe, the United States, South America or wherever; their voice will be equal. That is obviously problematic. As a state, we need to make sure that we look after our people first and listen very carefully to those who will be most affected by decisions made by government.

I have nothing against marine parks. I think they are a good thing for a number of reasons. For one thing, they can encourage a lot of research. That is another thing that came out in this process. There has been very little research on the marine environment on the south coast; in fact, the two reports that have been used to justify this marine park have both said that more research needs to be done before we can adopt a marine park. A marine park could provide an environment to do more science. Let us make sure that we have the science that says we need it in the first place.

Marine parks can coexist with existing industries. That is the bit that most disappoints me. There seems to be a notion that if we are going to have a marine park, we need to close down the fishing industry and take away the fishing grounds, even though Western Australia's fishing industry is world-class. We manage our fisheries better than probably every other nation. We have many Marine Stewardship Council-certified fisheries in Western Australia. We are very good at what we do. Our fishers are very good at their job; in fact, they are an invaluable resource in monitoring the marine environment. Of course, we should be working with the fishing industry to determine whether we need a marine park, but we should also listen to it and make sure that we do not ruin a perfectly good industry just to achieve a political outcome. One key thing from my perspective is to make sure that all those industries, whether large or small, are heard because they are important industries for the communities along that particular part of the Western Australian coastline and, indeed, around Western Australia in general.

We have also seen examples in which the uncertainty created by the process and length of time it takes for compensation mechanisms to be made available to those industries creates further problems. Those industries are potentially going to lose their business, but they have no certainty about whether or when there will be any compensation mechanism in place for them. As I said, these are critical reasons that it is incredibly important to listen and consult genuinely and in good faith before we implement a policy. We do not see that from this government. We do not see genuine consultation. We see box-ticking exercises. We see an exercise in which a government believes it has a political mandate; therefore, it can do whatever it likes. Personally, one of my least favourite words in modern politics is the word "mandate". I do not think anyone has a mandate to do whatever they like. A government is elected by the people to govern in the best possible way for them, and, as such, it needs to genuinely consider what people want, what matters to them, and how it might implement those policies in the best way to ensure the future success of our state. "Mandate" is not a word that should be used in modern politics, and I believe it is one of the words that creates mistrust in our community.

A failed and flawed consultation process also creates distrust. It leaves a sour taste in people's mouths when governments do not listen to the genuine concerns of the people of our communities. When the government does not listen to industries that are going to be negatively impacted more than any other, or to ordinary members of the community whose businesses depend on those industries, it leaves a sour taste in the mouths of our Western Australian people, and that is why genuine consultation is incredibly important.

As I said before, we have obviously been through the debate on the repeal of the Aboriginal Cultural Heritage Act. We ended up having to repeal that legislation because consultation did not occur in a genuine way; people were not listened to, and, to start with, were not even engaged properly. I have used the example before, but early in that process, of course, workshops were held around the state, and two people would turn up. Vast tracts of the peak communities were not there because they did not even know about them. If a government is going to do genuine consultation, it has to make sure it tells people what it is doing, engages them, makes sure that they come along and then listens to them. This government does not do that. It seems to be deaf to the community. It does not listen to what people want; therefore, we end up in a situation in which legislation comes through this place and policy decisions are made that have a negative consequence on the community, and the government does not seem to realise that.

HON MARTIN ALDRIDGE (Agricultural) [10.27 am]: I rise to support this eminently sensible motion. I look forward to hearing the government agree to some of its mistakes over the past six years or so on this issue. I think Hon Colin de Grussa articulated very well the distinction between the form of consultation that we have come to expect from this government and what genuine and meaningful consultation actually should be. I think that is the important point that members should focus on when they engage in this debate, because, far too often, we see situations in which the government presents a faux consultation process so that it can tick a box and say that it has done it. It lists the number of people and stakeholders it has engaged with, and ordinarily has not listened to, when justifying the path it has chosen.

In my mind, probably the single worst example of that from this government, and one that I think will have long-lasting implications for the state of Western Australia, was the decision earlier this year to abandon the construction

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of the new women's and babies' hospital at the Queen Elizabeth II Medical Centre site. I do not think there will be another example—I hope there will not be—of a decision as bad as this one in the dying months and years of this Labor government. If this infrastructure is anything like the current women's and babies' hospital at King Edward Memorial Hospital for Women, which has served the state for almost 110 years, it will be built for the long term. It is imperative that the decisions that underpin it are the right ones. Decisions will always be better when they are informed by genuine and meaningful consultation, and we will get better outcomes for the stakeholders, the community and, of course, the taxpayers of Western Australia. The cost of this project is escalating. The construction costs alone are now estimated to be \$2 billion, not including the commissioning, and information and communications technology costs. When done properly, meaningful and genuine consultation will deliver better outcomes.

The project started well. It started on 6 December 2022, when the government announced that it had fully funded the new hospital from a budget surplus. The government announced that \$1.8 billion had been locked in to construct a new world-class women's and babies' hospital. I refer to the government media statement of 6 December 2020, which stated that the works were anticipated to commence in 2023. How is the government going with that plan? There are not many days left in 2023, but we were told that the works would commence this year. On 5 December 2022, the Minister for Health, Hon Amber-Jade Sanderson, announced a consumer focus group. That followed an earlier statement in October 2022, when expressions of interest were called for people to participate in a consumer focus group, which received 776 applications. Ultimately, 70 Western Australians were selected and formed the consultation panels that would be involved in the planning and consideration of a piece of infrastructure that is likely to serve the women and children of this state for the next 50 to 100 years, at least. On 16 January 2022, the government announced in a media statement headed "Site confirmed as design starts on new women and babies hospital" —

The design of the new \$1.8 billion women and babies Hospital will start shortly, with the site at the Queen Elizabeth II Medical Centre (QEIMC) selected as the location.

...

Following a comprehensive site analysis and evaluation process, the new hospital will be built north of Sir Charles Gairdner Hospital ... G Block.

A key factor in the decision to build in the selected location is its advantage in future-proofing the QEIMC over a 40-year period, including future redevelopments of the Perth Children's Hospital, SCGH, PathWest and teaching and research facilities.

...

Since June 2021, 480 stakeholders have been consulted on the development so far.

As we now know, on 3 March 2023, the Department of Health and the North Metropolitan Health Service, which has carriage of the project, finalised and handed to the government the business case and project definition plan. After two years of planning and four weeks after the government was provided with the business case, which said on 3 March this year that it had identified a preferred site that would deliver the best clinical outcomes, the Minister for Health and the then Premier announced that they had jettisoned that plan. The government burnt \$10.4 million worth of planning. What changed in four weeks? Two years of planning confirmed that the best clinical outcome was to co-locate the new women's and babies' hospital at the Queen Elizabeth II Medical Centre and that it was to be tri-located with Sir Charles Gairdner Hospital and Perth Children's Hospital. What happened in that four weeks to change the minister's and the government's position on this \$2-billion infrastructure project? It certainly was not the view of Infrastructure WA, because the Premier did not write to it until two months later, when he said, "What do you reckon?" Keep in mind that Infrastructure WA is the body to which any proposal over \$100 million should be submitted for analysis. The government wrote to Infrastructure WA two months after it made a public decision and three months after the business case that said the best clinical outcome would be to deliver the new women's and babies' hospital at QEII. What changed?

At least the minister is transparent and honest in one regard. The minister said that no amount of consultation would change her mind, so she did not consult. The Minister for Health has admitted that. What changed her mind in the four weeks after \$10.4 million was torched by this government? What changed its mind?

It is interesting that this issue has returned to the fore this week because a report dated 11 October 2023 was leaked from the Child and Adolescent Health Service of Western Australia. The report is titled *CAHS position paper: Location of the new women's and babies' hospital*. CAHS is running 100 miles from the report. However, in the interim, I understand that at the latest count, 150 clinicians have endorsed it. In the appendix of the report is a letter from Dr Elizabeth Croston, who is chair of the CAHS clinical staff association and a paediatric intensive care specialist. Her letter states —

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The CAHS senior medical staff have grave concerns that the government is proceeding with plans to build the new Women and Babies Hospital ... at the Murdoch site without proper and meaningful consultation regarding the clinical risks to patients.

The executive summary states —

Clinicians at CAHS have the highest level of neonatology and paediatric expertise in Western Australia, and their expert advice is that the decision not to locate the NWBH with the state's only specialist paediatric tertiary/quaternary service is not best practice and will place critically unwell neonates at increased risk of mortality and morbidity. CAHS is sounding the alarm and raising a red flag of this extreme risk. The only mitigation of this risk is tri-location.

What has the minister done? She has made a captain's call without any consultation with a single clinician. That is the worst example that I can provide to Parliament.

HON LOUISE KINGSTON (South West) [10.37 am]: I rise to support the motion that has been moved and to talk about what has happened and the lack of consultation in a number of areas. For a government that claims gold-standard transparency, it continues to leave communities in the dark, threatening their livelihoods and futures and backing that up with flawed consultation. Consultation is not a one-way street like this government believes it is; consultation is, in fact, a two-way street that provides communities the opportunity to provide feedback, ideas and concerns before a final decision is made. This government makes a final decision then communicates the outcome and calls it consultation. When a government functions like that, it undermines the concerns of the community. That has a long-lasting impact on community spirit. Community members are left to feel like they are speaking in a vacuum. I have been overwhelmed, in my short time in this house so far, by the number of people in regional communities who have lost hope in the government listening to them. They include, most recently, not only sheep farmers and fishery and forestry workers, but also their families and the wider community.

My last job was at the Manjimup community resource centre, and I cannot count the number of times people came to us seeking help and guidance due to flawed consultation. They told me some of the most difficult and heartbreaking stories. I, along with the managers of three other CRCs, was tasked with assisting workers to complete their applications for government funding when the native forest industry was closed. These are proud workers who in some cases have worked in this industry for all their working lives. They were bewildered; they were crushed and defeated. One of them took three weeks to come to see me because he was so devastated. He said to me, "I've never cried so much in my life." That is a result of a government that fails to consult: people are left behind. This is a government that refuses to listen and refuses to change.

That brings me to what happened to the timber industry. The government announced that it was supporting the industry and we had investment down there—massive investment and new companies. The government then just announced that it was closing the industry without any consultation. It is now using the same old tactics to say that it is saving the forests. It refuses to provide the science it is using, despite industry groups providing a plethora of information to the contrary. Where is the evidence?

Weeks after that announcement, we had a gathering outside Manjimup Heritage Park, and guess who was not there to listen? That is right: Labor. Just like in 2001, the Labor government is telling people how it will be instead of working with them to find the right solutions for them. That left communities in tatters, often with little other than desperation and despair. The government has learned nothing; these types of actions devastate small communities, and the recovery is painful and slow. I know that because I have been in the thick of it since 2001.

The government claims that it consulted this time, but all it did was a survey. It spent \$56 000 to test public attitudes via a survey that the Minister for Environment refused to release at the time. There was no consultation with stakeholders or industry, just a survey that could be completed numerous times by the same person and did not even require a postcode to respond. That is not consultation. Again, the government made the decision and communicated the outcome. At the time, industry groups like the Forest Industries Federation WA said that they were blindsided, with no prior warning. I was driving home from Perth and I heard it on the radio. I rang industry stakeholders and they had not even heard about it; that is not consultation.

What consultation has occurred since? A native forest transition group was established but was that to consult? No. The government in its announcement made it clear that the group's purpose was to assist in the development and implementation of the plan, so it had already been decided. It was not designed to consult about the industry's future but to develop ways in which to end it.

Closing an industry costs the people of Western Australia, so doing this without consultation places a burden on the people of Australia. There could be much better outcomes with better consultation. Those people are clever people and they deserve to be listened to, but they are not. The flawed Aboriginal cultural heritage process gave us a fairly good indication of how this government conducts itself.

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In conclusion, this is a government that makes decisions and communicates the outcome. It is a government that uses the word “consultation” as a one-way street, giving people no opportunity to be involved in decisions that affect their lives, or any opportunity to develop the outcomes that can build their communities’ resilience, decision-making skills, strength and meaningful growth. When the opposition consults, we bring communities together; we bring them along for the journey and their ideal outcomes. This government’s flawed consultation process, however, divides us.

HON PETER COLLIER (North Metropolitan) [10.43 am]: I stand to support this motion, particularly in respect of the lack of consultation in the area of Aboriginal affairs. Just a week ago, almost to the hour, this house debated the Voice to Parliament, which was designed to give Aboriginal people in Australia a voice. That referendum was lost and a lot of Aboriginal people, in particular, were very disillusioned by that outcome. In Western Australia, our Aboriginal population has a voice, of sorts, called the Aboriginal Advisory Council of Western Australia, better known as AACWA. That is a body that specifically provides an avenue for Aboriginal people to advise government. Its terms of reference state, in part —

The Council is established under section 18(1) of the Act for the purpose of advising the Authority on matters relating to the interests and well-being of persons of Aboriginal descent.

It provides a unique opportunity to build genuine, respectful and reciprocal relationships between Aboriginal people and the State Government to achieve better economic, social and cultural outcomes for Aboriginal people living in WA.

This is a very good body, and it is a statutory body established under the Aboriginal Affairs Planning Authority Act 1972. It has been in place since 1972, but during the term of the Gallop–Carpenter government, it did not meet once. Under the previous Liberal–National government Hon Kim Hames resurrected it, and when I took over as Minister for Aboriginal Affairs in 2011, I attended every single AACWA meeting. I would go and chat with all the members, listen to them and then leave them to work through their deliberations. That was a very powerful and necessary vehicle for me to understand what I was doing, as a non-Aboriginal man, in making decisions for Aboriginal people.

I also established the training together—working together committee, which was made up almost exclusively of Aboriginal people and co-chaired by Keith Spence and Sue Gordon. They provided wonderful advice to me for Aboriginal people. We made a number of policy changes for Aboriginal people. In isolation, of course, that was not going to close the gap, but I like to think that it went a long way towards improving the lives of Aboriginal people throughout Western Australia.

I will also mention the 38 Aboriginal kindergartens; the KindiLink program, which provides early intervention, literacy, numeracy and parenting workshops; the 21 child and parent centres in lower socio-economic areas, which captures a lot of Aboriginal people; the five discrete, standalone Aboriginal workforce development centres, which the Labor government has since closed and re-incorporated back into the generic workforce development centres; the Aboriginal curriculum standards framework that I put into our schools, which was the first framework in the nation to provide Aboriginal culture into our schools; the Aboriginal elders in residence program; the PALS program—Partnership, Acceptance, Learning, Sharing initiative—which was delivered by 100 schools when we started, and by almost 600 by the time we finished; increased payments for curriculum and re-engagement in education schools; and non-government schools that deal exclusively with disengaged adolescents, particularly Aboriginal students, many of whom have been in juvenile justice.

These are all really good, meaningful programs, but I am really disappointed with the government’s lack of consultation and action on juvenile justice. It is so disappointing, given the fact that about 65 per cent of people in juvenile justice are from Aboriginal backgrounds. I do not in any way condone breaking the law or misbehaviour, but we have to shape the behaviour of those adolescents. The punitive approach does not work; putting them in cells for 21 to 23 hours a day does not work. If we honestly want those Aboriginal juveniles to become better people who make meaningful, productive contributions to society, we should not lock them away; that is not working. Why were there more than 500 instances of suicide or self-harm in Banksia Hill and unit 18 in 2021–22 and hundreds more this year? It is not working. One does not need a PhD to work this out; it is not working.

There have been massive disruptions and riots in Banksia Hill over the last 18 months; what was the government’s response? It was to condemn the perpetrators of those riots. I understand that we have to do something about it, but shunting them off to unit 18 will not solve the problem. Pointing a gun at the head of a 16-year-old Aboriginal girl at Banksia Hill will not solve the problem. If members knew the background of that young lady, they would know that that should not have happened. If members think that incident has solved her problems and shaped her behaviour, they are sadly mistaken. Her self-esteem has diminished significantly as a result of what happened that day, yet a constant stream of Labor members of Parliament have walked through the doors of this building

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after that occurred and none of them passed comment. I can only assume from that that they condone that behaviour and support it. I really hope not, because it is not just me. It is not just the gospel according to Pete. It is the Inspector of Custodial Services, the former Inspector of Custodial Services, the President of the Children's Court and the former President of the Children's Court, the Commissioner for Children and Young People, former Labor Premier Carmen Lawrence and former Western Australian of the Year Fiona Stanley and every single Aboriginal advisory group in the state who condemned those actions, yet somehow the Labor Party is beyond that.

Why does it not consult with Aboriginal people? Why does it not ask, "Do you agree with that? Do you agree with bringing your juveniles down from the Kimberley or the goldfields and putting them in a cell for 21, 22 or 23 hours a day and think that their behaviour is going to improve?" Find me one expert—one Aboriginal person—who says, "Yes, it will" and you can have the keys to my house; I do not have a mortgage. I am absolutely mortified that this is going on. I really am, particularly in the current circumstances. Sorry, President, but things are really parlous at the moment; we are dealing with kids' lives. The former Premier called these kids terrorists. That is what he said. I met with a group of them and their parents in my office. There were mortified that the leader of the state called them terrorists. For goodness sake, they are individuals. They are young men and women who need their behaviour shaped and changed. The punitive approach is not working.

Last week, a 16-year-old Aboriginal boy attempted suicide. He is clinging to life at the moment. Do members know what the Premier said about unit 18? He said it was a necessary evil. He got it half right. The thing he got wrong is that it is an unnecessary evil. The government has to stop it. Have the minister and the Premier listened to the Aboriginal Advisory Council of Western Australia with regard to juvenile justice? I have asked a plethora of questions on this over the last 12 months, including several this week. The answer I got back on Tuesday really grates me. I asked whether the Labor government had listened to the AACWA with regard to juvenile justice, particularly Aboriginal incarceration rates. I got shunted from pillar to post, which I always do, the government not answering the question. I finally got this answer on Tuesday when I asked whether the minister had met with the AACWA and whether the council had provided advice on juvenile justice. If they did, I asked what was the advice.

The response I got back was —

Since 2017, the Western Australian government has held discussions with the Aboriginal Advisory Council of Western Australia on youth justice matters during meetings in June and December 2022 and in February and August 2023. In addition to attending the council's August 2023 meeting, Minister Papalia has twice met with an AACWA subcommittee to provide specific updates on youth justice, Banksia Hill and unit 18.

It was a single-finger salute to me and also a single-finger salute to the Aboriginal community. They do not want updates on youth justice; they want to provide advice. They are an advisory body. They are meant to advise the minister. The minister is not meant to see them and give them the gospel according to Paul. Give me a break! The government cannot see the wood for the trees here. How many people is it going to take for the Labor government to understand that what it is doing is wrong? I stood in front of cameras on multiple occasions over the last 18 months and I have said, "I hate to say it but I'm going to be standing here one day responding to the death of a juvenile." A young man is now clinging to life. Guess where he tried to take his life? It was unit 18. This has got to stop. That young man has a family. He has an identity. He has a character. He has a soul and a spirit. That young man is clinging to life because of his spirit. I really hope that he survives. Either way, please, Labor government, close unit 18.

HON DR BRIAN WALKER (East Metropolitan) [10.54 am]: I have listened very carefully to the speeches and I agree with the content but let me broaden the motion. This is not just about what the Labor government is currently doing, it is about what all governments in power have done. That is, to simply not consult. I recall very well the issues with Roe 8, which was driven through wetlands against the advice of the Environmental Protection Authority, having bludgeoned and brutalised the EPA to agree to a governmental decision. We are seeing much the same thing now with the women's and babies' hospital, which will hopefully be reconsidered yet again to be built where it was supposed to be built. The advice of clinical colleagues of mine is being ignored. These are experienced people who are giving advice to the government based on clinical and practical experience. The question I put out, which I have spoken about a number of times, is: What is the benefit? Are we talking about the cost of a single neonatal life or about \$280 million? Is that the price we are putting on a life these days? How many others are going to suffer? How many staff and parents are going to suffer as a result of the decision that I think has been taken hastily, improperly and without due consultation—in fact, without even listening?

It was exactly the same thing with the Aboriginal Cultural Heritage Bill. We on the crossbench opposed it and our voices were clearly spoken in the consultation. No-one listened. The same thing can be said about the local government amendments. Issues will arise there. We are still waiting for the outcome. Consultation with the local government was not carried out as we had hoped it might be. However, these things have passed. We cannot address the ACH or local government. Another one is coming up; proposed legislation to consider the Firearms Act.

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This is due to come before us in the not-too-distant future. Once again, the question comes whether we have consulted. I put it to members that we have not. The united voice of all firearms owners in Western Australia—legal, responsible and respectable firearms owners—has been ignored. I take on board the intent to keep Western Australians and the population of our country safe. That is true but there are a number of ways of doing that. One of the best ways is by paying attention to what is being said by those who know. For example, the consultation period is being rushed. We need to at least extend the consultation period and refer perhaps to the committee that deals with legalisation—the Standing Committee on Legislation. That committee has not yet met in this term of Parliament.

There are 80 000 firearms owners who have a voice and they are not happy at all. Some of those firearms owners are farmers in the middle of harvest. I am sure colleagues of mine have lived in the country. A patient of mine came in from the harvest to deal with an injury, having worked overnight. He had a quick bite to eat, some sleep, and went back to the harvest again. It is a hard time but the government wants farmers to make time available to deal with this rushed consultation. Recreational shooters, specifically farmers, are not having their needs met. They are not being listened to and they are not being given the time that is needed to address the issues. There are significant concerns, for example with property letters for every gun, for every year. It is unworkable, both from the farmers' point of view and from the shooters' perspective. Imagine, for example, someone takes a much-deserved holiday abroad and they find they have the demand, within 28 days, to have their letters reapproved. They come back —

Hon Jackie Jarvis: Those are letters for third parties not farmers.

Hon Dr BRIAN WALKER: They come back to find —

Hon Jackie Jarvis interjected.

Hon Dr BRIAN WALKER: Minister, it is not just farmers. Everybody can have a holiday. They will come back to find they are now illegal firearms owners. Has anyone considered this? The 28 days to find an authority when one lapses is a little bit tight to get replacement authorities. It could be months before they can get the proper letter from farmers who are, of course, very busy. Even more concerning is that the commissioner can cancel a firearms licence—listen to this—for a person's views, opinions and attitudes. We are giving permission to a body—a commissioner—to determine whether someone has the right views, then they will decide whether to take a licence off someone. Since when are we supporting the idea that government can tell people what their beliefs are going to be and have them modify their behaviour because of different beliefs? What will happen if someone gets up here one day and says they are against COVID vaccination? Bear in mind that I am for it. If someone said they were not, the government could say, in that case, they could not have a firearms licence because they believe the wrong things.

What else will have to happen? Perhaps it will be, “Do you believe in the wrong party? You are not one of our supporters. Oh, in that case we will have to take your licence off you in case you get angry and start shooting at people.” What about the requirement for mental health considerations? Have we given a thought to how many psychiatrists need to give approval for someone to have a firearm? Have we then thought about the police officers who are far more at risk of suicide from their own firearms than users who are licensed and sensible and who enjoy recreational shooting or taking out vermin on their farms? We have not given thought to that. Are we listening to consultation? No, we are not. This is yet another example of the hubris of a government—of all sides, might I add; I am not going to blame one side or the other. We need to be prepared to listen and consult more. That means the government not pushing its own agenda forward but listening to what the people are actually saying. I could broaden this and ask: What about the cannabis users who are unimpaired and are being prevented from driving because of no good reason? Are we listening to them? Are we listening to those whose livelihoods are being impacted, who are no longer able to work abroad because they have been convicted of driving while under the influence of a drug that was prescribed legally and properly by a doctor? Have we given consideration to that? No, we have not.

Of most concern, we have failed to consult adequately in Parliament. The best example of that is that the specific committee we have for that purpose, the Standing Committee on Legislation, has not yet met in this term of Parliament and that, colleagues, is a stain on Parliament.

HON WILSON TUCKER (Mining and Pastoral) [11.01 am]: I rise in support of the motion moved by Hon Colin de Grussa, and I thank him for raising this very apt and topical motion. Before I get into my contribution, I take this opportunity to acknowledge my aunty and uncle, Elizabeth Taylor and Andrew Wilson, who join us in the President's gallery this morning. They hail from the excellent town of Bunbury, which is in the second-best south west region—of course, second to the beautiful and unique Mining and Pastoral Region. I am sure all members will agree with me.

Several members interjected.

Hon Martin Aldridge: Do they support daylight saving?

Hon WILSON TUCKER: I am not sure, member, but the majority of Western Australians do so it is sure to be the case—absolutely!

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Hon Colin de Grussa: Have you consulted on that?

Hon WILSON TUCKER: Yes, extensively! We will get into that at another stage, but today we are talking about the government's consultation.

In my contribution I will focus on the good faith consultation clause and a recent example that all members will be aware of when good faith consultation did not occur—that is, on the Aboriginal Heritage Legislation Amendment and Repeal Bill 2023. As members know, we finished debating the bill Tuesday night, and I believe it is now heading down the hill to achieve royal assent. As I unpack the ACH repeal bill, I remind members of when extensive consultation did occur—they will be familiar with this example—and that was with the Voice referendum. Personally, I do not like the outcome of the referendum on Saturday; however, the majority of Australians, certainly those of voting age, were canvassed and consulted in some form on the Voice referendum, such is the nature of compulsory voting in Australia. Members will be aware that Western Australia has 89 000 Indigenous members of its community. The ability to engage in our democratic process was obviously an opportunity for those 89 000 people to put their views on paper. Unfortunately, Australia did not agree with the majority of the Indigenous population, certainly in WA, on the Voice referendum. Be that as it may, at least those in that section of our community had their say and their position has been put on the record. That is in stark contrast to the ACH bill. As far as I am concerned, the government did not undertake extensive good faith consultation and really does not understand where the majority of the Indigenous population stands on the repeal bill.

I asked a number of questions of the minister during Committee of the Whole to ascertain the depth to which the government went to determine what the position of the Indigenous population was. The results are very grim, and I will give members a breakdown of some of the statistics. As I mentioned, there are 89 000 Indigenous people in WA. There are hundreds of Indigenous groups. The state government was not forthcoming about how many. I can understand that that would be a challenging exercise as there are probably Indigenous groups that are outside the purview of the state government. There are certainly groups that are under the federal jurisdiction as well. However, we can confidently say that there are hundreds of Indigenous groups. Ninety-four were consulted. They were provided with a draft copy of the ACH repeal bill. Of those 94, 42 participated in a single online session with the minister. Six groups were put on an advisory panel; they were put together to advise the government on the legislation. Of the 94 groups, three groups provided written feedback to the government. Of all the groups that were consulted, one amendment was contained in the bill that consisted of three words—three words that were incorporated into the ACH repeal bill.

As I mentioned, these numbers are very grim and I do not know how the government can honestly say that good faith consultation was undertaken when fewer than half the groups canvassed by the government for feedback took part in a single online session. Members can imagine that that single online session was probably measured in the realm of hours as opposed to days. Only 2.8 per cent of those groups provided any form of comprehensive feedback in the form of a written submission back to the government. I am personally not surprised that the number of responses and participation by the Indigenous groups is low. Members can empathise with how the Indigenous groups were feeling at the time. They had gone through a 10-year process of consultation on the ACH 2021 bill and Indigenous leaders I have spoken to on country said that they felt that during that process they were spoken to rather than consulted with. The major concerns were not encapsulated in the clauses of the bill. We then had the complete backflip of the government. Basically we are back to the starting point; we are going back to a 1970s piece of legislation that we know is wholly inadequate and that does not protect cultural heritage. Members will be familiar with some classic examples.

The government has returned to a position of trying to improve on that 1970s legislation. Those Indigenous groups are also grappling with the Voice referendum that is potentially a challenging and complex time for them to navigate. I am certainly not surprised by the participation numbers being that low.

Given the challenges and experiences of the Indigenous community at the time, the government saw fit to undertake a very passive and shallow approach to consultation. As I said, one online session was conducted. The government left it for a number of weeks, just waiting. It was a passive approach to wait for written correspondence to come in—only three groups responded—and the government basically ticked that box. It feels like a rubber stamp process, a box-ticking exercise. The government said, “We have consulted with the Indigenous groups; let's march forward.” That consultation phase for the ACH repeal bill was measured in a number of weeks, whereas originally the ACH 2021 act was measured in years—up to 10 years.

Given the challenges that these Indigenous communities were facing, I believe the onus should be on the government to proactively engage with the community and these groups, which, let us face it, members, have been burnt by this government on a number of occasions. It needs to really canvass their views to try to get the second iteration of a very important piece of legislation correct the second time, and hopefully we will not be dealing with it again for a very long time. It had an opportunity the first time and completely missed this mark. This was the

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last shot and it completely missed the mark again. It is clear that the government has not learnt the lessons of the past, despite claiming that it would be more humble and would start listening to the public. It clearly has not learnt the lessons of the past. It needs to actually engage in meaningful dialogue and good faith consultation with the Indigenous population once again. That is the reason I support this motion today.

Visitor — St Mark's Anglican Community School

The ACTING PRESIDENT (Hon Stephen Pratt): Before I give the minister the call, I acknowledge St Mark's Anglican Community School, which is in the public gallery this morning.

Debate Resumed

HON JACKIE JARVIS (South West — Minister for Agriculture and Food) [11.10 am]: I rise to give the government's response. We obviously do not even agree with the premise of the motion and certainly will not be supporting it.

A member interjected.

Hon JACKIE JARVIS: Surprising, I know!

This government consults widely on a range of issues. It is interesting that the firearms licence process was brought up as one of the primary issues, as it is quite topical. I can assure members that there has been months of widespread consultation. There has been consultation with farmer groups. The Minister for Police formed a consultation committee with farming groups, including Western Australia Farmers Federation, Pastoralists and Graziers Association of Western Australia, and Grower Group Alliance. I think even WA Wines was involved. A number of organisations were involved. Just today, the Pastoralists and Graziers Association were on radio again praising the Minister for Police for the consultation process.

There was a separate consultation process with recreational and sporting shooters. It is important to remember that just because one particular group does not agree with some of what the government is doing does not mean it was not consulted. People are consulted. They are still allowed to object to legislation the government is bringing in, but I absolutely, utterly reject the notion that farmers' views have been ignored.

The property letter system is broken. Hundreds of thousands of people get a property letter and use that to get a gun licence for years and years, long after ending the relationship with that particular farming property. The firearms licence changes is one example of a clear process of consultation.

Hon Colin de Grussa spoke about the south coast marine park. I thought it was best if I reviewed the commentary from the member for Baldivis, who is the Minister for Environment and Minister for Climate Action. On 20 September, he noted in the other place that a community reference committee and commercial and recreational fishers were consulted, which led to additional amendments. I will read from *Hansard*, if I may. The member for Baldivis and Minister for Environment stated —

An area of an extra 118 000 hectares and around 147 kilometres of coastline was removed from the original areas of sanctuary zones.

This is in relation to the south coast marine park. Five proposed sanctuary zones have now been removed completely, 11 have been significantly amended, and a further nine have also undergone amendments. He went on to say that the Department of Biodiversity, Conservation and Attractions is working with the Department of Primary Industries and Regional Development in consultation with recreational and commercial fishers and has seen major changes in those zones. He said that the process is still alive and has a long way to go. Further action is happening with public consultation processes.

With regard to native forestry, yet again the opposition is saying there is no science—we have been hearing that for years! Everyone understands that there is a drying climate. I do not have the CSIRO report in front of me, but we have tabled that in Parliament on more than one occasion. Although a decision was made by government that we can no longer cut down these trees in the way that we were doing, a native forest transition plan was developed in consultation with the community. The plan was developed by a native forest transition group, which I think met within weeks of the decision being announced. It had representatives from industry, workforce and government. The Forest Industries Federation WA was front and centre, and the regional chambers of commerce was represented by the Manjimup Chamber of Commerce and Industry. Local governments such as Bridgetown, Greenbushes, Manjimup and Nannup were there, as well as the Australian Workers' Union, the Chamber of Minerals and Energy of Western Australia, Western Australian Local Government Association, and South West Aboriginal Land and Sea Council. We had various government departments including TAFE and the South West Development Commission. As a result —

Hon Louise Kingston interjected.

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Hon JACKIE JARVIS: Acting President, I will not take any interjections. I did not give any interjections.

In April 2020, the government reached agreements with the Forest Industries Federation WA to provide support. An agreement was reached with workers, and as a result of that extensive consultation and active participation by the former member for Warren–Blackwood, in August 2022 the native forest transition plan received an additional \$30 million in funding for industry and community development programs; \$80 million in total.

There was extensive consultation on the new women’s and babies’ hospital.

Hon Neil Thomson: And a business case.

Hon JACKIE JARVIS: There was also a business case. A business case received in March 2023 detailed risks of the project that could not be ignored, including an extended construction time line in which completion at the old site would not be until 2030, relocation of outpatient services, parking constraints and impeding community and ambulance access to all of those facilities there. There were also serious staff attraction and retention risks.

Hon Neil Thomson interjected.

Hon JACKIE JARVIS: As someone who has been stuck in an ambulance with a high-risk pregnancy trying to get to a women’s hospital —

Several members interjected.

Hon JACKIE JARVIS: How dare the member dismiss my lived experience!

Several members interjected.

Hon JACKIE JARVIS: There is no question, I am happy. I am happy!

Several members interjected.

The ACTING PRESIDENT: Members! Order!

Hon JACKIE JARVIS: I again quote from *Hansard* on 9 August, when the Minister for Health in the other place said —

There is no question that this was a very difficult decision to make, and it was made in the face of irrefutable evidence and facts. The reality is that this government does not make captain’s calls.

This was brought to cabinet. The minister continued —

It essentially presented risks that could not be mitigated—risks to service delivery, risks to staff, risks to sensitive equipment and risks to access. A whole range of risks could not be reasonably mitigated.

The member referred to the Aboriginal Cultural Heritage Bill. We listened.

Several members interjected.

Hon JACKIE JARVIS: The fun and games continues. As we noted, we received significant representations.

Several members interjected.

The ACTING PRESIDENT: Members!

Hon JACKIE JARVIS: We found that the legislation was complex, overly prescriptive and caused confusion and concern, and we listened and took action. Hon Louise Kingston said when “we” consult. I am not sure who “we” is. I assume “we” is the Liberal Party and Nationals WA members, just like they consulted over the shutdown of tier 3 rail lines. There was no consultation there.

Several members interjected.

Hon JACKIE JARVIS: I have a media story from March 2014, which states —

Farmers and road safety campaigners have accused Colin Barnett of putting lives at risk by trying to “weasel out of” an election promise to keep grain freight lines in the Wheatbelt operating.

There was a serious lack of consultation regarding the WA remote community policy in 2015. The article states —

The premier of Western Australia, Colin Barnett, has accused critics of his government’s remote community policy of irresponsibly spreading “misinformation”, dismissed protesters involved in a national day of action as being not from Aboriginal communities ...

This is despite a photo on this media story of an Aboriginal community gathering in Broome on that day.

It is worth noting, as I said, that we do not support the motion. We are a government that consults. Just because particular groups do not like the outcome of the consultation does not mean that we have not consulted. Consultation is not just lip service, as someone has said; it is genuine. Decisions are made that are sometimes incredibly hard,

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such as ending logging in native forests, and we know that had significant impacts. I was there. I stood there talking to workers who had lost their jobs. I know that it caused impact. Yes, we consulted after the decision was made, when the science was clear and irrefutable that we could no longer keep logging forests the way we had. The consultation was then about how to transition, and we transitioned well. I look forward to the shadow Minister for Climate Action's consultation on the National Party's policies that she has outlined in recent days. That will be interesting. I think some other members may want to speak on this, so I will take leave.

HON DAN CADDY (North Metropolitan) [11.19 am]: I have only a few minutes to speak before Hon Colin de Grussa gets back up. The irony of this motion is absolutely incredible. It is not lost on anyone on this side of the chamber who has some sense of history exactly what the government was like when the opposition was in power. The motion is particularly ironic because it has come from the Nationals WA. We heard the new Nationals WA member talk about royalties for regions in her inaugural speech. The Langoulant report looked at 50 projects. Hon Martin Aldridge talked about business cases. How many of those 50 projects did the Langoulant report say had appropriate business cases? There were five out of 50. So members opposite should not come into this chamber and have a go at this government, which had to fix up some of their projects.

Several members interjected.

Hon DAN CADDY: I do not have time to take interjections.

Members should not come in here and lecture us when they could not even open one of their key projects, the hospital, because they could not sort out the lead in the water.

Hon Martin Aldridge interjected.

Hon DAN CADDY: I could talk all day about Osprey and Pelago if I had time, honourable member. He may remember them well. Hon Jackie Jarvis has already brought up the tier 3 rail. For our Liberal Party colleagues, how about MAX light rail? There was no business case for that. It was going to transform the state. There was no business case at all for that. The people of this state knew that they had no business case. There were no costings. If members want to talk about costings, I remember at the last election—I have talked about this—they said that they were going to sink the railway through West Leederville. I remember Hon Tjorn Sibma standing there at the announcement and, because he is like me and short in stature, as it went on, he managed to get himself behind everyone else who was there so that no-one could see him because he knew it was a dog. Why was it a dog? It was because it was not costed. Members opposite have never taken business cases seriously, so they should not lecture us about that sort of stuff in this chamber. MAX light rail was one of them. There was no business case at all.

On transparency, I want to very quickly read something said by Darren Brown, who was a senior person in ministerial offices in the Liberal government. In an article in *WAtoday* of 23 April 2013, he is reported as saying —

As a vocal critic of those who advocate for total government transparency ... I believe there is a place for some secrecy in government.

He was on their team, as the chief of staff of one of their members, and he was out there saying, “We don’t need to be transparent.” So do not lecture us in this place on transparency.

HON TJORN SIBMA (North Metropolitan) [11.22 am]: I heard my name mentioned in vain, so I came running down because I thought it might be a little important or I thought a valuable contribution might have been given by a government member. I have been disappointed again by the poor excuses, the self-serving arguments and the cretinous “what about” arguments. Absolutely, what is the government’s problem? It cannot be accountable. It cannot grow up. It cannot deliver responsible government. That is why motions like this are moved. I know that they hurt the government, but it is failing.

Several members interjected.

Hon TJORN SIBMA: It is because it fails day in and day out—another lie, another cover-up, more dissembling and more dismissal of clinical professionals. Each and every single member of caucus should walk around this building shamefacedly with their heads down and encourage their ministers to elevate the debate and discharge their responsibilities professionally. We have been calling this out every single day of this term. Every single day the government fails, and the public knows. The public knows about the government’s failures. The public knows that the ministers are not up to it. They just announce another task force. Here is a policy.

Hon Samantha Rowe: Have you costed it?

Hon TJORN SIBMA: Let me talk about costings. Metronet was a \$3 billion program in 2017. I remember Hon Rita Saffioti and Hon Ben Wyatt saying that it had been costed and that it would be a pure \$3 billion. What is it now? It is \$11 billion, and the operational costs are something that the minister will never take responsibility for. Guess what? There will have to be some interesting news today about the failure of the government to consult with

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the disability sector on the closure of the Armadale line. Guess what? I have a hot little email, and I will tell members all about it later. Until then, why do they not just encourage their ministers to do their jobs, rather than waiting in line and hoping for some patronage or some crumbs to fall from the table.

The craven, weak-willed, spineless individuals that you are, you cannot hold yourselves to account! You cannot hold your ministers to account, which is why we have to do it. Shame on you! I cannot wait to come back here in 2025 and to see fewer of you! Thank you very much!

HON SOPHIA MOERMOND (South West) [11.25 am]: There were some great contributions. I rise to speak in support of the motion put forward by Hon Colin de Grussa. Being fairly new to politics and still learning about the many aspects here, I nonetheless have made some observations. In particular, a lack of consultation leads to reactive governance, and reactive governance does not serve the needs of the community. It wastes time and money, and I think the people of WA deserve better than that. Specifically, they would like to see cannabis legalised.

HON COLIN de GRUSSA (Agricultural — Deputy Leader of the Opposition) [11.26 am] — in reply: I want to take the opportunity to thank those members who contributed to the debate. I think it speaks volumes that of course those on the other side just dismissed the debate. They do not listen, and that is the problem. That is what consultation is all about—it is about listening. The fact that every member on this side of the chamber who stood was able to talk about a different example of a failure to consult only goes to highlight the real failure of this government—that is, in listening to people. Consultation does not occur after the fact. People have to be engaged before the decisions are made so that the right decisions are made. Of course, not everyone is going to agree; that is not what we are saying. We are saying that the government needs to take account of what the people of Western Australia want, what they think about a particular policy and how it is going to affect them, and this government chooses not to listen to them.

I particularly want to thank Hon Peter Collier for his contribution. I was particularly touched by his comments about unit 18. I think that is something that all members should hang their heads in shame for. I hope nothing bad happens.

Motion lapsed, pursuant to standing orders.