



QUESTIONS BOOKLET

LEGISLATIVE COUNCIL

WEDNESDAY, 9 AUGUST 2023

Questions appear according to the date on which notice was delivered.

QUESTIONS AWAITING ANSWERS

Notice Given **Tuesday, 13 June 2023**

1473. Hon Steve Martin to the Minister for Emergency Services representing the Minister for Corrective Services (*SO108(2) response due 17 August 2023*)

Notice Given **Tuesday, 8 August 2023**

1494. Hon Dr Brad Pettitt to the Parliamentary Secretary to the Minister for Environment

1495. Hon Dr Brad Pettitt to the Parliamentary Secretary to the Minister for Environment

1496. Hon Dr Brad Pettitt to the Parliamentary Secretary to the Minister for Environment

1497. Hon Dr Brian Walker to the Minister for Emergency Services representing the Treasurer

1498. Hon Dr Steve Thomas to the Minister for Emergency Services representing the Treasurer

1499. Hon Dr Steve Thomas to the Leader of the House representing the Minister for Health

1500. Hon Dr Steve Thomas to the Leader of the House representing the Minister for Health

1501. Hon Dr Brad Pettitt to the Minister for Emergency Services representing the Minister for Corrective Services

1502. Hon Dr Brad Pettitt to the Parliamentary Secretary to the Minister for Racing and Gaming

1503. Hon Dr Brad Pettitt to the Parliamentary Secretary to the Minister for Regional Development

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QUESTIONS ASKED TODAY

Notice Given **Wednesday, 9 August 2023**

1504. Hon Dr Brian Walker to the Leader of the House representing the Minister for Local Government:

- (1) Can a complaint about a local government electoral offense be made to a Local Government Council?
- (2) Does a Local Government Council have the power to direct its CEO to prosecute a local government electoral offense?
- (3) Does a Local Government Council have the power to prosecute a local government electoral offense through an agent appointed under *Local Government Act 1995* s.5.45(2)(a) to use Council's powers under *Local Government Act 1995* s.9.24(1)(c)?
- (4) Does the Department of Local Government Sport and Cultural Industries have the power to determine/decide a *Local Government Act 1995* s.105(3) serious breach complaint made against an elected Member?
- (5) In what circumstances is the Minister prepared to exercise his *Local Government Act 1995* s.9.13A power?
- (6) How many times and in what circumstances has any Local Government Minister exercised the *Local Government Act 1995* s.9.13A power in the last three years?
- (7) Has the *Local Government Act 1995* s.9.13A ministerial power been delegated and, if so, to whom?

1505. Hon Dr Brian Walker to the Parliamentary Secretary to the Attorney General:

- (1) Can a complaint about a local government electoral offence be made to the Western Australia Police?
- (2) Do the WA police have the jurisdiction to prosecute a *Local Government Act 1995* local government electoral offense?
- (3) Do the WA police have the jurisdiction to prosecute a *Local Government Act 1995* offense?
- (4) Is a local government CEO required to pass service of court proceedings to the Council of that local government when the Local Government or any employee is a party in or to those proceedings?
- (5) In what circumstances is a Local Government CEO authorised to represent a local government in proceedings in the Western Australia Supreme Court or the Western Australia Court of Appeal without reference to or the authority of the Council, having regard to *Local Government Act 1995* s.9.29?

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Questions Asked Today**Notice Given** **Wednesday, 9 August 2023****1506. Hon Dr Brian Walker to the Parliamentary Secretary to the Minister for Electoral Affairs:**

- (1) How many electoral offenses has the Western Australia Electoral Commission (WAEC) or WAEC contracted returning officers prosecuted since the 2019 local government elections?
- (2) Which electoral offence in (1), was/were at issue and what was/were the outcomes?
- (3) What changes has the WAEC made in its local government election practices having regard to the *Report of the Inquiry into the City of Perth 30 June 2020* by Tony Power SC page 19; which findings about the WAEC where it is contracted to conduct local government elections, included that whether the action taken by ... the WAEC, in circumstances that suggested misconduct that occurred in relation to an election, was adequate: at page 62; ... the collection of ballot papers could potentially constitute a breach of the *Local Government Act 1995* and should be addressed to ensure it does not occur: page 89, para.166; finding 2.2.2 (iii) ... actions taken by ... the WAEC, to ensure the integrity of the ... elections were inadequate. In particularthe WAEC ... did not sufficiently investigate or take action in relation to the complaints of fraud...; ... the WAEC consider and review the adequacy of its practices and procedures regarding to the handling and investigation of electoral complaints: page 75 para. 146; ... the City [of Perth] and the WAEC establish a clear division of responsibilities in the conduct of ... elections, including the handling of complaints: 3.4 recommendation 150, page 76; ... the City engage the WAEC to provide adequate training to persons assisting in ... elections: Vol.3 .4, recommendation 153, page 76?
- (4) How does the WAEC mitigate the chain of custody of ballot paper risks in postal elections having regard to the outcomes in Shire of Serpentine Jarrahdale (1st Complainant) Shaye Luke Mack (2nd Complainant) and Electoral Commissioner of Western Australia (WAEC) (Intervener) Gurdeep Singh (1st Interested Party) Robert Coales (2nd Interested Party) GCLM/1354/2021 & GCLM/1297/2021?
- (5) Who are the current pollsters/polling organisations other than the WAEC, including the AEC, available to WA local governments who the WAEC could/would approve and/or has approved for local government returning officers for in-person elections under its *Local Government Act 1995* s.4.20(2) powers?
- (6) What engagement has/does/will the WAEC have with WALGA and/or LG Pro in establishing its practices and procedures for local government elections?
- (7) What were the outcomes of that engagement?
- (8) By how much have local government election voting numbers changed at each ordinary election since the introduction of postal voting in 1995?
- (9) What is the estimated percentage rise in local government postal election costs since the last local government election in 2021?
- (10) Why have postal election costs risen so much since the last local government election in 2021?

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- (11) What should local government best practice be in relation to minimising this risk or the fraudulent or misuse of local government posted out ballot papers?
- (12) Are postal ballots for Local Government elections posted to property managers and not owners of leased and rented properties, or posted in such a way that they could be unlawfully intercepted by property managers?
- (13) Should the delivery of the completed ballot paper to local government offices be seen to be placed in a secure ballot box and not received by a front counter employee to be later be placed in an unseen ballot box?
- (14) When do WAEC appointed returning officer contracts end?
- (15) To whom can an electoral offence complaint be made once a WAEC appointed Returning Officer contract has ended?

1507. Hon Martin Aldridge to the Leader of the House representing the Minister for Road Safety:

I refer to a report in *The West Australian newspaper* on 19 June 2023 showing Western Australia has had the highest proportional increase in road deaths and calling for more transparency on the causes of these deaths, and I ask:

- (a) what data does the State Government currently have access to regarding the causes and contributing factors relating to serious road accidents;
- (b) how does the Government make this data available to stakeholders, including road safety groups and local governments, to allow them to make better decisions regarding road safety; and
- (c) has the Minister sought a briefing from the Australian Automobile Association regarding this matter?

1508. Hon Martin Aldridge to the Minister for Emergency Services:

I refer to the joint media statements issued on 7 July 2023 regarding Disaster Recovery Funding Arrangements (DRFA) being activated in relation to the Kimberley floods and tropical cyclone Ilsa, and I ask:

- (a) what is the total value of category C and D funding which has been requested by the State Government towards recovery grants for the Kimberley and Pilbara;
- (b) for the Small Business Recovery Grants please identify:
 - (i) the total value of DRFA funding allocated towards this program;
 - (ii) the number of applications received to date;
 - (iii) the number of applications approved to date; and
 - (iv) the total funding dispersed to date;
- (c) for the Medium Business Recovery Grants please identify:
 - (i) the total value of DRFA funding allocated towards this program;

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- (ii) the number of applications received to date;
- (iii) the number of applications approved to date; and
- (iv) the total funding dispersed to date;
- (d) for the Primary Producers Recovery Grants please identify:
 - (i) the total value of DRFA funding allocated towards this program;
 - (ii) the number of applications received to date;
 - (iii) the number of applications approved to date; and
 - (iv) the total funding dispersed to date; and
- (e) for the Homeowners Recovery and Resilience Grants please identify:
 - (i) the total value of DRFA funding allocated towards this program;
 - (ii) the number of applications received to date;
 - (iii) the number of applications approved to date; and
 - (iv) the total funding dispersed to date?

1509. Hon Martin Aldridge to the Minister for Emergency Services representing the Minister for Transport:

I refer to the Bindoon Bypass on the Great Northern Highway, and I ask:

- (a) noting the most recent project update was published in July 2022, when will Main Roads provide the community with an update on the progress and status of this project;
- (b) what is the total value of this project and what is the State Government's contribution towards this project; and
- (c) what is the expected completion date for this project?

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Notice Given **Wednesday, 9 August 2023**

1510. Hon Martin Aldridge to the Leader of the House representing the Minister for Health:

I refer to Legislative Council Question on Notice 2519 answered on 29 October 2019 regarding the State Government's \$37 million priority hospital maintenance program for regional health services and the associated tabled paper 3345 which detailed the individual works and funding for each facility, and I ask:

- (a) for each of the projects listed in tabled paper 3345 please identify:
 - (i) the completion status of the project; and
 - (ii) the total funding amount expended;
- (b) did the State Government fully expend the \$81.5 million allocated under the maintenance program as announced in the media statement on 24 September 2019;
- (c) if no to (b), what amount of funding was expended; and
- (d) did the project create 1,300 jobs as promised, and how was this measured and determined?

SAM HASTINGS

Clerk of the Legislative Council