

APPROPRIATION (RECURRENT 2021–22) BILL 2021
APPROPRIATION (CAPITAL 2021–22) BILL 2021

Cognate Debate

Leave granted for the Appropriation (Recurrent 2021–22) Bill 2021 and the Appropriation (Capital 2021–22) Bill 2021 to be considered cognately, and for the Appropriation (Recurrent 2021–22) Bill 2021 to be the principal bill.

Second Reading — Cognate Debate

Resumed from 13 October.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [2.30 pm]: Traditionally, debate on the appropriation bills, which follows several weeks of members' contributions to the budget, should be fairly short. It is not usually my practice to miss an opportunity to have a small discussion with the Minister for Mental Health about Treasury issues, and I am sure that he has been looking forward to a small contribution. He is even ready to take some notes, which is fantastic! I love to see the enthusiasm with which the Minister for Mental Health takes his Treasury responsibilities; that is fantastic.

Let us do a little recap on what the budget told us. The budget reflected a \$5.6 billion surplus in one year. I do note that thanks to a small accounting error in the government's papers, which was identified and corrected by the Auditor General, the budget surplus for the 2020–21 financial year ended up being \$5.8 billion. Members might think that \$5.6 billion and \$5.8 billion are pretty much the same thing, but that couple of hundred million dollars is interesting because it took the budget surplus in this state in one financial year from just below the largest ever recorded in any state to just above. There was a \$5.7 billion surplus in New South Wales a few years ago. Let us be absolutely clear; this is the largest budget surplus in a single financial year of any state government in the history of Australia. This is an absolute boom budget. Why do we have a boom budget in the state of Western Australia? We have it because we have had the biggest iron ore boom the state has seen, with the price of iron ore reaching up to \$US235 a tonne. We also have it because of a very convenient and very much appreciated new GST arrangement—it was introduced by the current Prime Minister when he was the Treasurer and supported now that he is the Prime Minister—which has been worth a few extra billion dollars. We can put all that together with some increases in state taxes. I think people forget because we talk in such big numbers. It is funny when we start dealing with Treasury issues. I thought it was odd when I was first briefed on this by Treasury 15-plus years ago. When people start a business, they start talking in thousands of dollars. When they come here, they start talking in millions of dollars. When someone takes on the Treasury role, they start talking in billions and it just becomes natural to talk about these very big numbers; it is easy to forget. Billions of extra dollars rolled in as royalties, particularly iron ore royalties. Total royalty income went up to \$11 billion when normally it would be in the order of \$5 billion or \$5.5 billion, so it was twice the normal revenue based on high volumes and high prices.

It is a boom that this country has never seen before. We talk about the Bendigo and Ballarat gold booms in Victoria and the Kalgoorlie gold booms, but the iron ore mining boom in this state has been the biggest boom in the history of Australia, and this government has been the lucky recipient of that. Congratulations; the government was the lucky recipient of a massive iron ore royalty, and that is great. It was also the recipient of a GST deal that tipped a few billion dollars into the government's coffers.

Hon Dan Caddy: Thanks to the Premier.

Hon Dr STEVE THOMAS: Thanks to Prime Minister Scott Morrison. The government would not have got the GST deal without the support of Scott Morrison.

Several members interjected.

Hon Dr STEVE THOMAS: It is absolutely the case. He was the Treasurer at the time. Members opposite get jealous; they do not like to see due credit given.

Several members interjected.

The PRESIDENT: Order!

Hon Dr STEVE THOMAS: Thank you, President. The truth can be painful on occasion, but there has absolutely been a massive amount of revenue pouring gold onto the head of the current Labor government. It has had the benefit of this massive amount of revenue.

I note that last week, the next round of financial information was dropped for our perusal—that is, the next level of quarterly financial statements. The good news rolls out on a quarterly basis, if members take the time to read the Treasury documentation, as I am sure the President does, given her financial bent. The good times have absolutely kept rolling and members will be very keen to know that in the July, August and September quarter—the first quarter of the 2021–22 financial year—the three-month budget surplus was recorded by Treasury at \$4.4 billion. The

government thought it made \$5.6 billion last financial year; it in fact made \$5.8 billion, but in the three months following that \$5.8 billion surplus, it made a lazy \$4.4 billion. Man, the books are not looking too bad, are they? It is no wonder the Premier, who is also the Treasurer, predicted \$15 billion worth of surpluses over five financial years because the government is doing remarkably well. That is not to say there are not a few clouds on the horizon, I suppose.

My last reading of the iron ore spot price, which I must admit was yesterday not today, suggested a price in the low \$US90 range; I think it was about \$US93 a tonne. It has certainly dropped. It is well down on the \$US235 a tonne it reached at its peak at the beginning of this year. Interestingly, it is also now significantly below the budget forecast in the 2021–22 budget, which was released a couple of months ago, because the Treasurer had to correct his budget predictions on iron ore. Traditionally, Treasury predicts very low, and that is obviously very clever. If we predict low and the price goes up, we have more money to spend with extra cash in our pocket. If we predict high and it does not happen—it has happened previously, which we have all acknowledged—we have a budget problem.

The current iron ore budget estimate for 2021–22 is \$US121.30 a tonne, which means that there will have to be a correction at some point in the budget process. Bear in mind that the price was quite high for the first three months of the financial year, but I suspect that the correction might go back down to a more reasonable figure. It is interesting that when it first hit \$US90 a tonne in the current boom, which was in February 2019, I asked a very pertinent question at that point of the then Treasurer: “If the price of iron ore stays above \$US90 a tonne for the foreseeable future, have you modelled the impact?” The then Treasurer said, “No; the impact of a \$US90 a tonne future for iron ore has not been modelled because it is highly unrealistic.” As the price drops down towards \$US90 a tonne again, we need to consider where it might go to next. We can be pessimistic, optimistic or somewhere in the middle. It should be noted, of course, that it is still \$US93 a tonne, a figure that the previous Labor Treasurer said was highly unrealistic, so the state is still doing all right, even though it is below the \$US121 a tonne that the government predicted for this financial year. In fact, my predictions were that it would stay higher than \$US90 a tonne for a bit longer yet.

I saw just recently that there is some indication that global supply of iron ore, which has been part of the reason that the price has stayed so high, may be a little constrained for some time to come. Just to make members aware, that was a comment in a media piece on Yahoo Finance, and I will read it in because I think it is interesting. It refers to Vale, the other great big iron ore producer that is based in South America. It states —

The world’s second-largest producer of the steelmaking ingredient now expects to produce 315–320 million metric tons this year, compared with previous guidance of 315–335 million tons. Next year, Vale anticipates 320–335 million tons compared with a 346 million-ton consensus among analysts.

It is not the case that those are wildly different figures, but suddenly take 15 million tonnes out of the expected supply and that will impact the price of iron ore going forward. I suspect there is some indication that the government will continue to do okay out of iron ore in the not-too-distant future, and if it stays around that \$US90 a tonne mechanism, the government’s massive budget surpluses may not eventuate, but they will still be solid.

Members need to remember that despite the fact that the budget had iron ore picked at \$US121.30 a tonne for the 2021–22 financial year, the forward projections in the budget papers—those that are included in that \$15 billion surplus—had an iron ore price of \$US64 a tonne, which might be relatively accurate over time. Even if the price stays at a modestly high level at around \$US90 a tonne for the time being, this government will still make a motza. This government will still have an enormous amount of money to play with. That, honourable members, is the message that we need to remember in all this budget process throughout everything we say for the next year or so, and it is simply this: this government has had more money to spend than any government that preceded it. So why do we have a health crisis? Why do we have a housing crisis? Why do we struggle to get police officers into roles? Why are the services of this state not at a level that we would expect when we have the richest government in this state’s history—that is, the richest government that this state has ever seen?

There is a performance problem, President, not a revenue problem. There is not even necessarily an expenditure problem, although I agree with the government that when there is a constraint of labour, it might need to push some of its projects further out. I have asked a series of questions, particularly around Metronet. I note the answers coming from the various ministers saying, “I note that you’ve said that isn’t necessarily a bad idea”, and I retain that position. I think that the extension of some of these projects to deal with the constraints of both labour and resources is a reasonable outcome. I just want the government to be reasonable and honest about the process and narrow down exactly where extensions are occurring, to what level and what the impacts might be. This is an accountability mechanism. I agree that some of those extensions are a completely reasonable part of this process. With the exception of the need to extend some of those projects, the government does not really have an expenditure problem either; it is managing to expend with that one caveat. Revenue is not an issue; expenditure is not an issue. What is an issue for this government? It is service delivery—getting the services right.

That is the issue that this government needs to be held accountable for. The second component of delivery is not delivering a long-term, valid economic vision for the state of Western Australia. If there is one thing missing from

this budget—a high revenue, high expenditure, services deficit budget—it is the fact that it does not deliver a long-term economic plan. Expenditure is not a plan. A windfall of revenue based on multiple international governments' expenditure on infrastructure as a COVID response, thus making Western Australia probably the greatest beneficiary economically of the COVID crisis of any jurisdiction in the world, is not a plan. That is not a strategy.

I remember a debate that went on in this place in which one government member said that the Premier did not know COVID was going to come and that all these things were going to occur. I remember that quite distinctly. It was the mover of a motion some months ago. That was absolutely right, but that is not a plan. That is not a strategy for the state of Western Australia. The thing we need to remember, of course, is that if the government were ever going to change the economic, taxation and revenue structures of this state, it would have needed to do it when it had a surplus of revenue so it could start to move it about. If the government were ever going to reconfigure the economic status of Western Australia, it would need to do it in the sort of circumstances that it has had here in the last 18 months. The government could have been visionary at a time when it needed to engage industry to get industry moving. In some respects, the government tried, but it reverted to the process that Labor governments traditionally do; that is, it immediately reverted to the handout process. The government was happy to put money back into industry, and it claims it has spent, I think, up to seven-point-something billion dollars on COVID. Some of that was quite reasonable expenditure, and that was good. However, the government missed the opportunity to restructure the economic system of Western Australia to actually enhance business.

Instead of just giving businesses a handout to keep going, there was an opportunity to restructure the red tape and taxation in a way that would have enhanced business forever into the future. The government could have addressed payroll tax. It could have looked at stamp duties. It could have looked at all those taxes, particularly at a time when, even during the COVID pandemic, revenues from those state taxes have gone up. It was not just the massive windfalls from iron ore and the GST. Other state taxes have gone up as well. There was an opportunity to restructure this state and put it ahead of the game. Imagine if this great wealth was used to restructure the taxation system to give Western Australian businesses a competitive advantage over other states. Other state governments did not have the capacity to do this. They did not have the iron ore revenues and they did not get the GST handout from Scott Morrison. What have other states done? They have generally doubled their debt levels during this COVID period. They have had to fund all their activity out of debt. This government was in the lucky position of being funded out of the mountains of cash raining down upon it. What an opportunity to put Western Australia ahead of the pack in perpetuity and to put Western Australian businesses ahead so that the government was not just looking after businesses and their employees now, but actually building a system that would put them in front for decades to come. It is a massive lost opportunity, and that is the saddest part about the budget presented by the government.

It is interesting that we have a Premier and Treasurer who is so proud of having large budget surpluses. I would have said that there were other ways to do that. There are even sensible ways that the government might have hidden some of that additional wealth. Bear in mind that the \$5.8 billion does not include the couple of billion dollars of deferred dividends, which is, effectively, another piece of accounting trickery just like the debt reduction fund. The government is deferring dividends. Normally, a dividend from a government trading enterprise would go into the consolidated fund and if that enterprise needed capital investment in the future, it would go to the government and the government would make a decision based on that. The government has taken those government trading enterprise dividends and squirreled them away into a special purpose account. The government has done that on a number of occasions. There are a number of special purpose accounts sitting out there. The dividends have been squirreled away for future use. The government has removed all the normal accountability mechanisms out of that process. Instead of saying the government has a \$5.8 billion surplus, if there are a couple of billion dollars of deferred GTE payments, the true story in Western Australia is that the surplus is more like a \$7.8 billion surplus in one financial year. The government trading enterprises should have come back in a future year and sought funding from whatever the surplus was at that point. It would be appropriate if the dividends went into the consolidated fund and the government put it in a future fund—style activity, although the government has shifted the future fund into medical research. All those options are available to the government, but it has not done that. It has hidden this money away. Western Australia's budget surplus is more in the order of \$8 billion than \$6 billion, in real terms. That is such an enormous amount of money that it has never been seen before in Western Australia. I think that is how we should frame this particular budget.

I will make a couple more relatively short comments, because this is not the time, generally, to give an entire budget speech. We need to highlight the wealth that this government has and its inability to convert that wealth for the benefit of the people of Western Australia. I wish the government had that benefit in mind as much as it had its own future in mind as it looks forward to trying to keep power for as long as possible, which is obviously what has framed this budget. I make this point about COVID-19: if COVID was responsible for a large proportion of the massive wealth of Western Australia, maybe we could have handled it a bit better. I bring this back to the businesses that are now struggling with the regime under the proposed COVID exit plan, or the plan to have a plan, which I think is a more accurate description. Business requires additional support in that plan. Business requires certainty, and that certainty has not been provided. It is not good enough for the government to simply put on its website a set of

requirements that says that, ultimately, the business people of Western Australia cannot employ somebody if they are in a group 1 category who is unvaccinated by 1 December 2021, which will be tomorrow, and nor can they employ an unvaccinated person in the group 2 category if they are unvaccinated by 1 January 2022. It was interesting, though, that these absolute hard-and-fast rules were varied this week for government employees in the police service. They will not be dismissed immediately tomorrow if they are unvaccinated. The Commissioner of Police has come out and said, and the Minister for Police has been reported in the paper today as saying, that there will be some leeway for unvaccinated government employees. That is probably fair enough, to be honest, because every employer has to work out how to manage the system because there is an absolute lack of clarity from the government about how it should be managed. Everyone has a strict set of rules that says employees must go, except for us because we are the government. The government accepts that it needs to provide its departments with a bit of stretch and the capacity to work out how to do this. This is based on a set of regulations that the government has imposed on itself and everybody else. I would have thought that, first off, the government would have got its act together and worked out the impact and precisely how it would manage that, but it obviously did not do that.

Hon Martin Aldridge interjected.

Hon Dr STEVE THOMAS: I will be asking a series of questions about that this week, because I am very interested to know precisely how the government has justified this position. I suspect it might be unlawful, but we cannot get legal positions out of the government to work out what is going on. It astounds me that the government is saying to business, “Suck it up! We have regulations in place. We’re not really going to help you with it much. If you want to know, go on the website—read the website.” That is the government’s advice. I have been running the argument now for weeks, and probably months, that business is concerned about the impacts and how it manages those impacts. It is the impact on not just the employers, but also the employees they have to sack, some tomorrow and some a month after that. Employers also have to plan how they will manage their workforce, because if they are losing an employee in a month, there is not much point in waiting a month to start training up people. If they are going to lose somebody, they have to work out how they will manage that loss of skill and corporate knowledge. All of that will be critically important. But this government is not advising business how it should manage that process; business is not being supported and business is not being informed.

It is hilarious and arrogant that the government is saying today that one of the groups that is employed by the government will be given leeway until it can sort out how it should manage this. If the government had it all down pat, bearing in mind that these mandates have been in place for group 1 workers for some time and everybody knew this was coming, it would not have needed to make extensions or to give a couple of weeks’ leeway until it worked out what to do. What will happen to a small business? Will its employees get two weeks’ leave without pay? Is that okay or not? Surely, the government would have done the job when it knew this was coming. This government knew months and months ago that the deadlines for vaccine mandates were coming. In a speech in this place a couple of weeks ago I said—to a fairly good torrent of online abuse—that I supported vaccination and the government’s right to mandate vaccinations, which obviously stirred up something of a hornet’s nest. If government puts these mandates in place, the onus is on it to make sure that everybody knows precisely how they will work and to support those people who will be impacted by them, the businesses of Western Australia. It is not generally big business that will feel the greatest impact of these mandates, although it will be affected. I know mining companies that expect 50 hold-outs in their workforce, particularly fly-in fly-out workers, although there are others. Members might argue that 50 hold-outs is —

Hon Kyle McGinn interjected.

Hon Dr STEVE THOMAS: I do not want to name names, because I do not want to out groups. I know of one company that expects to have 50 hold-outs. It is a big company, so this is probably only one per cent or less of the workforce. We know that less than one per cent of nurses have refused to be vaccinated. I think the newspaper today suggested that the Western Australia Police Force will have 30 hold-outs from its total staff of 7 000 or a bit more—it is always hard to know which figures to trust—so it will have a compliance rate of 99.5 per cent. Business needs to know these things, particularly the smaller businesses. It is not an issue with the big companies, because they can generally manage the process. First off, they have not only more influence and power, but also much bigger numbers that they can work with. It is the quarter of a million or so small businesses in Western Australia that wonder the most how to manage this. It is that group of people that employs one, two, three, four or five employees. If you employ three people in your business and one of them chooses not to be vaccinated, you have a compliance rate of 66 per cent, and that would look pretty terrible. Therefore, proportionately, you have a significant impact. It is that group of people who are being neglected in terms of government support, government management and having a government explain to them precisely how they should be managing this process who are truly hardly done by.

If a person refuses to be vaccinated and as a result they are unemployed, that is a decision that they made. That is a decision that they took. But their employer, who is potentially fully vaccinated, also suffers from that decision. Yes, we encourage everybody to get vaccinated, and I encourage everyone to get vaccinated unless they have a medical reason why they should not. But it has a significant impact on the businesses of Western Australia, and this

government has not explained how it is going to support those businesses at a time when the government has more money than any government that has gone before. Therefore, what are the critical messages out of this budget?

This government is rich and wealthy. It has the Midas touch for the time being, but some changes are coming that over time will balance that out a little. But even with that, is the government expected to make multibillion-dollar surpluses over the coming years on the budget papers, even if the price of iron ore goes back to its long-term standard run of about \$US64? This government is rich. It has no issue with revenue—it is rich. It does not have much of an issue with spending; it is managing to do that, but it cannot deliver the services that are required and it has no vision for how the state will progress and is advantaged in the future, and that is the great shame of the budget of 2021–22, as presented by the government. One day we will look back and say, “This was perhaps the greatest missed opportunity economically that the state has ever had”, and that will be a sad outcome.

HON MARTIN ALDRIDGE (Agricultural) [3.13 pm]: I rise to make a relatively brief contribution to the Appropriation (Capital 2021–22) Bill 2021 and Appropriation (Recurrent 2021–22) Bill 2021, being debated cognately. I note that most members have had the opportunity in previous weeks to contribute to the debate on the budget papers. Having said that, we now have the opportunity to reflect on aspects of our budget contributions that we perhaps did not have time for on a previous occasion, but also with the benefit of the Legislative Council estimates process, which transpired in the interim period. On that note, I would like to thank the Standing Committee on Estimates and Financial Operations for again providing the opportunity for members, over four days this year, to participate in not only the hearings, but also the non-hearing opportunities. On that point, there really are some fantastic opportunities during the estimates process, both within the hearings and outside of the hearings, for not just committee members, but every member of the house to ask questions of agencies, whether they be prior to hearings or post-hearings, and regardless of whether the committee called that agency to appear. I note that during formal business today the Standing Committee on Estimates and Financial Operations tabled its eighty-fifth report, *Consideration of the 2021–22 budget estimates*. Although I have had only a brief opportunity to consider this 29-page report, it is certainly something that I will contemplate further, and I am sure the house will contemplate further, in due course.

The 2019–20 bushfire season on the east coast presented quite a significant natural disaster, referred to as the Black Summer bushfires. When we were noting the budget papers, I did not get the opportunity to discuss the shadow portfolio that I hold, which is emergency services. Much of my contribution was focused on the health matters that our state is facing, but also road safety, among other things. I want to take the opportunity now to make some comments about emergency services. The Department of Fire and Emergency Services was not an agency that was called before the Standing Committee on Estimates and Financial Operations, but the opportunity was not lost to ask questions of the agency and, more relevantly, the minister on the budget that we are now contemplating in the form of these two appropriation bills. Going back to my opening remark, 2019–20 presented quite a significant fire event on the eastern seaboard of Australia. At the same time, by comparison, Western Australia had a fairly mild fire season. In the following year, 2020–21, some significant fire events occurred in Western Australia during the lead-up to the March state election. The Woorloo bushfire destroyed 86 homes. We also had the Red Gully bushfire, which was a significant fire event that went over many weeks. We also had the impact of tropical cyclone Seroja, which made landfall on 11 April this year and was another natural disaster—declared event.

A number of challenges are facing the state of Western Australia with the upcoming, almost imminent, southern high fire threat period, which officially commences tomorrow, 1 December. We have already had a number of bushfire responses in the south and a number of significant fire events in our north. One of the interesting things that we have seen of late is that the traditional northern and southern fire seasons experienced in Western Australia are no longer distinct but are becoming more intermingled, which is creating some resourcing pressures, in my view, in being able to mobilise not only our state fleet but also our human resources.

On top of that, we see from the budget papers a significant backlog in fleet replacements. One of the great advantages of the introduction of the emergency services levy in early 2000, or it might have been the late 1990s, was a significant improvement in our state fleet of firefighting and other emergency response vehicles. However, some pressure is now being applied. The budget papers show an underspend in the local government grants scheme, which is used to provide both State Emergency Service and bushfire service vehicles, and our state appliances fleet, in the order of almost \$14 million. A number of factors are at play here. The primary one has been a number of contractual changes that have occurred in transitioning to the production of fire appliances in Western Australia. That is something that I will touch on shortly with respect to what I will call the Collie solution. There have been some other impacts, including COVID-19, but I think that has had a lesser impact. The more recent impact is our ability to acquire the appropriate chassis so that the production of these fleet replacements can occur. That problem has been building over a number of years; it is not something that has arisen just as a result of COVID-19.

I will turn now to the government’s announcement about what I will call the Collie solution. It was announced on 5 December 2019 that a Perth-based company, Frontline Fire and Rescue Equipment, had been awarded a \$2.5 million grant to relocate to Collie, along with a \$125 million contract. It was given a \$2.5 million grant and a \$125 million

contract because the government wanted it to partially shift its operations from Perth—I think it is a Malaga or Osborne Park-based firm—and establish a manufacturing base in Collie. This media statement from 5 December 2019 by the then Minister for Emergency Services, Hon Fran Logan, and the Premier talked about providing 17 full-time manufacturing jobs in Collie. This is interesting, because this is something on which I sought some clarification through the budget estimates process. I recently visited the facility in Collie, and I think the company probably still has a way to go in establishing its presence in the town. Through the estimates process, with the assistance of the committee, I asked: how many full-time manufacturing positions have been created in Collie to date? Keep in mind that the media statement of December 2019 said that there would be 17 full-time manufacturing positions. The answer stated that, to date, eight full-time manufacturing positions and two administrative positions had been created. I went on to ask how many of the people in these positions resided in Collie and its immediate surrounds, the south west region or elsewhere. I understand, through some contact I have received as the shadow Minister for Emergency Services, that the state and, more specifically, this company, have been having difficulty in either seeking the relocation of its workforce to Collie or attracting a workforce in Collie for its manufacturing function. The answer to that question was that all five employees reside in Collie, the immediate surrounds and the south west region. That did not exactly answer the question in the way that I had asked it, but, nonetheless, we know that all five employees reside in Collie. The problem is that in the answer to part (c) of the question, I had been told that eight full-time manufacturing positions and two administrative positions had been created, so 10 positions in total, but I was then told that all five employees reside in Collie. The minister's signature is on the bottom of this answer provided to the committee. However, there seem to be some mathematical problems with the minister's answer. Nonetheless, whether it is five, eight or 10, it is well short of the 17 positions committed by the government, and for which the taxpayers of Western Australia paid \$2.5 million to a private company to establish this manufacturing base in Collie.

I want to talk about the local government grants scheme, which flows from this. I have spoken about the underspend within both the state fleet and the local government fleet under the local government grants scheme. One thing that I have heard very loud and clear, particularly from local governments, because they are generally the applicant for funds under the local government grants scheme, is that local government is generally reasonably successful in attracting a grant to replace or buy a piece of equipment or to replace an ageing fire appliance, but it is nigh on impossible to achieve a grant to build or improve a capital piece of infrastructure. That is a consistent message that I have heard loud and clear from the local government sector. This will flow into something that I will talk about briefly—the impending application of the Work Health and Safety Act 2020—but I will just stay on the local government grants scheme for the moment. One of the benefits of a later budget and a later consideration of the appropriation bills—now, on the last day in November—is that we have had a little more time. We are almost halfway through the financial year, so we know a little more about not only the budget but also how it has been spent. We know that a significant portion of the requests from local government under the local government grants scheme was not met this financial year. Some 90 applications by local government for bush fire brigade services totalling \$29.4 million were not funded, and some 16 SES applications totalling \$1.2 million were not funded. Obviously, when running a grant scheme, such as the local government grants scheme, more people should be applying for grants than there are funds to allocate, because that generally results in a better outcome. However, when I looked into this a bit further through the estimates process, I discovered that 77 of the 90 applications—I am just talking about bush fire service applications—totalling \$24.2 million, met the criteria for funding, but funding was not available. To put that into some perspective, that is a 16 per cent funding rate. Funding of \$5.7 million was successful, but funding of \$29.4 million was unsuccessful, so only 16 per cent of funds requested were provided. That is an extraordinarily low amount by any measure in comparing other grant schemes, although there probably are not many that could be directly comparable with the local government grants scheme in this context.

With regard to State Emergency Service applications, it was a bit closer, with \$1.3 million being funded and \$1.2 million not being funded. That is a 52 per cent success rate for SES applications. That is a significant lost opportunity in this financial year; in the order of \$24 million across 77 applications has gone unfunded. The applications met the criteria, but no funds were available to support those local governments and those bush fire brigades to build capacity ahead of the pending southern bushfire season.

Why is that relevant now? Tomorrow, the high-threat period for the south will start. The Australian and New Zealand National Council for Fire and Emergency Services recently released a report on the seasonal outlook for the coming fire season and it identified parts of New South Wales and Western Australia as having an above-average risk of fire and fire behaviour this coming fire season. WA has been identified as one of two states in Australia that are showing an above-average potential for bushfire this summer, yet 77 applications totalling \$24 million that met the criteria have not been funded, notwithstanding that last financial year the government delivered a \$5 800 million budget surplus. I hope that is not a decision we regret when this house resumes in February, near the end of the high-threat period and a fire season that AFAC is predicting will have an above-average fire potential in Western Australia.

One of the missed opportunities I want to talk about now, and I have done so on previous occasions, is the current state of the Wooroloo—sorry; the Wundowie bush fire station. There is a connection to Wooroloo, which is why

I interchanged the two words. I know I have the attention of the parliamentary secretary representing the Minister for Electoral Affairs because he has quite a fascination with Wooroloo and Wundowie. It was the government's argument that the poor constituents of Wundowie were far too over-represented in Parliament when compared with their cousins in Wooroloo.

Hon Matthew Swinbourn: We fixed that.

Hon MARTIN ALDRIDGE: I want to again raise for all "senators" in this chamber—all members at large—the plight of the small town of Wundowie, which, according to the government, is over-represented in the Legislative Council, and to ask them to concentrate their efforts on it. I visited the temporary Wundowie Volunteer Bush Fire Brigade's station some weeks ago. Members, I do not think it would be an understatement to say that it is a completely inadequate facility for volunteer firefighters in 2021 to be occupying. This building has no power and volunteers have had to install a solar panel on the roof to maintain the charge in their fire truck. There is no water connected or ablution facilities. Effectively, it is a storage shed for the local men's shed. It is a peri-urban fringe community of the regional and metropolitan area that is becoming increasingly higher risk. Just down the road are the underrepresented cousins, according to the government, in Wooroloo, who had a very significant fire event in February this year, and the volunteers in Wundowie assisted their cousins in Wooroloo.

I want to highlight this, because this was one of the 77 applications rejected by the state government due to lack of funding. The request was for \$500 000 to build an appropriate fire station in Wundowie, and the local government, the Shire of Northam, has applied four times—four years, four times—for \$500 000 to build an appropriate and safe facility for the volunteers in Wundowie. I implore other members to visit the hardworking volunteers in Wundowie, whom they will soon potentially represent, and to consider the facilities they currently occupy.

What is the response by the state government to this issue? The response is that it is the responsibility of local government. The problem I have with that is that under current laws bush fire brigades in the bush fire service are a function of local government. The primary source of funding for local government to deliver bush fire services in Western Australia is through the emergency services levy, and the emergency services levy funds the local government grants scheme. That is the grant scheme under which the Shire of Northam and the hardworking volunteers of Wundowie have four years in a row asked for \$500 000 and been told to bugger off. This is a concerning situation. It is inappropriate and it risks the health and safety of these volunteers. I am sure it will not be acceptable when the Work Health and Safety Act 2020 is proclaimed in coming months.

On that note, there will be some significant challenges facing not just the local government sector, but also the state government, in making sure facilities for volunteers are adequate. I think that is a good thing. It is good that we see an improvement in the facilities and of the conditions in which volunteers work. As I said, the fleet has significantly improved over the last two decades—without question. Where I think we are lagging is with some of our capital facilities and, as I said, that is not exclusively a problem of local government; I think it also exists in the state government sector. To that end, I notice in the budget that some \$7 million has been allocated for a number of volunteer and fire rescue services and volunteer and fire emergency services station improvements across a dozen or so locations, and a lot of those have been around appropriate ablution facilities, amenities, tunic rooms, change rooms and the like across those stations. But there is certainly a lot more work to be done in this space. I hope the government will not regret the decision to reject these applications after this fire season, and I hope it can be remedied in future budgets, particularly as we are increasing the obligation of state and local governments to volunteer firefighters and other first responders under the work health and safety changes that are coming.

It is also interesting to note in the budget papers some \$289 000 in the Department of Fire and Emergency Services budget for small capital commitments. In 2020–21, \$47 000 was funded, and in 2021–22, \$242 000 was committed. As I have now discovered through the estimates process, this total amount of \$289 000 was effectively Labor Party election commitments. That has now woven its way into this year's budget, which we are now debating, but a small portion also went into last year's budget. I think it is interesting that, exclusively for this expenditure of \$289 000, a list has been provided to the committee that shows a total of 16 grants to 16 separate brigades and State Emergency Service units. Every single one of those 16 applications is based in the metropolitan area. I think that this is questionable. It is a function of our political system that parties make election commitments, and, if they honour those commitments and they require funding, we see them appear in budget papers. But it concerns me that, again, increasingly, in an environment and a sector in which funding should be going to the highest priority and the highest use, we are seeing it being driven by political decisions at elections.

We can compare this \$300 000 funding for 16 metropolitan-based units and brigades—I cannot make a judgement as to whether that was good expenditure or not because I do not know many of the grants specifically; that information has not been provided to me—with the conditions faced by the volunteer firefighters at Wundowie. The Shire of Northam has applied five times for funding to build appropriate, safe facilities for its community of volunteers in Wundowie. How do we ensure that the shire does not have to ask for a sixth time? It is easy for the government to say that this is a matter for local government because bushfire volunteers are local government's responsibility,

but they provide an important function to the entire state of Western Australia and to the state agency, the Department of Fire and Emergency Services. In fact, we deploy these local government volunteers all over the state, most recently to the Pilbara and Kimberley, which have been battling some significant fire events. I think that the state needs to take greater responsibility and obligation rather than just saying that this is a local government responsibility.

Another thing that I asked about during the estimates process that concerns me is the Wooroloo bushfire inquiry. We were told that this inquiry was due to complete in October. It was extended by two weeks. We are now at the end of November and I assume that the government has that inquiry report in its hands. We do not know when that inquiry report will be made public. I think the inquiry itself is questionable. The Wooroloo fire was a very significant fire event that destroyed some 86 properties and ran from Wooroloo to the Great Northern Highway, and it was the wrong decision for the government to commission an inquiry of this type. We can compare it with the Waroona, Perth Hills or Margaret River inquiries, all of which were commissioned under the former Liberal–National government and were special inquiries established under the Public Sector Management Act with effectively the powers of a royal commission. This was effectively a fee-for-service arrangement with AFAC, the National Council for Fire and Emergency Services. The lead inquirers are based in the east. They have not visited Western Australia; they cannot visit Western Australia. They have done virtual engagements and tours. Now we await the report. As I said, tomorrow is the commencement of the southern high-threat period for bushfires. I do not think the state will be in any position to learn from or implement any recommendations that might arise from this inquiry, as flawed as it may be, ahead of the coming fire season, in which it is predicted that we will have an above average fire potential in Western Australia. I say that without mentioning the significant event of tropical cyclone Seroja. It is not known what sort of independent inquiry the government will commission to examine not only the response but also, and just as importantly, the recovery, to date, of the 16 local government areas that were impacted by tropical cyclone Seroja. That event occurred back in April. Tomorrow will be 1 December. The government should have announced an inquiry well before now. It is my view that events like Wooroloo and Seroja are of such significance that they warrant special inquiries to be established under the Public Sector Management Act, not a fee-for-service arrangement, which apparently will cost the state about \$30 000. That figure indicates the quality of the report that the government will get. It will get a \$30 000 report by the inquirers, two of whom cannot even enter Western Australia because of COVID border restrictions.

I want to finish on two points. I touched on the first one briefly—that is, the impending implementation of the Work Health and Safety Act. I do not think anybody knows exactly when that will take place. It is expected to be sometime in the new year. It will most likely be proclaimed by the government in the middle of the fire season in southern Western Australia. For the first time, volunteers will be brought in under the definition of a “worker” for the purposes of work health and safety. There is significant angst and concern in the community about the implementation of the act and whatever regulations will be prescribed under the act when it is proclaimed in 2022. I do not think the department has acted quickly enough with its education and information campaign to address the concerns of communities and volunteers about their obligations under the new regime. I was involved in some of the consultations that occurred in recent weeks. As much as possible, they resolved many of the questions. The problem is obviously getting answers to some of the more difficult and sometimes hypothetical questions, or that getting a black-and-white answer to a grey hypothetical question is sometimes difficult, particularly when we are dealing with an act that has not been proclaimed or regulations that have not been prescribed. I know that is weighing on the minds of many people in local government.

Some of the feedback I have had from the local government sector has effectively been that the inclusion of volunteers in the Work Health and Safety Act will double, triple or even quadruple the number of workers under the responsibility of many local government CEOs. CEOs of local governments have a limited capacity to control or have relevant experience to mitigate risks or manage the safety outcomes for those volunteers. We may well see a greater desire for local governments to transfer the responsibility of bush fire brigades to the state. That has been done in other places, namely, the south west and the Kimberley, through a memorandum of understanding. I also understand that it is being contemplated as part of the review of the emergency services acts in Western Australia, if and when that is presented to the Parliament. I am told that might happen in 2022, depending on the legislative priorities of the state. If that occurs, whereby local governments may well be motivated to mitigate their risk by transferring control to the state, no longer will the state be able to say to the Shire of Northam, “It’s your responsibility to ensure the safety of your volunteers at Wundowie, notwithstanding you have asked four times for \$500 000 and been eligible to receive funding, but in the context of a \$5 800 million budget, we cannot find \$500 000 to make sure your volunteers are working in a safe and appropriate environment.”

The other matter I want to raise is the government’s announcement on 12 November that volunteer firefighters and other emergency service workers will be subject to mandatory vaccination. It came as some surprise to me as the shadow minister, but also to the local sector, brigades, groups and units, because on 19 October, the day before the government announced its broad workforce mandates on 20 October, the Chief Health Officer wrote to the Premier of Western Australia and said —

The voluntary DFES workforce, while critical in their regional and rural areas, have a similar risk to the community. Vaccination should be encouraged in this workforce, but this group is not currently recommended for mandatory vaccination.

That was the state's Chief Health Officer advice to the Premier on 19 October. On 12 November, a direction was signed, with a penalty of \$20 000 for individuals and \$100 000 for organisations, that required the vaccination of volunteer firefighters and other emergency service volunteers by 1 January. They have until 31 December to be vaccinated—to have received at least one dose of a COVID-19 vaccine. That is mid-fire season. The announcement also came mid-harvest, so many volunteers, particularly those in my electorate—keep in mind that of the state's 26 000 volunteers, 19 000 of them sit in the local government bush fire service space—sit within local government. Harvest was well underway in my electorate at that time. The fire season has commenced. They now have a significant job ahead of them—that is, local governments and bush fire brigade leaders, amongst others—to make sure that they can comply with these directions by the end of this calendar year or face a \$20 000 fine personally, or a \$100 000 fine for an organisation. These directions go further; they also apply to the Salvation Army, the CWA and others. Those organisations and others that provide fire response services are named in those directions, so I am not embellishing this.

What is difficult to reconcile is the advice that was provided to the Premier on 19 October and the directions that were signed on 12 November. I understand some further consultation occurred with DFES that resulted in the changed position of the state, but I think there will be significant implementation challenges for the sector over the next month. Tracking down 26 000 volunteers, and ascertaining and recording their vaccination status in the middle of harvest with a fire season that has commenced will not be without its challenges. I know that this is causing great confusion in the community. Little guidance is available for the community, volunteers, local government sector and others as to the circumstances, but I am seeing quite a range of responses. I am seeing local governments take a practical approach—that is, if volunteers do not comply with directions, giving them 12 months' leave—and I have heard others saying, "If you don't comply with the directions, your volunteering will be terminated", which I think is a heavy-handed approach. There is a question amongst communities about whether directions will extend to private citizens who are acting in a private capacity. In regional Western Australia, it is not just official firefighters who fight fires; just as many unofficial firefighters fight fires—namely, our landholders, farmers, pastoralists and a whole range of other people on whom we rely every fire season to respond to fires and extinguish them. If it is the case that these directions extend to them to some extent—hopefully, that will not be the case—managing these requirements will be extraordinarily difficult for someone in charge of a fire or emergency incident or scene. I think there is some work to be done on these two fronts. They are two immediate challenges for the state and the local government sector. It is predicted that there will be an above average fire risk in Western Australia and New South Wales this season, so I sincerely hope we do not see a significant loss of volunteers. However, the reports I am seeing on an almost daily basis suggest the contrary. With that said, I thank the house for the opportunity to address those issues.

HON NICK GOIRAN (South Metropolitan) [3.40 pm]: I rise to consider the annual appropriations for the current financial year. In doing so I note that much money is being expended by the Department of Justice and the State Solicitor's Office, which is now a separate, independent body or agency, pursuant to this budget. It is interesting that the State Solicitor's Office has this independence and that its expenditure has been separated. I wonder to what extent this separation is real or just a mirage.

Today the President of the Legislative Council made a statement in respect of the conclusion of legal proceedings involving the Legislative Council titled "Legislative Council—Supreme Court Actions". Before I get to that, I also note that, very interestingly, the Attorney General of Western Australia on 28 May 2020 informed the other house, in accordance with his view —

As the first law officer, I have to see the proper administration of the law ...

We know that in the current financial year, which is subject to these appropriations, the Attorney General of Western Australia, as the first law officer, has seen fit to not only see the proper administration of the law, but also act upon it. We saw that in the Attorney General's intervention into an unfair dismissal case involving the member for Kwinana. The Attorney General said to Parliament on 28 May last year that, as the first law officer, he had to see the proper administration of the law. True to his word from May last year, he has injected himself into an unfair dismissal case involving his good friend the member for Kwinana who is, as I understand it, a key witness in that case.

To the Attorney General's credit, it must be said that his injection into that unfair dismissal case has been validated, because a decision has been made indicating that the Public Service Appeal Board does not have the power to summons the member for Kwinana to give evidence in this unfair dismissal case. The Attorney General injected himself into the case, as he said, "to see the proper administration of the law"—as he should.

What happened to cause the Honourable Mr Justice Hall, on 26 October this year—a matter of only a month ago—to make these final orders in the Supreme Court? One of those orders, we were told by the President of this chamber earlier today, includes —

to declare that the receipt by the commission on 22 July 2019 of the Department of the Premier and Cabinet's records in reply to the commission's various notices to produce documents was in contravention of section 3(2) of the Corruption, Crime and Misconduct Act 2003 (WA), in excess of the commission's powers, rights or functions and invalid ...

One month ago, a justice of the Supreme Court issued final orders declaring that the Corruption and Crime Commission received information on 22 July 2019, some two years ago—from where? It was from the Department of the Premier and Cabinet. Who is in charge of that department? It is the member for Rockingham, who, in his capacity as the Premier, is responsible for the Department of the Premier and Cabinet. His department provided records to the Corruption and Crime Commission. Who oversees the Corruption and Crime Commission? That would be the Attorney General. The Premier's department sent some information to an agency that is overseen by the Attorney General of Western Australia and that information is in direct contravention of the law of Western Australia.

Over the journey I have heard a lot of garbage spewed by members of the McGowan Labor government, the Attorney General being the prime culprit, particularly with respect to this matter. For more than two years, we have heard the Attorney General of Western Australia constantly berate members of the opposition in this and the previous Parliament—constantly. WA's Attorney General, Hon John Quigley, has made innumerable allegations about the actions and motivations of members of the Liberal Party and the Nationals WA—and, I might add, the crossbench in the previous Parliament. Even people in the WA Labor Party have been subjected to the Attorney General's constant outbursts. Two of those people are Hon Kate Doust and Hon Adele Farina. Another person who has been subjected to intense, unrelenting and incorrect allegations by the Attorney General of Western Australia is the Clerk of the Legislative Council. In all of this, do we ever get an apology from the Attorney General, the Leader of the House or anyone from government about their constant—for more than two years—allegations against members of the Liberal Party, the Nationals WA and the crossbench? Does that ever happen? It has never happened. I seem to recall that the Attorney General of Western Australia was implying, whether or not he used these exact words, that members of the Liberal and National Parties were involved in some form of conspiracy or cover-up with respect to this matter. His unrelenting allegations led right into the election. In fact, there was an episode in the other place in which he spewed out a narrative to let everybody know that they effectively had a choice between a corrupt party and the McGowan government. That was the choice at the election, according to him. I think he might have said, right at the end of the fortieth Parliament, that there were some 50 or 80 days to go to the election.

I would like to know whether the Attorney General of Western Australia now considers the Honourable Mr Justice Hall to be part of this political protection racket that he likes to refer to it as. Is the Honourable Mr Justice Hall part of all this? Is he part of this grand conspiracy or could it be that the Attorney General of Western Australia has inappropriately injected himself into a matter that has cost the taxpayers of Western Australia a staggering amount of money, yet to be revealed I might add? Do members want to know why it is yet to be revealed? This same genius, the Attorney General of Western Australia, signed this on 11 October this year. During the budget estimates process, I asked: to what extent has the State Solicitor's Office been involved in all this and, in fact, what was the cost? My question was —

How much of the Total Appropriations was allocated towards the total cost of the SSO's involvement in the recent Supreme Court dispute between the President of the Legislative Council of Western Australia and the Corruption and Crime Commission Dispute;

The answer was —

The SSO was not a party to this matter.

In other words, it was all free, according to the Attorney General. That is how we are to interpret it. He is going to seriously suggest that after this extraordinary intervention. Members opposite might not like my language with "this extraordinary intervention"; that is fine. Maybe they prefer the language of the Standing Committee on Procedure and Privileges of the previous Parliament. On page i, the executive summary reads, in part —

This coincided with the bald usurpation of the powers and privileges of the Legislative Council through the calculated intervention of the Attorney General and State Solicitor's Office ... to the potentially unlawful benefit of the CCC.

It is not potentially unlawful. In fairness to the authors of this sixty-first report, issued in May this year, we now know that according to the orders of the Honourable Justice Hall on 26 October 2021, it was unlawful. For all the garbage we heard from the Leader of the House and the government in the fortieth Parliament constantly berating us over this matter week after week, month after month, putting enormous pressure on Hon Kate Doust, on the Clerk and on all the other people in this place, we now find out that according to the independent umpire, the Supreme Court of Western Australia, which has had to adjudicate on this extraordinary dispute between the executive and the Parliament, it was unlawful. The five honourable members who authored this report and did the people of Western Australia and the Parliament a great service have been constantly under pressure by this government.

At no stage whatsoever do we hear a word from these members and from the government about this. In fact, in recent months, ever since the decision was first handed down, I have observed constant deflecting and ducking for cover. I am yet to have an opportunity—I certainly will do this over the summer recess—but I understand that at a public hearing of the Joint Standing Committee on the Corruption and Crime Commission the Corruption and Crime Commissioner has basically tried to throw everybody else under the bus regarding this matter and said, “Look, it’s got nothing to do with me. I was quite happy for Parliament to deal with all this.” Really? How did it end up in the Supreme Court? Why has it cost so much money? In fact, how much money has it cost? Is anyone in government going to tell us how much money the Attorney General and the Premier of Western Australia have spent on this charade, on this grotesque joke, whereby month after month all we have heard was how corrupt the Liberal and National Parties were. Absolute garbage! It is funny how two members of the Labor Party courageously withstood all this. Those people deserve an apology. If the government does not want to give an apology to the Liberal and National Parties, so be it, but an apology should be given to those Labor members, one of whom is not even serving in this place anymore. One of the most outstanding legislators whom I had the honour to serve with over 13 years is no longer in this place because of the constant pressure and the now found to be false allegations by the Attorney General and his mates. It is extraordinary.

It would suit the government for the statement made by the President today to pass without comment, but that was never going to happen. For the duration of the forty-first Parliament, or until such time as the government decides that it is appropriate to redress the situation, it will be regularly reminded about this despicable episode. I am very pleased to be serving on the Standing Committee on Estimates and Financial Operations, because I certainly intend to continue interrogating the government on exactly how much taxpayers’ money has been spent on this matter. It was absolutely outrageous that the Legislative Council in the previous Parliament was constrained in how it could go about its duty because, at times, it had to spend money to fight the Attorney General and the Corruption and Crime Commission. And all for what? For the McGowan Labor government to be told that it was wrong. It was not a little wrong—it was completely wrong. It should never have happened; it was completely unnecessary. We told the government that time and again, but, no, the arrogant McGowan Labor government members cannot be told by anybody. They love behaving like dictators; they are obsessed with it, such is their arrogance. Their arrogance is so great that it is as if their ears have fallen off and they can no longer hear anybody else speaking.

Their behaviour was particularly disturbing during the previous Parliament. Yes, politics is robust, and particularly for the two major parties—sometimes the two major parties just like to take the opposite view for the sake of it—but a number of diligent, hardworking crossbench members of the previous Parliament called this behaviour out at the time, as we do now. During the previous Parliament, every political party, with the exception of the WA Labor Party, called this out repeatedly, but the arrogant mob opposite said, “No, we won’t be told.”

I always held in high regard the two Labor members who were part of the Standing Committee on Procedure and Privileges, well before this episode started. To be clear for new members, Hon Kate Doust and Hon Adele Farina had my admiration long before this started, but this episode elevated them quite to the stratosphere in my estimation. It is incredible that they had to take a stand. What was it for? Evidently, it was not for any personal gain. In fact, it led to personal consequences. So why did they do it? At the very beginning of each Parliament, we all take the oath or affirmation. Those two members took that oath seriously and fulfilled their duty, at personal cost to them, yet the Attorney General is still running around, even after this decision has been made, constantly ridiculing them.

We will deal with some legislation shortly that will unpack some of this. In the last few sitting weeks, all we heard from the Attorney General in the other place was him ridiculing particular points of law, which was ultimately found to be absolute garbage. I have said in recent times that I do not know what has happened to this particular Attorney General because he was not always like this, from what I have been able to observe. Once upon a time, there was a diligence, but that seems to have all gone. Now, there seems to be this frankly crazy behaviour, injecting himself into the operations of the Corruption and Crime Commission. That is not supposed to happen, according to paragraph 22 of the Standing Committee on Procedure and Privileges’ sixty-first report, the report that the members opposite certainly never wanted us to be able to debate. It is languishing on the daily notice paper at the moment. We would like to get on with the recommendations. There are a number of recommendations about people who need to be referred back to the Standing Committee on Procedure and Privileges. What is the government going to do about it? Will it continue with the political protection racket that is the WA Labor Party, even after the Supreme Court—the independent umpire—has shown it to be horribly wrong? Members of the Labor Party were grossly misled by their Attorney General. They all went along with it. No-one was prepared to say no, other than Hon Kate Doust and Hon Adele Farina, much to their detriment. Everyone else went along for the ride. Meanwhile, the Standing Committee on Procedure and Privileges has been found to be correct. It has said to us in this forty-first Parliament, in the sixty-first report, to refer those people back to them so it could consider the matter further. Will it happen with this government? I doubt it. Do not anyone hold their breath. My expectation is that it will sit on the daily notice paper for the duration of this Parliament.

Then we have an Attorney General who dares to suggest that Liberal and National Party members and the like are involved in some kind of cover-up. The facts speak for themselves. If any kind of cover-up is going on at the moment,

it is with the Minister for Health who apparently cannot possibly give evidence on an unfair dismissal case. We will deal with that shortly when we get to the Industrial Relations Legislation Amendment Bill. If there is any cover-up, it is with a government that refuses to deal with the recommendations from the Standing Committee on Procedure and Privileges. The government does not want those people to be referred for further investigation. Those people were already under investigation. The only reason there was no conclusion was that they did the appropriate thing and said, “Let’s hit the pause button on this until such time as there is a determination from the independent umpire.” That has now happened so what are we going to do about it? Are we just going to leave it there to gather dust?

Some of the newer members might be interested to know that, back in the day when I was sitting on the other side as a government backbencher, I remember Hon Sue Ellery in her capacity as the Leader of the Opposition getting very worked up about an incorrect answer that was provided to Parliament. It had been provided by my good friend Hon Peter Collier unknowingly by him because he himself had been misled by some other people. Hon Sue Ellery thought she must make a big deal about it and get it referred to the Standing Committee on Procedure and Privileges. Was there any blocking by the Barnett government at the time, which incidentally had the numbers in the Council? No, there was not. They were referred to the committee because it was the right thing to do. I was on the committee and we dealt with those individuals appropriately. There was a proper investigation. There was no cover-up. There was none of this garbage about leaving it on the daily notice paper, month after month, probably for the duration of four years, which will happen under this arrogant government. The approach to the procedure and privileges of the house could not be more stark, not just in this episode when we were in opposition, but look at how we dealt with these matters when we were in government. I wonder whether there will be any change of heart over the summer recess. Members on the other side are going to take a good look at themselves and start realising that the procedure and privileges of the Parliament of Western Australia are not some kind of nuisance; they are part of the cornerstone of our democracy. But, again, going on past history, I will not hold my breath with respect to the attitude of this government. It is extraordinary that a month ago a Justice of the Supreme Court had to issue final orders in a dispute that was completely and utterly unnecessary. I note that paragraph 6 of the executive summary of the sixty-first report states —

The good faith negotiations in question were embarked upon to establish a workable protocol to smoothly facilitate the CCC’s access to relevant parliamentary email account evidence of Members of Parliament and their staff. Those negotiations took place in circumstances where there was a likelihood that material protected from disclosure by the long-standing law of parliamentary privilege would otherwise be unlawfully accessed by the CCC in the process.

The Standing Committee on Procedure and Privileges expressed concern that the so-called integrity body in Western Australia, the Corruption and Crime Commission, might end up doing something unlawful, and so the committee, in good faith, started these negotiations. But in came the Attorney General, who seems to know everything, aided and abetted by the State Solicitor’s Office, evidently. They injected themselves into this whole debacle, at who knows what cost to the taxpayer, and that is where the matter sits. According to the McGowan government, that is okay; let us move on to the next topic. I do not think so. There needs to be redress. Remember, on 28 May last year, the Attorney General was very quick to tell everybody —

As the first law officer, I have to see the proper administration of the law ...

He said that it is his duty as the first law officer to see the proper administration of the law, except when it involves the Legislative Council. The law has been broken more than a thousand times because of the actions of the McGowan Labor government—more than a thousand times! There have been more than one thousand breaches of the law. That is pretty good going. I imagine that a few members in this place have probably had a few speeding fines and the like over the journey. I know I have, although I have not had one for ages. I am not even sure whether I have had one since I have been a member of Parliament. Regardless, there have been a few breaches of the law on my part. Members always have to be careful before they throw too many stones, but the McGowan Labor government has broken the law more than a thousand times and it seems to think it is a non-issue. Over the course of the hearing to establish that it had done that more than a thousand times, the defence put up constantly by the first law officer, who said that it is his job to see the proper administration of the law, was to ridicule and lambaste the opposition. Talk about a distraction technique. Talk about a deflection tactic. Let us blame the opposition. It is those terrible Liberals, apparently, according to the Attorney General. Well, no, it is not, actually; it is because of the terrible Attorney General. As I said, he was not always like this, but now that he is in the departure lounge, he does not care anymore. It is time for him to be removed. How many more indiscretions can we have from this Attorney General before the Premier starts to take this seriously? It is not as though the Premier is lacking in other legal practitioners in his cabinet or in his party. The law has been broken a thousand times and the Attorney General is at the centre of the whole episode, yet the government is going to carry on as though nothing has happened.

This is the first law officer, who is supposed to see to the proper administration of the law. It is no longer just an allegation—the independent umpire said so! We also know that the Attorney General intends to do nothing about this matter in terms of trying to appeal or anything like that. The President has just told us that five days ago, the Attorney General, with the consent of the other parties in the court, discontinued his action. The Attorney General

launched an action against the President and the Clerk of the Legislative Council in CIV 2716 of 2019. The Attorney General tried to sue the Legislative Council and the Clerk of the Legislative Council. How has it ended two years later? He has discontinued the proceedings. What has occurred in the meantime? The independent umpire has confirmed that this whole process was invalid and in excess of the Corruption and Crime Commission powers in contravention of a statute of Western Australia—the Corruption, Crime and Misconduct Act. We know from the audit carried out by the Standing Committee on Procedure and Privilege that the outcome of this was more than a thousand breaches of the law. It might interest some members to know that it was not exactly 1 000; it is worse than 1 000. It was 1 120 breaches of the law. That is shocking. That is disgraceful. I want to know from the McGowan government how many breaches of law caused by the Attorney General of Western Australia does it take before he gets sacked. Evidently a thousand is not enough. What is the government waiting for? Is it waiting for it to get to 10 000 breaches or is it waiting for the Attorney General to conclude his time in the departure lounge? If the Attorney General spent less time auditioning for the next episode of *Chopper Squad* and spent more time doing his job, which he says is to see to the proper administration of the law, we might not have had a countless amount of taxpayer money wasted. The Legislative Council's budget has been obliterated by the Attorney General.

For two years, the Legislative Council has had to involve itself in a Supreme Court action. Why? It is because the Attorney General thought it would be a great idea to sue the Legislative Council and the Clerk of the Legislative Council. It was all for nothing—all to be embarrassed by a decision that confirms that the Attorney General was categorically wrong. I remember in the last Parliament being lectured by the Leader of the House on more than one occasion on this matter. We took it, because what else could we do? We had to wait for the umpire's decision. We said what was going on was incredibly stupid and should never have happened—cooler heads should have prevailed. Evidently, if there are cooler heads in the McGowan government, they are clearly in the minority. There must be a majority of hotheads in the McGowan government who decided that they would go all the way with this. Why? It is because the Attorney General, Mr Quigley, told them it was a good idea and that was good enough for them! The rest of the government does not worry about reading and considering these things; they just go along for the ride. If he says "Jump in a helicopter", they will all get in there together! This is the mentality of this government. It is simply not good enough.

This goes to the heart of the appropriations that we are currently considering. What could the Legislative Council have otherwise spent this money on? What could the government have spent this money on? The Corruption and Crime Commission was evidently involved right up to its neck in this matter. I will not let pass by the joke of a response that was provided by the government to my question prior to the Standing Committee on Estimates and Financial Operations hearing. I can guarantee for the government that I will be pursuing this matter. I want to know exactly how much money it has spent. There is no point in saying that the State Solicitor's Office was not a party to this matter. What the individuals who sit in the back room are saying when they write this type of answer is that, in a court action, the different parties are listed and that the State Solicitor's Office was not listed as a party. Yet, the State Solicitor's Office was very much a party to this whole debacle. It was right in it. It had law students presumably doing some kind of training to become Clerks of the Parliament at some stage, one would think. The State Solicitor's Office said, "Let's roll these law students out and let's give them an apprenticeship on how to be a Clerk of the Parliament. They can try to work out what parliamentary privilege is." What a fantastic idea that was! I wonder whether anyone is eventually going to own up to that. Who was the person who first came up with that ridiculous idea? Who was the genius who said, "Let's get some law students to try and work this whole thing out", only for the end result to be that the law of Western Australia was broken more than a thousand times? Is anyone going to own up to that? I doubt it. Usually, we see people deflecting and ducking and diving. In fact, even after the judgment came out, there were reports in the media that the government welcomed the decision. Really? It welcomed the decision after all of that? It is difficult to imagine a government ending up with more egg on its face after trying to take on the Legislative Council of the Parliament, but it said that it welcomed the decision! That is interesting! The government might welcome the egg, but, in the meantime, it is the taxpayers of Western Australia who will suffer all because cool heads did not prevail.

I note that the sixty-first report of the committee recommends —

A standing memorandum of understanding relating to the compulsory production of evidence and determinations as to material that is subject to parliamentary privilege be advanced between the Legislative Council and relevant investigative agencies, in accordance with the resolution of the Legislative Council of 5 September 2019.

I am pleased that there appears to be some conclusion to that matter, if I understand correctly one of the documents that was tabled earlier today. It appears that there were in fact a couple of memorandums of understanding supplied to the chamber today. As I understand it, one memorandum is with the Corruption and Crime Commission and the other is with the Western Australia Police Force, which will enable these types of matters to be dealt with appropriately at the time. Thank goodness for the Standing Committee on Procedure and Privileges of the fortieth Parliament! I do hope that the Standing Committee on Procedure and Privileges of the forty-first Parliament will take a leaf out of the book of its predecessors. I have every confidence that it will. It is good to see that that particular

matter has been resolved. Meanwhile, we seem to have another problem in relation to the refusal by Ms Emily Roper, the acting director general of the Department of the Premier and Cabinet, to comply with a summons, and the actions of Mr Darren Foster, the director general of the Department of the Premier and Cabinet, to produce documents. These matters need to be referred. If there is no problem and if these individuals have done nothing wrong, they will have the opportunity to be heard. That is the whole process of natural justice. People can have a complaint; there is nothing wrong with that. Then there is a process for the consideration of the complaint, but that will happen only if the McGowan Labor government stops this political protection racket that is going on; otherwise, this will never be concluded.

Some members may not be as familiar with this particular report, and I would like them to consider, if they can and have the time over the summer recess, pages 101 to 106 in chapter 5. That chapter is not particularly long, so it should not take members too long to get through those few pages. It is well worth reading. It is entitled, “Did any other Person or Body, Commit a Contempt of the Legislative Council or any Breach of its Privileges?” Of course, this could not have been determined earlier because, again, the very noble Standing Committee on Procedure and Privileges decided to hit the pause button on this and wait for the outcome of the independent umpire. That outcome is now known, so now we need to turn our minds back to this: did any other person or body commit a contempt of the Legislative Council or any breach of its privileges? The report then sets out for us two suspects whom the committee says are worthy of consideration. One is the State Solicitor’s Office and the other is the Attorney General. According to paragraph 5.43 of the report —

The actions of the SSO in implementing its own procedure, to the deliberate exclusion of the Legislative Council, for assessing whether parliamentary privilege applied to the confidential emails and other documents of former Members of the Legislative Council and their staff, in circumstances where it knew that the Legislative Council had an active interest in the matter, is a matter of grave concern and potentially warrants further inquiry.

What are we going to do about that, Leader of the House? Are we going to do anything about that? What about the State Solicitor’s Office? If the shoe were on the other foot, I know that we would not hear the end of it. What about the actions of the Attorney General? The actions of the State Solicitor’s Office warrant only one paragraph by the procedure and privileges committee, whereas pages of the report are devoted to the actions of the Attorney General. That was all put on pause, waiting for this decision. The decision has now come out, a month ago—final orders. Are we going to do anything about it, or, under the McGowan Labor government, will these individuals and these types of actions, which have been adjudicated and considered by the highest court in Western Australia, be immune from that? Is that how it is going to be in Western Australia?

In the last Parliament, some media commentators referred to this particular administration—that is, the McGowan government in the fortieth Parliament; not to be confused with the forty-first Parliament—as the most secretive since WA Inc. That is what we have heard from time to time. Are we now going to have a government that has been the most corrupt since WA Inc? Is that the way it will be in this forty-first Parliament? Is the government going to take things up a notch? Do not worry about just being secretive. Now it is going to run a political protection racket. It does not matter if it is the member for Kwinana and he has an unfair dismissal case against him, and it does not matter if it is the Attorney General and he has been at the centre of the law of Western Australia having been breached more than a thousand times: “Don’t worry. Just so long as you can whip out your WA Labor membership card, you’re safe. Just make sure you’ve got it on you at all times. You show that card, and in Western Australia you’re as safe as houses. But if you don’t have one of those cards, expect to be ridiculed, expect to be lambasted and expect to be falsely accused constantly.” That is going to be the case under this Labor administration, and that seems to be the way it is going to be in this forty-first Parliament. That is extraordinary.

In conclusion, can I just say that this has been a most appalling set of circumstances. The facts speak for themselves. The government cannot shirk responsibility for it. I want to reiterate what is set out in a motion about this matter standing in my name. In that motion, I call on the house to express its appreciation to the members and staff responsible for drafting, tabling and publishing the sixty-first report of the Standing Committee on Procedure and Privileges. Members may never get the opportunity to debate that motion, but if they have not already done so, they should go out of their way to go and talk to those members and staff and express their appreciation. That is the least they can do now that we know that the government got it all wrong and ultimately breached the law of Western Australia a thousand times.

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Mental Health) [4.26 pm] — in reply: I thank those honourable members who have made contributions to the debate on the Appropriation (Recurrent 2021–22) Bill 2021 and the Appropriation (Capital 2021–22) Bill 2021 this afternoon. I thank Hon Dr Steve Thomas for his indication to the government that the opposition will support this legislation. I listened with interest and I appreciate his contribution, but I do not agree with the honourable member that we were simply lucky recipients. This government has made some prudent and, indeed, difficult decisions over the past four years and, as a result, we have seen a good budget this year. Obviously, honourable members have had an opportunity to access agencies through the estimates hearings process, and I look forward to talking about the report of the Standing Committee on Estimates and Financial Operations at some later stage.

Hon Martin Aldridge raised a number of issues this afternoon, and I will make sure that I bring those issues to the attention of the appropriate ministers. I will certainly make sure that the *Hansard* of Hon Nick Goiran's speech is also provided to the appropriate people. With that, I commend the bills to the house.

Questions put and passed.

Bills read a second time.

[Leave granted to proceed forthwith to third reading.]

Third Reading — Cognate Debate

Bills read a third time, on motions by **Hon Stephen Dawson (Minister for Mental Health)**, and passed.