



# Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT  
FIRST SESSION  
2022

LEGISLATIVE ASSEMBLY

Thursday, 20 October 2022



# Legislative Assembly

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**THE SPEAKER (Mrs M.H. Roberts)** took the chair at 9.00 am, acknowledged country and read prayers.

## LEGISLATIVE ASSEMBLY CHAMBER — BELLS — DIDGERIDOO MUSIC

*Statement by Speaker*

**THE SPEAKER (Mrs M.H. Roberts)** [9.01 am]: Having heard that a number of members have had difficulty hearing the new Assembly didgeridoo bells throughout the house in recent days, from today this uniquely Australian sound will ring out to call members to start the day's proceedings and the traditional Assembly bells will be heard for the remainder of the day.

## PAPERS TABLED

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

## LAND FORCES 2022 EXPO

*Statement by Minister for Defence Industry*

**MR P. PAPALIA (Warnbro — Minister for Defence Industry)** [9.02 am]: I stand today to share my recent experience at the 2022 Land Forces International Land Defence Exposition held in Brisbane from 4 to 6 October. This year, 24 defence organisations were hosted on the Defence West stand—the largest number of hosted organisations on any Defence West stand at an exposition to date. An additional eight Western Australian small to medium-sized enterprises had their own stands, and a further 10 roving SMEs collectively made up the WA presence. Local companies were exposed to more than 20 000 attendees across the three days, including a visit by the Chief of Army, other visiting high level officials, and officers from overseas and major defence companies.

There were many highlights. Chief of Army, Lieutenant General Simon Stuart, had significant interest in and requested further briefings with Beachhead Logistics, following its introduction on the Defence West stand. This interest was subsequently reinforced following a visit from the head of land capability, Major General Jeremy King, who is responsible for the acquisition and sustainment of all land-based assets. Onetide had three products selected as finalists in the Land Forces innovation awards. TraumaSim Group continued discussions with defence personnel on the tactical combat casualty care space. Its stand was placed next to South Metro TAFE, which led to an opportunity to collaborate on delivering joint training courses. Steel Blue was introduced to key defence personnel and gained insights into the correct procedures to advance opportunities within defence. Coogee Titanium, an emerging supplier of titanium powder, attended Land Forces for the second year as part of the Defence West stand. Companies including Lockheed Martin Australia, Raytheon Technologies, Northrop Grumman Australia and Rheinmetall Defence Australia showed keen interest in the product and the technology's potential application in powder metallurgy and additive manufacturing to increase performance and reduce energy intensity. Coogee Titanium plans to continue increasing production of titanium powder in the Western Australian facility over the coming years, as the only Five Eyes supplier of titanium. Blacktree Technology's attendance at Land Forces enabled the team to secure meetings with Northrop Grumman Australia, Boeing, L3Harris Technologies, Airbus, Optus and Intelsat. There was also a strong showcase of independent exhibits from Western Australian organisations, including Applied Satellite Technology, AVI, Bend-tech Group, DomeShelter Australia, K9 Solutions Australia, Precision Technic Defence, Sea to Summit, and SFDesign.

Defence West will continue to support WA companies at future defence expositions to continue to grow the defence industry sector in Western Australia.

## NATIONAL CARERS WEEK

*Statement by Minister for Community Services*

**MS S.F. MCGURK (Fremantle — Minister for Community Services)** [9.05 am]: I rise to inform the house of the vital role of unpaid carers. This is being recognised this week during National Carers Week, which will run until 22 October. More than 320 000 carers look after some of our most vulnerable people by providing unpaid care for a family member or friend in families and homes across the state. Carers provide support for Western Australians who are living with disability, impairment, mental illness, a chronic health condition, terminal illness, or an alcohol or drug issue, or someone who is frail and aged. It is important to raise awareness of the work and contributions of carers so that their efforts are recognised and valued, and to assist carers to know that support is available. Carers take on this role due to their love for the person they care for, but that does not make it easy. Simply identifying as a carer can help people to access a range of supports to make their journey that little bit easier.

The McGowan government, through the Department of Communities, has provided more than \$1 million in funding to Carers WA to deliver support services and programs, including counselling and training, social support, advice,

respite, employment and engagement activities. I want to thank Carers WA for the important role it has in providing support to carers. The Carers Advisory Council and the Department of Communities is focused on delivering the state's carers strategy. This strategy guides government departments, service providers and the community towards greater support for and recognition of carers and their needs.

This week, videos that highlight the stories, experiences and achievements of WA carers are being screened in Yagan Square. Their stories are extremely moving and inspirational. Landmarks across the state will be lit up in the campaign colour, aqua blue, to help spread the message of the important role that carers play. These include Optus Stadium, Matagarup Bridge, Perth Bell Tower and the East Perth power station. In regional WA, boab trees in Celebrity Tree Park, Kununurra; the Albany Town Square; and the Kalgoorlie library will also light up in blue.

To all the carers in our community, I say thank you. It is among the most important and selfless work in our community, and I thank those who dedicate their lives to helping those who need it most.

### **BREATHING SPACE PROGRAM**

*Statement by Minister for Prevention of Family and Domestic Violence*

**MS S.F. McGURK (Fremantle — Minister for Prevention of Family and Domestic Violence)** [9.07 am]: I rise to inform the house of the expansion of a men's behaviour change program in regional WA. The Breathing Space program will be trialled in Port Hedland. Lotterywest has provided \$1.8 million in funding for a two-year pilot program. The McGowan government invested an additional \$3.5 million, under the social housing economic recovery package, to renovate nine residential units where participants will live. The refurbishments were completed by GBSC Yurra, an Aboriginal-owned registered building company operating in the Pilbara and the midwest.

Run by Communicare, Breathing Space is a voluntary men's residential behaviour change program for perpetrators of family and domestic violence. It was established in Calista in 2003 and was the first residential men's behaviour change program in the Southern Hemisphere. A second program was established in Maylands in 2019. More than 1 000 men have come through the program since its establishment. Participants spend up to six months living at Breathing Space facilities, completing an intensive therapeutic program that includes group work, individual counselling and case management. Communicare has engaged with Aboriginal Elders, Aboriginal community-controlled organisations, and local agencies to ensure that this service is culturally supportive. Taking men out of their family homes allows women and children to stay connected with their local support networks, including schools, healthcare providers and community services. It also supports men to understand and take responsibility for their violence, anger and abuse. Engaging men is a key part of the solution to end gender-based violence. Not only do we need to ensure that perpetrators are accountable for their actions, but also we need to promote respectful relationships and gender equality; we cannot end violence without it.

I thank Hon John Carey, Minister for Housing, for his strong collaboration on and support for this initiative. It demonstrates the McGowan government's commitment to tackling the scourge of domestic violence in our cities, towns and communities. We have made addressing family and domestic violence a priority and have invested more than \$150 million of new funding towards services since coming into government. I am proud to be a part of the McGowan Labor government, which is serious about tackling the scourge of family and domestic violence in our community.

### **WA YOUTH AWARDS**

*Statement by Minister for Youth*

**MR D.J. KELLY (Bassendean — Minister for Youth)** [9.10 am]: I rise to inform the house of the 2022 WA Young Person of the Year. I had the honour of attending the WA Youth Awards last week held at the Western Australian Museum Boola Bardip and share in the achievements of a truly impressive group of young people. There were 11 award categories to recognise and thank young people in WA for their achievements and contributions in their field. Each category winner was eligible to be selected as the WA Young Person of the Year. I am pleased to inform the house that the winner of the 2022 WA Young Person of the Year was Zahra Al Hilaly. She also took home the Mission Australia Young Changemaker Award. Zahra is an inspiring leader and advocate for gender equality, migrants and refugees, and intersectional representation. Her work has been recognised globally. At just 22 years old, Zahra is an Australian representative for UN Women and was awarded Western Australian Young Multicultural Person of the Year in March. She has addressed the UN General Assembly in New York and has served as a youth delegate for conferences in Italy, China and France. I once again congratulate Zahra on her achievement in being awarded 2022 WA Young Person of the Year and look forward to following her career and seeing what she achieves.

I also had the pleasure of presenting the Minister for Youth's Most Outstanding Youth Worker Award to Olivia Colja. Olivia is an energetic and passionate advocate in the youth sector and radiates positivity. The WA Youth Awards are one of the highlights of my year. It is a night when Western Australia's finest and most inspirational young people are showcased, and those in the youth sector are also acknowledged for the important work they do. I extend my congratulations to all nominees and pay a special thank you to the Youth Affairs Council for its fantastic work in coordinating the awards ceremony.

**WORKERS' ACCOMMODATION — EXMOUTH***Statement by Minister for Lands*

**MR J.N. CAREY (Perth — Minister for Lands)** [9.12 am]: I am pleased to share with the house today that the preferred proponent for the workers' accommodation facility in Exmouth has been announced and will move on to the next stage of the process. As I have said in this place many times, our government is seeking every opportunity it can to deliver more housing across Western Australia and is working with local governments to identify opportunities to release land and deliver housing, which is critical to this strategy. At the last election, our government committed to releasing suitable land for a multi-use workforce accommodation facility in Kalbarri and Exmouth and we have delivered on that promise. Recently, I announced Petra Westkey as the preferred proponent for the Kalbarri workers' accommodation, which forms part of our continued response to the cyclone. I want to thank the Shire of Northampton for the critical role it played in delivering this outcome in Kalbarri.

I am happy to announce the Perth-based Desen Group as the preferred proponent for the Exmouth site, which will proceed to the next stage of negotiations to refine its proposal, ensuring that it delivers the outcomes we need for Exmouth and represents value for money for the state. The site is close to the centre of Exmouth and will be critical in increasing accommodation options for local tourism businesses, seasonal workers and key industry workers. I also want to thank the Shire of Exmouth, which has worked with the state government to facilitate the release and rezoning of the land, ensuring that the worker accommodation development could be considered at the site.

As the Minister for Lands; Housing, the way I can support the delivery of workers' accommodation across regional Western Australia is to make crown land available, and we are doing just that. I highlight that the Shires of Exmouth and Northampton and the City of Karratha are great examples of how local governments can work with the state government to make crown land available for workers' accommodation and deliver beneficial outcomes for their communities.

**FORCED ADOPTIONS***Grievance*

**MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition)** [9.15 am]: I would like to start by thanking the Minister for Child Protection for taking a grievance on the matter of forced adoption and acknowledging the lasting and detrimental impact this has had on so many in our community. I would also like to acknowledge the visitors in the public gallery, including Jen McRae, whom I met with earlier this year in Albany, and Lynne Devine, coordinator of ARMS, the Association Representing Mothers Separated from their Children by Adoption. Thank you for joining us here today. To Jen, in particular, thank you for sharing your story with me and for continuing to advocate on this important matter.

Nearly 12 years ago, the Western Australian Parliament was the first jurisdiction in Australia to formally apologise for the thousands of forced adoptions that took place between the 1940s and 1980s. I was a member of the Legislative Council at the time, but those who were in this chamber will recall a public gallery overflowing with people who had come to have their grief validated and acknowledged by Parliament. The apology was delivered in a bipartisan manner, with members of all parties speaking to the awful truth that for many years the government of the day and a number of institutions sanctioned and carried out forced adoptions. Mothers were forcefully separated from their babies, prevented from seeing them after birth, drugged, deceived and shamed. Their heartbreak and trauma as a consequence of this abhorrent practice has been a burden to bear for a lifetime. Many of the adopted adults have also experienced trauma—a feeling of displacement and sense of abandonment conflicting with the connection they have with their adoptive families. It is complex and difficult and those with lived experience often struggle to share their story, so deep is the shame and pain that was inflicted at the time they were forced to give up their child.

The apology here in Western Australia was a momentous occasion for this group and it had a ripple effect around Australia. It spurred apologies from the South Australian Parliament in 2012, along with the ACT Parliament. New South Wales, Victoria and Queensland followed suit, as did the federal Parliament, with an apology delivered by the then Prime Minister, Julia Gillard. Following this apology, a Senate inquiry in 2012 produced a number of recommendations for the commonwealth, state governments and institutions to consider. Recommendation 6 was that formal apologies should always be accompanied by undertakings to take concrete actions that offer appropriate redress for past mistakes. In 2019, the Victorian government commenced an inquiry that reported to its Parliament last year. The report made 56 recommendations and acknowledged that immeasurable pain had resulted from the separation of thousands of mothers and babies through unethical, deceitful and immoral policies and practices. In March this year, the Andrews government announced it would spend more than \$4 million designing a redress scheme, with funds going towards crisis counselling, as well as enabling those affected by forced adoption to have integrated birth certificates with both adopted and natural parents' names included. In addition, a hardship fund was set up to provide payments to mothers of forced adoptions facing exceptional circumstances, such as being terminally ill, and funding has also been allocated to community groups.

It is time for an inquiry here in Western Australia—a parliamentary inquiry with actionable recommendations for our state. The apology was just the first step, and after 12 years it is time for our Parliament to take further and urgent action. An inquiry would provide those affected with the opportunity to share their story and to have it validated and recorded. It would allow the government to work on solutions with survivors and to co-design a framework and policy response with those impacted the most. Abolishing vetoes, allowing access to all medical and adoption records without censorship, funding for support services and the creation of a redress scheme would all be on the list of issues for these survivors. We cannot underestimate the stigma and shame that many still carry. For some it will be too late. There will be mothers in their nineties who have carried their pain for a lifetime. There will be adopted adults who need to share their own personal grief, and there will be medical staff—nurses and midwives—who will be given the opportunity to relate their experience in a system that denigrated the mothers, families and caregivers.

As time passes, so, too, does the opportunity for some to share those stories. I urge the minister and the government to act swiftly. It is my understanding that the government has received representation on this matter from survivors. I know members of this government have met with survivors and sat with them to listen to their stories. I know the minister has responded to questions from the opposition’s shadow Attorney General and a member of the crossbench in the Legislative Council in relation to this matter. She may also have read the opinion piece penned by the member for Vasse in *The West Australian* recently. This is not an issue that will come to the minister out of the blue.

It is an issue that deserves our attention and it deserves our ongoing bipartisan support. I applaud the efforts of those who sparked the apology delivered in this Parliament 12 years ago. It is now past time to take that next step. We have acknowledged and stated that what happened was wrong, brutal and, in many cases, illegal. In his address to the Parliament those 12 years ago, Minister Templeman said —

It is ... time for Western Australia, through this Parliament, to initiate a formal inquiry by a relevant standing committee into this issue.

The women and families who endured these horrible and cruel practices deserve our support. Let us take that next step. Let us not fail the people who have already been so gravely wronged. On behalf of the men and women here today, and the thousands more in our state, I ask the minister to be the champion in government that they need. As my colleague the member for Vasse has stated —

History is full of uncomfortable truths but that doesn’t mean we shouldn’t attempt to right some of the wrongs of the past.

Now is our chance as a Parliament to take that next step and do just that. I would welcome the opportunity to work with the minister and the government to progress this important issue.

**MS S.F. McGURK (Fremantle — Minister for Child Protection)** [9.21 am]: I thank the honourable member for raising this important matter in this place. As a government, we are strongly committed to ensuring that people affected by historical forced adoption practices are supported, and that current and future policies consider what has been learnt. I would like to acknowledge those people who are affected by this practice and have been advocates on this particular issue who are with us in the Parliament today.

The practice of forced adoptions was a terrible time in history for women in particular. From the 1950s to the 1970s, young women in Australia had their newborns forcibly removed from their care and “given” to married couples. According to the Department of Social Services, as many as 150 000 babies across the country were the subject of forced adoption, with some people finding out only in late adulthood that they were adopted. Earlier this year, as the member referred to, I met with several women affected by these practices to listen to their experiences and to better understand the impact it has had on their lives and the lives of their families. As described by an advocate who was removed at birth from her family —

“My mum didn’t get to see me grow up or I didn’t get to experience her being my mother.

“You can’t fill that with lost memories—it’s not possible.”

I want to take this opportunity to acknowledge those women and the profound, ongoing impact these past practices have had on their lives, and thank them for their strong advocacy on this issue. I would like to acknowledge those survivors who are no longer with us. It is heartbreaking to consider the effect that this traumatic separation of mothers from their children has had and continues to have.

The member referred to the member for Vasse’s op-ed regarding forced adoption that was published in *The West Australian* last month. I would just like to correct a number of issues that were raised in that op-ed. I think this is a good opportunity to place some corrections on the public record. In relation to the complexity and nuance of adoption legislation, it is important that we understand the facts around that, in particular, the differences between what has been historical legislation and practice and what is the case now.

The undesirable consequences of past adoption practices, which were shrouded in secrecy, led to changes in adoption law both nationally and internationally. Western Australian legislation endorses open adoption, which recognises

a child's birth parentage and cultural origins. Contact between the parties to adoption is encouraged when this is possible and appropriate. Old adoption laws in Western Australia allowed a birth parent to prevent the release of information as part of the adoption process. These were known as information and contact vetoes.

Following a review of the Adoption Act in 1997, it was concluded that the right for adoption parties to access information outweighed the continuation of confidentiality. Under the state Labor government in 2003, legislative amendments resulted in information vetoes ceasing two years from the commencement of the act. Existing contact vetoes would remain, but new contact vetoes were prevented from being lodged. An adopted person's right to be informed they are adopted is acknowledged and supported by legislation. Since the 1970s, the Department of Communities' files show that adoptive parents have been strongly encouraged by the department's legacy agencies to inform their adopted children of their adoption. The right for adoptees to know their identity and where they came from is embedded in current legislation and is emphasised in all aspects of adoption in WA.

In 2010, then Premier Colin Barnett provided an apology to the mothers and children affected by forced adoption, which the member referred to. It is acknowledged that this marked the first Parliament in Australia to offer such an apology and is to be commended. But I must ask: since that time, can members opposite outline what they subsequently delivered during their tenure in office for people affected by these practices? Unfortunately, it was very little.

The recently passed amendments to the Children and Community Services Act 2004 uphold the importance of children's connection to family, regardless of the type of protection order they may be under. The amendments to the act reassert this government's commitment to keeping children at home with their families when it is safe to do so, and keeping them connected to their culture, identity and community. Due to changing social and economic conditions, the number of children being adopted both locally and from overseas has diminished in recent years. On average, there are five to eight adoptions of locally born children and between six and 10 intercountry adoptions in Western Australia each year.

It has taken the hard work of advocates in WA, such as the Association Representing Mothers Separated from their Children by Adoption, to bring the issue of historical forced adoption practices back on the state government's agenda, and to provide the foundation for us to progress this work as a priority. The lack of progress from the previous government on any of the recommendations of the 2012 Senate Community Affairs References Committee report on this issue means that we have had to revive this work anew, which unfortunately takes time. We are also looking at recommendations from the statutory review of the Adoption Act 1994 and the 2021 Inquiry into Responses to Historical Forced Adoptions in Victoria, as referred to. WA Health is also committed to partnering with the community on care and drafting an apology statement that acknowledges the truth of past practices and supports healing. It is an understatement to say that these recommendations, spanning a range of reviews and inquiries, are complex and far-reaching. They also encompass multiple portfolios such as health and justice. I can assure the honourable member that focused effort is underway across several agencies to respond to the recommendations that require attention. The McGowan government has continued to demonstrate its commitment by getting on with this work—unfortunately, something that was neglected for too long.

## OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE

### *Grievance*

**MS M.M. QUIRK (Landsdale)** [9.28 am]: I thank the Minister for Corrective Services for taking my grievance this morning. I seek an update on the current status of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In particular, I ask whether the state and commonwealth have finalised negotiations on resourcing and the inspection regime. What additional resources will the excellent Inspector of Custodial Services require to ensure that WA's obligations are complied with? Previous commonwealth Attorneys-General under the Turnbull and Morrison governments were dilatory in their negotiations with the states. I also ask that the WA government impress upon Attorney-General Dreyfus the need for expedition.

OPCAT aims to ensure the protection of people's human rights when detained, providing for a rigorous process of independent inspections of detention places in a country's jurisdiction. In doing so, OPCAT enables a light to be shone on the conditions for detainees.

In December 2017, Australia ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, signalling it would be bound by its terms and comply with the treaty. However, on ratification, Australia made a declaration under article 24 to postpone the national preventive mechanism obligations for three years. This was to enable the commonwealth to work with states and territories on implementation, including establishing Australia's compliant oversight mechanisms. Its objective was to create a cooperative network of commonwealth, state and territory bodies responsible for inspecting places of detention facilitated by an NPM coordinator.

In July 2018, the Commonwealth Ombudsman commenced as Australia's NPM coordination body for the commonwealth. The NPM oversees the conduct of inspections of all places of detention. This includes prisons,

juvenile detention centres, local and offshore immigration detention facilities, and other places in which people are deprived of their liberty. According to the protocol, the NPM must have a mandate to undertake regular preventive visits. It must be independent, both functionally independent and independent of personnel. It must have the expertise to conduct inspections and have professional knowledge. It must have the necessary resources. It must be given access to all places of detention and all relevant information, and the rights to conduct private interviews. It must have appropriate privileges and immunities. For example, there will be no sanctions for communicating with the NPM and confidential information will be treated as privileged. The NPM should be able to have dialogue with competent authorities regarding recommendations and have the power to submit proposals and observations concerning existing or proposed legislation.

Western Australia is the first state to establish its NPM. The Office of the Inspector of Custodial Services is the designated NPM for prisons, youth detention and police custody, and the Ombudsman Western Australia is the NPM for mental health and forensic disability facilities. The designation has not yet been accompanied by legislative amendment or, most importantly, added resources. In November 2013, the Community Development and Justice Standing Committee, of which I was chair, tabled its *In safe custody* report on custodial arrangements and police lock-ups. Finding 50 on page 133 states —

That until the OPCAT is ratified it is uncertain exactly what implications there will be with respect to police lock-ups however oversight by the Office of the Inspector of Custodial Services will likely facilitate Western Australia's future compliance with the OPCAT.

I am delighted to note that in addition to the oversight afforded by the OICS regime, the Attorney General has also implemented that committee's recommendations for a custody notification service aimed at preventing Aboriginal deaths in custody. Additionally, with strong support of the Attorney General, a bail support service through Legal Aid Western Australia has been created to ensure that, with practical assistance, those on remand can become more acceptable bail candidates.

For the purposes of completeness, I also mention section 15E of the Prisons Act that permits free and unfettered access of the minister, CEO or other authorised person to visit prisons 24/7. This permits those persons to satisfy themselves that the act is being complied with or that contracted services are adequately delivered. As a past Minister for Corrective Services, I availed myself of this opportunity on several occasions, because on my official visits there was an overwhelming smell of freshly mown lawn and bleach, but I digress.

In an article in the *Mandarin* of 25 January this year headed "Time's up for Australia to implement OPCAT, commissioner says", the Human Rights Commissioner says —

With the deadline for Australia to embed a coordinated protocol that guarantees an independent inspection system for all places of detention, experts say scrutiny of such venues has fallen by the wayside.

...

The government should have embedded the measures of the protocol by 20 January this year, effectively guaranteeing the comprehensive and regular inspections of all places of detention, and prevention of human rights abuses before they occurred.

In a statement published on the commission website last week, human rights commissioner Lorraine Finlay said that it was time for Australia to establish an independent national preventive mechanism to conduct regular inspections—and to allow UN inspections—of all places of detention.

...

The commissioner said that it was clear from state government feedback that additional funding and an overarching national framework for OPCAT implementation was needed.

This week, full implementation of OPCAT hit another hurdle with regard to reporting on 18 October that New South Wales had refused United Nations inspections in prisons. The Perrottet government plans to refuse entry of UN inspectors until such time as a funding agreement is in place with the federal government. I look forward to the minister's response.

**MR W.J. JOHNSTON (Cannington — Minister for Corrective Services)** [9.35 am]: I thank the member for this grievance. The member for Landsdale is not only a former Minister for Corrective Services, but also has a lifetime commitment to human rights. I knew the member when we both lived in Canberra. Her deep and abiding interest in human rights was already evident back then and she has continued with that for her entire political career. She is to be greatly respected for the work that she has contributed to this area.

This is a difficult issue for the implementation of the regime, and I will explain why. We have been in discussion with the commonwealth government for some time about the implementation of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The issue is that only the commonwealth government can enter into international treaties, but the commonwealth government does not run criminal detention facilities. It runs other detention facilities, including immigration detention facilities.



We have been keen to understand from the commonwealth what assistance it will provide to us to implement the regime otherwise known as the national preventive mechanism. Western Australia was the first state to design an NPM, which is the Office of the Inspector of Custodial Services combined with the Ombudsman WA. We have been seeking support from the commonwealth for the additional costs, which are not insignificant but also not substantial, for the operation of that. We are having to take on additional responsibilities because the commonwealth government has decided to enter into a UN convention. The Office of the Inspector of Custodial Services already has the right to inspect and deal with all matters in the prisons and the detention centre, but not in police lock-ups. Additional activity is required for that and the Ombudsman, who has partial oversight of the mental health services, needs to have that extended.

The other thing we want from the commonwealth is a clear picture of what procedures it is going to apply to immigration detention facilities. The challenge is not with the announced visits, but with the unannounced visits. Although the Office of the Inspector of Custodial Services has an absolute right to visit prisons, for example, it does not mean that its officers can just turn up at two o'clock in the morning; they have their own agreed protocol. For example, we would suggest to the commonwealth that the OPCAT inspectors—the SPT; otherwise known as the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment—go to a detention facility in the company of the NPM, whether that is the Ombudsman or the Inspector of Custodial Services. Apparently that is not acceptable to the SPT, even though the NPM is designed to be independent, like both those offices are independent of government. We think that that is the best way forward so that we do not get into these meaningless disputes, which is what is happening in New South Wales and Queensland. Queensland has refused SPT access to mental health facilities because that access does not comply with its relevant legislation to deal with mental health facilities.

The other question we have for the commonwealth is that if there is a recommendation from United Nations committee that oversees these matters that results in financial implications for the implementation of that recommendation, who pays for that? The state of Western Australia is not a party, and cannot be a party, to the protocol because we are not a state party; we are a subnational jurisdiction. Therefore, if the commonwealth were to have a recommendation that it implement an obligation, we would be happy to work with it on that, but given that that is the commonwealth's obligation, we are not sure how that would be implemented.

We have been in discussions with the former commonwealth government for many years and have written letters asking for information, but it was not very engaged with us on that topic and often our letters were not answered. The new commonwealth government has been in office for only a brief time, and the SPT is now in Australia and wants to do inspections, but none of these issues have been answered, because for the past four or five years we have not been able to get a clear picture from the commonwealth government. I feel sorry for Hon Mark Dreyfus, the federal Attorney-General, because he has been left with this bucket of stuff that needs to be sorted out and has still not been properly resolved, and the SPT is now in Australia.

I point out to the member that the SPT has not visited Syria, Iran, Iraq, North Korea or Russia. The SPT has visited Azerbaijan, Bolivia, Bulgaria, Burkina Faso, Cape Verde, Cambodia, Ecuador, Ghana, Guatemala, Kurdistan, Lebanon, Liberia, Mauritania, Morocco, Mozambique, Nauru, Nicaragua, Nigeria, Philippines, Moldova, Senegal, Sri Lanka, Tunisia and Turkey. However, the SPT reports about those visits are confidential. They are not on the United Nations website for us to read. As I have said, Syria, Iran, Iraq, North Korea and Russia have not had SPT visits, and we do not know what occurred with the visits to the other countries that I have listed.

I imagine, given what was happened in New South Wales and Queensland, that the SPT will make a breathless report criticising Australia. However, that is about administration, not about the question of torture. I am happy to table the report of the SPT visit to New Zealand, which made great criticism of that country. However, again, it is not about whether torture occurred; it is about the procedures that are used in the detention process. I table that document.

[See paper [1595](#).]

**Mr W.J. JOHNSTON:** I am confident that there is no torture in Western Australian jails and detention facilities. I expect that the same is true in our police lock-ups and mental health institutions. However, I am afraid that we will get a bad report because of these procedural reasons.

### COWARAMUP PRIMARY SCHOOL

#### *Grievance*

**MS L. METTAM (Vasse — Deputy Leader of the Liberal Party)** [9.42 am]: My grievance is to the parliamentary secretary representing the Minister for Education and Training, and I thank him for taking the grievance. It relates to the vital need for significant infrastructure upgrades to Cowaramup Primary School, in line with the recommendations from the Department of Education and Training's facilities audit report in 2016.

I would like to acknowledge from the outset the minister's commitment earlier this month to provide funding to fix one of the issues at the school, following letters from both the school board and me requesting urgent action. The commitment to fix the sagging roofs in classrooms during the summer holidays is welcomed, but unfortunately

falls well short of addressing the multitude of infrastructure concerns at the school. The 99-year-old school remains in dire need of repairs to several unsafe structures and ultimately requires additional upgrades to accommodate a rapidly growing population.

The school community and I have been lobbying the government for those repairs and upgrades for the past six years, with minimal improvements provided. As the minister may be aware, Cowaramup Primary School was originally constructed in 1923 during the group settlement era. It was a small school that educated the children of families in the emerging agricultural industry. In recent years, the town has evolved beyond a dairy hub into a thriving town for young families seeking a regional lifestyle to raise their children. Unfortunately, the single local primary school has not evolved but has seemingly been neglected.

As outlined in the audit, the administration building needs to be upgraded and extended. The administration offices lack the security and space required for the efficient management of a growing and professional school. The other concerns include the lack of a staff office, the lack of a dedicated communications room to allow confidential student and professional development conversations, and the size of the sports room and cleaners' rooms, which are far too small to house appropriate equipment. The report also recommended that two of the buildings be demolished as they were insufficient in almost all aspects and had "well and truly surpassed their life cycle". The ageing classrooms in these buildings are undersized in comparison with contemporary classrooms and not comfortable for holistic and contemporary pedagogy. They also lack teachers' preparation areas and storerooms and are structurally compromised. There are also no permanent early childhood education facilities. All these classes are taught in transportable buildings that are currently at capacity. I understand also that some families are driving their children to other towns, such as Margaret River, to access kindergarten classes.

Since the audit in 2016, four transportable classrooms have been allocated, and there have been minor alterations to the carpark and the undercover area. However, these are temporary fixes. Currently, 50 per cent of the classroom facilities at the school are transportable buildings. These structures were never meant to be a long-term set-and-forget option. They are supposed to be temporary while a long-term plan is developed, yet they make up half the school infrastructure.

Cowaramup Primary School board member Joel Hall has said that since the audit, the school's infrastructure issues have become more pronounced. He said —

- most classrooms are undersized and do not meet contemporary classroom standards. This is likely to compromise educational outcomes and the wellbeing of both students and staff.
- staff safety, administrative functions, confidentiality and universal access are all undermined by the absence of basic office and cleaning facilities
- ...
- the library building cannot be used for library purposes for significant portions of time as it is required for other specialty purposes such as LOTE and parent meetings

I am aware that the audit based its assessments on a school with 430 students. There are currently 367 enrolments at Cowaramup Primary School. However, the population of the town has doubled since 2011. Although the number of enrolments has increased on average by 12 students a year, during periods of rapid development it has increased by as much as 55 enrolments in one year, as it did in 2014. Cowaramup is currently home to 1 900 people, including 477 families, with 535 children aged between zero and 14. Considerable ongoing residential expansion is taking place in the town, with a further 160 family-sized lots currently undergoing land and building works, and that will likely result in enrolment surges in the next couple of years.

Again, I acknowledge that funding has now been allocated to fix the sagging roofs, but I would suggest it is a short-term, bandaid measure that addresses only the most urgent safety concerns and does not provide for a long-term plan. This school is almost 100 years old. It is beyond time to bring it into the next century. I sincerely hope the department will not wait until enrolments reach the figure outlined in the audit before it considers any feasibility or design works. That process is likely to take years and will undoubtedly put an increasing and seemingly unmanageable strain on the operation of the school.

I implore the minister to prioritise these upgrades as a matter of urgency to ensure that the current and future students of Cowaramup Primary School have access to the same level of quality infrastructure and facilities as those in modern metropolitan schools.

**MR T.J. HEALY (Southern River — Parliamentary Secretary)** [9.48 am]: I thank the member for Vasse for her grievance and her ongoing support of schools in her electorate, along with Hon Jackie Jarvis, MLC. I am responding on behalf of the Minister for Education and Training. As the member for Vasse mentioned, the McGowan Labor government has allocated \$60 000 of new funding to address the issue of sagging ceilings at Cowaramup Primary School. Work will be done later this year, during the school holiday summer break, to ensure minimal disruption to students. I would like to thank the member for Vasse for raising this issue with the department and the minister. It is also in line with the work done by Hon Jackie Jarvis, member for South West Region.

I wish to correct a couple of statements made by the member for Vasse. I am sure everyone in this chamber would agree that Cowaramup Primary School is a fantastic school. I will address some of the comments made by the member during her grievance relating to unsafe structures and minimal improvements. To alleviate the member's concerns about unsafe structures, I understand that the Minister for Education and Training advised the member in writing and members of the Legislative Council last week that all high-risk maintenance and minor items identified in recent building condition assessments have been remediated. I will say that again: all high-risk maintenance and minor items identified in the most recent building condition assessment have been remediated.

I also quote the local paper, the *Augusta–Margaret River Mail*, which reported on 12 October —

“All high-risk maintenance and minor works items identified in the most recent building condition assessment have been remediated,” ...

That does not mean that no more work needs to be done; there is always work to be done. Again, it is a fantastic school.

The Minister for Education and Training would also like to confirm that she is aware of the concerns raised by the chair of the board of Cowaramup Primary School, Joel Hall. I am aware of the 2016 audit that the member for Vasse mentioned. The member may recall that she was a fairly senior member of the government in 2016. I understand that she was the government Whip at the time, arguably one of the more powerful people in government. I defer to my government Whip and all the wonderful things they do. The member had the opportunity to seek and secure funding for the school during that time. I understand that during his time in government, the previous member for Vasse, Troy Buswell, was not able to secure significant funding upgrades, and that was a challenge.

Western Australia has some amazing schools. There are just over 800 amazing public schools, ranging in age. I worked in a school that had been operating for 40-plus years. As the member for Vasse identified, Cowaramup Primary School will be 100 years old next year. Challenges come with those schools. I am very happy to confirm that the McGowan government is investing in Cowaramup Primary School. I ask members to allow me to refresh the chamber's memory. During the years of the Barnett government, the former Treasurer and then member for Vasse provided fairly minimal government funding to the school. From 2009–10 to 2016–17, \$2.2 million was invested to upgrade school infrastructure at Cowaramup Primary School. Of that \$2.2 million, \$2.1 million came from the federal Labor government. They are massive capital investments in schools. I acknowledge that there were certainly missed opportunities during the previous Barnett government.

In 2019, the McGowan government launched a \$200 million maintenance blitz of \$75 000 for Cowaramup Primary School, which was very well received by the families of Cowaramup and surrounds. Those funds were put towards maintenance and minor works. It was one of the first big investments by a government in the school for some time. I understand that \$725 000 has been spent on maintenance and minor works at the school since the McGowan government was elected in 2017. That includes \$15 000 to upgrade plaster glass ceilings at Cowaramup Primary School in 2018–19 and \$40 000 worth of science equipment grants as part of the McGowan government's science election commitments. I think this is an item that the member for Vasse asked for in this chamber in 2021, when she said —

... I welcome the STEM funding for classrooms at Busselton Senior High School and Cape Naturaliste College. We also have some outstanding needs for our primary schools. Cowaramup is one of the fastest growing areas in my electorate.

I am very glad that we were able to deliver and assist the member with her advocacy, ensuring that every school received some form of funding from the science equipment grant. As I said, Cowaramup Primary School received \$40 000.

I mentioned the advocacy by Hon Jackie Jarvis, MLC, relating to the \$60 000 of new funding allocated to address the sagging roof at Cowaramup Primary School. That will come from the 2022–23 central bank budget. Works will be carried out over the Christmas holidays to minimise disruption. We are investing in the school. We will not stop. We will always look after all the schools, no matter what electorate or community they are located in. This is the first government in some time—probably since the Gallop–Carpenter government—that has a genuine commitment to regional and metropolitan schools, and that will not change.

There are enrolment pressures in schools in the member for Vasse's electorate, as she mentioned. It is a very popular community. Cowaramup Primary School is a fantastic school. I want to thank the educators and the families whose children attend that school. Board chair Joel Hall is also our principal. It is a fantastic school community. Again, there are wonderful investments in the high schools within the community, and within Cowaramup Primary School specifically. The department will continue to monitor growth in the area. I understand there are 368 students at the school; the member said there were 367. The school has accommodation for 448 students.

**Ms L. Mettam:** It's growing.

**Mr T.J. HEALY:** It is growing because it is a popular school. Western Australia is a great place to live. People want to live in the member's community. They love Cowaramup. I thank the member for the grievance.

**EMERGENCY DEPARTMENTS — MENTAL HEALTH PRESENTATIONS***Grievance*

**MS C.M. COLLINS (Hillarys)** [9.55 am]: My grievance today is to the Minister for Mental Health and relates to the capacity and capability of metropolitan emergency departments to respond to complex mental health presentations. I would first like to thank and acknowledge the minister's hard work and ongoing efforts in the health and mental health portfolio. Western Australians welcome the additional \$630 million allocated for hospital spending in the 2022–23 state budget.

My office was recently contacted by a local constituent who had to report to an emergency department after her teenage son was hit in the back of the neck by a surfboard whilst surfing. This injury caused some worrying symptoms, which required expert assessment to identify and treat in a short time frame. The family reported to Royal Perth Hospital's emergency department and was taken aback by how many waiting patients were presenting with mental health issues. A mental health presentation is obviously different from someone presenting with a cut arm or a broken bone; it can fundamentally alter the patient's experience of what is going on around them and exacerbate an already stressful situation. It requires significant knowledge and experience to handle appropriately, and with care.

Timely access to a mental health assessment is critical for everyone involved. In the stressful environment of an emergency department, it became clear that patients presenting with mental health issues create new challenges for staff in attempting to triage patients in a timely manner. The uncertainty and complexities around this field of health care can sometimes create worry and concern for patients waiting in an ED. My constituent looked around the room and worried about the continuity of care for many presenting patients with psychiatric concerns. Their son was kept in the proper restraints for a patient with a suspected spinal injury, which limited his ability to move his body and respond to what was going on around him. In an environment shared with sometimes frustrated and distressed mental health patients, this can be a confronting experience for a young person. We have a range of occupational groups in Western Australia that are highly qualified to provide care to a mental health patient, including specialist registered nurses, psychologists, social workers, psychiatrists or occupational therapists. There are opportunities to have these professionals meet their potential in a multidisciplinary team in an ED.

Luckily, the story has a happy ending. After a long night of waiting and assessments, the young man was cleared, with the medical team reporting he had not sustained a serious spinal injury. But his experience in the ED caused him to reach out to his local member of Parliament. I would like to ask the Minister for Health what is being done to ensure our emergency departments are equipped to handle presenting patients with complex mental health and psychiatric issues.

**MS A. SANDERSON (Morley — Minister for Mental Health)** [9.58 am]: I rise to respond to the grievance from the member for Hillarys. I thank her for bringing the grievance to the house. It is a good grievance. I thank her for her advocacy and work in her community of Hillarys. Mental health patients presenting in emergency departments, finding the appropriate pathway for those patients and also making it a sustainable work environment for the staff in those emergency departments is a significant issue that we have faced in the community for decades. Mental health is very important to me personally and to our young people especially. Certainly, the government is working diligently to improve access to mental health services in both the emergency setting and the acute setting. We have to have the right mix. We need the commonwealth to step up and provide better access to primary care for mental health. At the moment, the real paucity of access is to real primary care for mental health. We know that when individuals have good access to primary care for mental health, they are less likely to present in emergency departments. It is important that we see the commonwealth step up.

There are times when people are in acute crisis and they need to go to an emergency department. As minister, I receive weekly reports on mental health presentations in emergency departments and the average length of stay by those mental health patients. We are making real improvements in the length of stay. There are times of pressure when those stays are longer than we would want, but we are genuinely making improvements. It was a great initiative to get those ministerial reports. You cannot manage what you cannot measure. It puts a real focus on how long mental health patients are staying in emergency departments before health service providers move those patients into more appropriate support settings.

As the member rightly pointed out, emergency departments are not an appropriate place for people in acute crisis. To improve patient flow out of public hospital emergency departments, we have committed to infrastructure works to expand mental health emergency centres by 43 beds. These centres provide a calming and low-stimulus environment alongside emergency departments, but are not in the middle of a really busy ED. They allow for assessment by staff and referral to better pathways. Essentially, someone can stay in one of these emergency centres for up to 72 hours, and they can be stabilised and returned home or moved into a community setting or into an inpatient bed in an acute setting. Emergency departments also have what we call short-stay units that operate in a similar way and behavioural assessment units, but we can always do with more. They tend to be individual rooms in an emergency department where people can be managed in a more quiet and calm situation.

The emergency centres that we have currently committed to are at Royal Perth Hospital and Sir Charles Gairdner Hospital. There are eight beds at RPH, six at Charlies and 10 at Joondalup Health Campus, and more are planned in Midland, Peel, Rockingham, Armadale, Geraldton and Bunbury. We also have safe haven cafes for after hours when other support services are closed. The cafes offer peer-based support for people who are experiencing mental health issues but do not need intensive clinical and medical support, but who may otherwise attend emergency departments. There are two of these cafes in Western Australia—one at Royal Perth Hospital and one at Kununurra Hospital.

As part of the peer support worker program, consumer and carer peer workers operate across Fiona Stanley Hospital's emergency department and inpatient wards to support individuals presenting with mental health and/or drug and alcohol issues. Peer support workers assist consumers and carers by providing support and advice on non-government organisations to develop a better understanding of the services available to them that they can link with.

There are a number of new initiatives to accommodate mental health patients in emergency departments and to help the flow of patients to address demand. The state government has commissioned infrastructure works for an additional 102 public mental health beds across the state. That is a huge uplift in the number of mental health inpatient beds. These works will also provide 20 community-based beds in a community care unit, an interim eight-bed youth mental health and alcohol and other drug and homelessness service, and an additional 32 step-up, step-down beds across the regions over the next four years.

We also recently opened the new transitional care unit operating in St James. We opened 20 beds last month. This unit is a step-down facility for people coming out of Bentley Health Service, Royal Perth Hospital and Armadale Health Service. We will open another 20 beds in the next few months. We open them in a staggered way to manage the flow of those patients. We will start to see real benefits from opening these beds by being able to provide opportunities for patients to flow through emergency departments rather than getting bottlenecked there.

As part of our emergency access response to deal with some of the bottlenecks in emergency departments, we are continuing with and expanding the active recovery pilot team, which provides evidence-based support for people who are recovering from drug and alcohol issues. If they are supported for the first 90 days, their chances of relapsing are significantly lower. We are establishing the immediate drug assistance coordination centre, youth mental health community treatment services and, importantly, the mental health co-response program. This is a co-response by the police and mental health clinicians whereby they share information and attend incidents together and can then divert individuals to more appropriate settings outside of emergency departments.

There is a lot of work going on in this space. I appreciate the member bringing the grievance and I am very glad that her constituent has recovered.

### JOINT STANDING COMMITTEE ON THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

#### *Fourth Report — Annual report 2021–2022 — Tabling*

**MRS R.M.J. CLARKE (Murray–Wellington)** [10.05 am]: I present for tabling the fourth report of the Joint Standing Committee on the Commissioner for Children and Young People titled *Annual report 2021–2022*.

[See paper [1596](#).]

**Mrs R.M.J. CLARKE:** I am pleased to present the committee's second annual report for tabling. The committee has had a productive year that included several welcomes and farewells. In September, we finally settled our committee membership, welcoming Hon Ayor Makur Chuot, MLC. She replaced Hon Klara Andric, MLC, who had been serving on two joint committees that were meeting at the same time. At the end of 2021, we farewelled Commissioner for Children and Young People Colin Pettit and thanked him for his six years of distinguished service in the role. At the start of 2022, we held a briefing with the new commissioner, Jacqueline McGowan-Jones. Ms McGowan-Jones is the first Aboriginal person appointed to this position. Although this provides a useful perspective on Indigenous issues, she is, like the commissioners before her, a commissioner for all children and young people in the state. We look forward to meeting with her again in the coming weeks to hear about what the office has achieved in the 2021–22 financial year.

In April, the committee launched an inquiry into ways to address food insecurity for children and young people affected by poverty. We are discovering that food insecurity is a multidimensional problem. It is not only about not having money to buy healthy food, but also about knowing what is healthy, where to find it and how to prepare it. It is about having access in our neighbourhoods to affordable, healthy options and about ensuring that children are not disadvantaged in their schooling because they do not have enough food to eat. We have heard that some children do not attend school because they do not have anything to take for lunch. We hope our inquiry will find a way to address these kinds of inequities.

Throughout this inquiry, we will endeavour to uphold the rights of all children and young people to have their voices heard and to participate in making decisions that affect them, as per the United Nations Convention on the Rights of the Child. This has meant offering children and young people different ways to make a submission, such as sending

us a video or drawing. We also commissioned consultants to produce an easy English, illustrated version of the inquiry's terms of reference for use by children and people with limited English. We are hopeful that these efforts will capture the views of at least some children and young people, who are at the heart of this committee's work.

I take this opportunity to thank my fellow committee members for their contributions over the past year: the deputy chair, Hon Neil Thomson; Rebecca Stephens, MLA; and Hon Ayor Makur Chuot, MLC. Thank you also to the research staff for their support: the principal research officer, Sarah Palmer; and the research officers, Carmen Cummings and Lucy Roberts.

### PUBLIC ACCOUNTS COMMITTEE

#### *Seventh Report — Annual report 2021–2022 — Tabling*

**Mrs L.M. O'Malley** presented the seventh report of the Public Accounts Committee titled *Annual report 2021–2022*.

[See paper [1597](#).]

### ECONOMICS AND INDUSTRY STANDING COMMITTEE

#### *Fourth Report — Annual report 2021–2022 — Tabling*

**MR D.A.E. SCAIFE (Cockburn)** [10.09 am]: On behalf of the Chair of the Economics and Industry Standing Committee, I present for tabling the committee's fourth report titled *Annual report 2021–2022*.

[See paper [1598](#).]

**Mr D.A.E. SCAIFE:** I am pleased to present the 2021–22 annual report of the Economics and Industry Standing Committee on behalf of the chair of the committee. In opening, I would like to thank my fellow committee members for their work over the past year. I would like to acknowledge the leadership of the member for Willagee as the chair of the committee, and also my fellow committee members, the member for Joondalup and the member for Riverton. Those members worked furiously, alongside me and the chair, to table our first report as a newly formed committee, which was our report into intergenerational challenges and opportunities for the Western Australian economy to 2041. I also acknowledge the former member for North West Central, who obviously departed the committee at the same time as he resigned from this house. I acknowledge the contribution he made as deputy chair.

I would also like to welcome, albeit perhaps a bit prematurely, the new member for North West Central, who I understand will be appointed to the committee later today. I welcome her as a new member. It will be great to have her insights and experience on the committee. It will also be great to be our full complement of five members again.

I want to linger for a moment on the work the committee has done, particularly in relation to the report we handed down, titled *Intergenerational challenges and opportunities for the Western Australian economy to 2041*. This committee inquiry had quite considerable scope. The idea of this report was to essentially take a snapshot of the Western Australian economy now and what we want it to be in 2041, with a view to asking what the future economic development of Western Australia will need to look like to ensure that Western Australia does not experience a net loss of employment or a net loss of quality of life. We are very fortunate in Western Australia to have an extremely competitive employment market, high participation rates, high wages and a high quality of life. We have been fortunate to benefit from the investments and foresight of former governments in establishing and building our iron ore industry in particular and our resources industry more broadly. But we have to ask ourselves whether we are going to be able to preserve our prosperity for future generations by doing more of the same or whether we need to make some changes. Of course, asking those questions is consistent with the agenda of the McGowan Labor government, which has a comprehensive strategy to diversify the Western Australian economy. I know that the committee and my fellow committee members very much welcome that.

I touched just then on our state's reliance on iron ore, not only as an export resource but also within a particular export market, which is the People's Republic of China. As I said, that reliance has been of great benefit to Western Australia. We got through the pandemic in very good shape compared with other economies by virtue of both the strong leadership of this government and the strong performance of our resources sector, particularly our iron ore sector. But there is a threat to our economic prosperity moving forward because we are exposed to changes in commodity prices, and particularly in iron ore prices, more so than perhaps any other jurisdiction in the world. That was one of the key findings of our report. But our report found that Western Australia is still very well placed in terms of the iron ore industry over the next couple of decades. The reasons for that are simple. Our jurisdiction has very good environmental, social and governance credentials. As ESG credentials become increasingly important, the committee believes that we will see continued demand for Western Australian product. That is occurring through not only the significant investments that Western Australian industry and the Western Australian government are making in lowering emissions in our mining industry, but also the labour standards and health and safety standards that are enjoyed in our iron ore industry and the mining industry in general. Customers in Asia and Europe that purchase raw materials from Western Australia know that they are getting a product that has been mined according to absolute world-leading standards by workers who have been paid well for their efforts and who have been kept safe while they are at work. It is a product in which people and investors can have confidence in terms of its ESG credentials.

One thing that members might not realise is that the vast majority of Western Australia's reserves of iron ore is hematite. The committee found that about 96 per cent of our iron ore reserves are in the form of hematite. We found that the demand for hematite will continue over the next couple of decades, but that there will be increasing demand for magnetite. The reason for that is that magnetite is a higher purity ore than hematite. As steel manufacturers move more towards lowering their emissions and producing things like green steel, the most cost-effective way to do that will be to start the process with a higher quality, lower impurity feedstock. That will lead to a preference for magnetite over hematite. We have some excellent magnetite developments coming off the ground in Western Australia—for example, in the midwest region in particular—but there will be challenges for demand for our hematite resources in Western Australia.

On that topic, which is touched on in the report, I was very pleased to attend the Global Iron Ore and Steel Forecast Conference from 29 to 30 March this year. That conference brought together industry, expert analysts, scientists and researchers to talk about the forecast growth or decline of the steel and iron ore industries, depending on the stage of the cycle we are in. What became clear to me from attending that conference is that there is a real appetite for a lot of the findings that the committee made in its report. There is a recognition within industry and research that Western Australia is well placed for the future in terms of its iron ore industry, but that we cannot just sit on our laurels and assume that we will continue to reap the benefits of it, and that we need to be focused on ways to get further down the value chain. That does not mean producing green steel in Western Australia.

I will be honest: I have great scepticism about the possibility of Western Australia producing green steel as a finished product. The reason for that is that there is significant unused blast furnace and electric arc furnace capacity for steel production in countries all around the world. The initial capital investment in furnace capacity, whether it is for a blast or electric arc furnace, is enormously expensive. An enormous amount of capital is required for the initial investment to establish that infrastructure, so in circumstances in which there is existing infrastructure that has already received that capital spend but is unused, it is very difficult to see how Western Australia could attract the investment necessary to develop new infrastructure on top of that unused infrastructure around the world. But that does not mean we cannot look at other ways of getting down the value chain. That might mean, for example, the production of green iron ore pellets, which is further along the value chain of the feedstock that is put into furnaces. There is a mine in the midwest—the name escapes me at the moment—that is exploring the possibility of green pellet production in Western Australia, which I and my fellow committee members would certainly welcome.

Moving on from iron ore, I note that the committee's report certainly made findings consistent with the government's *Future battery industry strategy: Western Australia*. It is an excellent strategy that is already paying dividends to the state. I was fortunate to tour the Tianqi Lithium facility in Kwinana. It is a lithium hydroxide production facility. When I visited, train 1 was already producing lithium hydroxide and train 2 was soon to come online as well. It also has plans for train 3 and train 4. We are already producing lithium hydroxide in Western Australia. We are obviously a jurisdiction that has significant reserves of lithium, but it is excellent to see that we are now further along the value chain in terms of manufacturing lithium hydroxide.

In relation to the future battery industry strategy, I also want to note that another boom–bust mineral of Western Australia's economic history is nickel. There is significant demand for nickel around the world at the moment. Nickel has traditionally been primarily used in the manufacture of stainless steel, and that is still an area of demand for Western Australia nickel, but there is increasing demand for nickel for use in, of course, battery technology. In case members are not aware, there is actually more nickel than lithium in a lithium ion battery. There is something like 30 kilograms of nickel in an electric vehicle car battery. That is an enormous quantity of nickel, and as a result there is enormous demand for Western Australia nickel. I attended the Australian Nickel Conference a couple of weeks ago, not in my capacity as a committee member. It was clear from the conference that the Western Australian nickel industry is in very good shape. In October last year, BHP Nickel West produced the first crystals of nickel sulphate at its plant in Kwinana. Again, that is another example of Western Australia getting further down the value chain. Rather than just digging up and exporting raw minerals, we are actually producing a higher quality product that is further along the value chain.

I now want to briefly touch on the committee inquiry currently underway into the bilateral trade and investment relationship between Western Australia and the Republic of Indonesia. Indonesia is one of our closest neighbours. It is a country that we have much in common with. It is a democratic state that is very diverse. It is a pluralist state as well in which many religious views are tolerated. As I say, Western Australia has a lot in common with Indonesia, but one of the observations the committee has made is that perhaps we have not strengthened that partnership as well as we could have in the past.

In the same way that the committee during the previous Parliament undertook an inquiry into the state's bilateral trade relationship with India, under the excellent leadership of the member for Swan Hills, the committee is now undertaking an inquiry into our bilateral trade relationship with Indonesia. I look forward to really getting into that inquiry. We are at a relatively early stage, but I will be attending an Indonesia Connect event this Friday in my capacity as a committee member. The event is being led by the Department of Jobs, Tourism, Science and Innovation in collaboration with a variety of organisations to talk about WA's relationship with Indonesia.

The Deputy Premier is working very hard on improving those trade relationships, which is pleasing to see. I very much hope that the work the committee produces under its terms of reference will complement that work and the opportunities that present themselves under the free trade agreement between Indonesia and Australia—that is, the Indonesia–Australia Comprehensive Economic Partnership. There are great opportunities under that agreement that have perhaps not been seized upon because of the pandemic disrupting its commencement. There are great opportunities under that agreement for Western Australia and Indonesia to engage in a partnership on issues of economic opportunity, like education and training, minerals and exploration technologies, and manufacturing and associated industries.

I think it is an exciting time. The Western Australian economy is in very good shape and we have very strong leadership in this government. I am confident that the work being done by the committee will contribute to a strong strategy to diversify the Western Australian economy over future generations and to ensure that we preserve and, in fact, increase prosperity for those future generations. On that basis, I commend the report.

### COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE

#### *Third Report — Annual report 2021–22 — Tabling*

**MS L. METTAM (Vasse — Deputy Leader of the Liberal Party)** [10.27 am]: I present for tabling the third report of the Community Development and Justice Standing Committee titled *Annual report 2021–22*.

[See paper [1599](#).]

**Ms L. METTAM:** As Chair of the Community Development and Justice Standing Committee, I hereby present to Parliament the committee’s annual report for the year ended 30 June 2022.

It has been a challenging year for the committee as it took on the task of inquiring into the sexual harassment of fly-in fly-out workers in the mining sector in Western Australia. The readiness on the part of industry, both employers and unions, to make formal submissions and appear before the committee in person, demonstrated how urgently needed and timely our examination of this complex matter was. Most significant was the number of brave women prepared to come forward and share their shocking experiences of sexual harassment and abuse in the hope that effective measures would be taken to prevent this action from continuing.

This inquiry was personally demanding for committee members, as over several months we heard from a wide range of people. There was the shock of the FIFO workers’ stories of the horrendous abuse they experienced simply as a result of going to work. We heard about the steps industry was taking to inform itself of the size of the problem, the damage to individuals, companies and industry that resulted, and the process of culture change needed to remedy the situation. We heard from government agencies responsible for safety and equity in the workplace, and investigated what measures were currently in place and assessed their effectiveness. We invited experts in the fields of workplace culture management, harassment prevention and equity to provide us with information on frameworks and strategies for addressing workplace harassment.

As part of this inquiry, we travelled to four sites operated by four major mining companies: BHP, FMG, Chevron and Rio Tinto. These visits were invaluable for attaining an appreciation of camp layout and onsite accommodation, utility and recreation facilities. We also had the opportunity to speak to staff on site. On behalf of the committee, I would like to extend my gratitude to the industry hosts for enabling the committee to make these visits. The main outcome of the inquiry was the committee’s second report to Parliament entitled ‘*Enough is enough*’: *Sexual harassment against women in the FIFO mining industry*. It contains 79 findings and 24 recommendations and was tabled in the Legislative Assembly on 23 June 2022. As chair of this committee, I note there is considerable interest in this report and its recommendations. We were very aware that the serious safety issues surrounding culture and behaviour would be challenging to address in a report to Parliament. The extension of the reporting period, deliberative meetings and evidence-gathering hearings reflect this. The inquiry itself and the tabling of the report have generated a high level of international, national and state interest. Media reporting has been widespread and ongoing, as has the engagement of stakeholder and industry groups. I believe this response contributes positively towards the significant task of delivering a safe and harassment-free workplace for all FIFO workers.

The recommendations in the report aim to provide ways to coordinate the anti-discrimination, employment and work health and safety legislative schemes into an effective and workable framework. They have been carefully constructed to mesh into existing legal frameworks and are complementary to existing workplace regulations, practice and procedure. They point clearly to where government legislation, regulations and processes can be improved. Importantly, they call for determined leadership and accountability in FIFO workplaces and a genuine belief that a harassment-free workplace is also a productive workplace that will benefit all. These are strong recommendations that we hope will get the attention and support that they deserve. We also hope that there will be continued interest in the report from outside the mining sector, given many of the issues and recommendations are relevant for other industry sectors.

The main financial expenditure of the committee over the year was for travel related to the inquiry. Funding was also allocated to an additional unique expense of mental health support for our witnesses, which is covered under the “Consultants” item in the report. This additional funding was acquired through a special request to the Speaker. I would again like to extend my gratitude to all the witnesses who contributed to the inquiry, particularly the brave women who shared their experiences with us. As a committee, I feel we should be very proud of the contributions



we have made to Parliament through our work over the last 12 months as outlined in this report and evidenced by the *'Enough is enough'* report. On behalf of the committee, I would like to thank the committee staff for their contributions. I particularly acknowledge Dr Alan Charlton and Dr Sam Hutchinson for their invaluable work and support over this period. I also acknowledge my fellow committee members: deputy chair and member for Burns Beach, Mark Folkard; member for Bateman, Kim Giddens; member for Kimberley, Divina D'Anna; and member for Collie–Preston, Jodie Hanns. Thank you all for your commitment and contribution over the past year. I am extremely pleased on your behalf to present this annual report. I commend the report to the house.

**The ACTING SPEAKER (Ms M.M. Quirk):** Before I call on the member for Thornlie, for the purposes of *Hansard*, as I understand it the previous speaker read verbatim from the foreword of the report. That might assist *Hansard* in transcribing it. I give the call to the member for Thornlie.

### EDUCATION AND HEALTH STANDING COMMITTEE

#### *Third Report — Annual report 2021–22 — Tabling*

**MR C.J. TALLENTIRE (Thornlie)** [10.34 am]: I present for tabling the third report of the Education and Health Standing Committee entitled *Annual report 2021–22*.

[See paper [1600](#).]

**Mr C.J. TALLENTIRE:** The work of the Education and Health Standing Committee builds on the traditions of this Parliament around the work and functions of parliamentary committees. It is worth talking about a bit of the history that has enabled the Western Australian Parliament to have such a strong committee process. It is especially thanks to Premier Geoff Gallop, who was in office from 2001, with Deputy Premier Eric Ripper, that we established this tradition. There was a time prior to the advent of the Court government when a portfolio-based system of committees was in existence. When the Court government came in, it did not like the idea that committees could use their own areas of expertise and interests to pursue areas of investigation. Since 2001, we have had in place this portfolio system that enables committees to investigate issues of particular interest that are within the realms of expertise of the committee members. That is an important point, which is delved into in great detail in the work by Professor Harry Phillips. Professor Phillips has already presented one volume of work, *Parliamentary committees in the Western Australian Parliament: An overview of their evolution, functions and features*. Volume 1 covers 1870 to 2000. We await, next month I believe, the presentation of the second volume, which is from 2017 till the present day.

The work of parliamentary committees is especially important when the reality is that we do not have a strong opposition. Parliamentary committees provide an avenue—this is something the Education and Health Standing Committee was able to experience—for people with great expertise in various fields to bring forward that expertise and discuss it. We can go into great detail through the hearings process and talk about various ideas. I am going to talk about the various people we had the opportunity to meet and hear from during the course of our 12-month reporting period, including the great contributions made by submitters who went to the trouble of writing submissions, preparing for hearings and coming forward to participate in the hearing process. The contributions made by participants, including their time and effort, and willingness to present their expertise, make a great contribution to the state of Western Australia, and I am very thankful for that.

I will turn now to some of the detail of the past 12 months. It was particularly dominated by our report *Making hope practical: Report of the inquiry into the response of Western Australian schools to climate change*. The report was able to look at many aspects of the whole education portfolio, bearing in mind that education is the second-biggest part of our state budget after health. It is a massive asset that includes schools, our education system, and teaching and non-teaching staff for all those young people who are going through our school system. The opportunity for us to ensure that we are taking the right actions to deal with climate change is many faceted. Immediately, one can look at the improvements that can be made to school infrastructure, making sure that schools are as energy efficient as possible and making sure that the design features include the best and most advanced and sophisticated working buildings that could be generically described as a form of public building. That is going to help us reduce energy demands.

The report went into using schools as community hubs. All of us in this chamber are well aware that schools play a vital role as community hubs, bringing people together and acting in so many ways as community centres. Interestingly, they are also very useful infrastructure nodes with the technical ability of a well-located school to provide the centre for community battery storage, and power generation from solar panels and perhaps from localised wind turbine systems as well. That is a really tremendous feature, and as we move forward into this era of people wanting to not only produce electricity from their rooftop solar systems, but also store electricity, then the whole idea of community batteries will gain more popularity. The question will then arise: where do we place those community batteries? There will be many cases whereby the community might agree to the community battery being at a small corner of a local park, but there will be other places where the ideal location could be the local primary school. There is a great synergy there, bearing in mind that schools often have a rooftop area that would enable them to be very strong producers of photovoltaic electricity. So we continue our journey towards a state that can really benefit on being reliant on renewable energy systems.

It is very much the case that the Education and Health Standing Committee has respected and honoured what is noted in the WA Parliament's *A guide for ministerial and departmental staff*, which states —

Committees are a tool to assist the Houses of Parliament in their functions to legislate; monitor and review legislation; review public administration and expenditure; gather information; and publicise issues.

I have already touched on, and I will go a little further into, this issue of gathering information because our committee was particularly strong at that. When I look at the number of formal evidence hearings, I see that there were 18. The number of witnesses appearing in public hearings was 51. There were five briefings. There were 29 report findings and 24 report recommendations tabled. The number of witnesses appearing in public hearings in the 12-month reporting period is particularly strong. When I think back on some of the contributions that we benefited from, right at the outset, we had a hearing with Dr Tarun Weeramanthri, who led the inquiry into climate health. He looked at the health system and our health services and their response to climate change. Dr Weeramanthri looked at how everything from infrastructure, waste management and the design of hospitals—all those various areas—right through to the risk profile that we face as we see temperature and rainfall changes and how disease profiles and the susceptibility of citizens to various diseases could change as the climate changes. Dr Weeramanthri gave us that presentation, which then made it patently obvious to us as a committee that there was such a need for us to do a similar type of inquiry into the education system. That was an extremely valuable hearing.

We also had Professor Peter Klinken, the Chief Scientist. About 12 months ago there was quite a bit of interest in some of his comments around how the university sector could benefit from being restructured to a single Perth university, rather than having the competition that goes on with all the different universities, which compete overseas and locally, trying to bring in students and end up developing courses with duplication issues. That was something that Professor Klinken spoke to us about.

I really want to highlight the contributions made by the people who spoke to us during the development of the *Making hope practical: Report of the inquiry into the response of Western Australian schools to climate change*. We had people like Geoffrey Holt, who is a schoolteacher and a member of the State School Teachers' Union of WA. He highlighted the many positive initiatives that teachers do in schools, helping young people understand the risks and gravity of climate change while promoting great ideas to the children that they can take back to their families and do in their own lives. There are various positive steps that they can take and that was something that Mr Holt provided us with.

A very valuable contribution came from a group known as the Millennium Kids. The chief executive officer, Catrina Luz Aniere, along with the youth board president, Isabella Poll, and a member Amelia Turk, started out letting us know that the government was not doing enough. That is a constant message that comes from young people; they feel that the government is not listening and not doing enough. We were very keen as a committee to show them that we were listening to them and that we respected their right to protest and be a part of the democratic process calling for action on climate change. Similarly, Ms Jasmina Nikolovski, a student associated with the Australian Association for Environmental Education, came along and made a very valuable contribution, which was good. We had a range of other people giving excellent evidence. We were able to take evidence from the Catholic education sector and heard useful contributions there. It was very interesting as well to see government agency contributions, and some agencies stood out for their ability to work across agencies. Indeed, the Department of Transport was a real highlight there. It is working with all the other government agencies, which is very noteworthy and useful.

We then had some volunteer contributors. I think in most cases the people, such as those at Environment House, do not get paid for the great work they do. They alerted us to some issues that became recommendations and findings in the report. We heard of the work of ClimateClever and Dr Vanessa Rauland and the development of an app that schools can use to assess their sustainability steps going forward and the progress that it is making, which was extremely valuable. We heard from Dr Elaine Louis and the contribution she is making in her school. The time that she was able to give us as a committee was particularly inspiring. Some really valuable contributions highlighted how this committee has worked and indeed how I think our Western Australian committee system works so well. That is all extremely valuable.

I want to touch on the financial statement that is contained in the annual report. It is interesting; our total expenditure was \$9 340—very abstemious, members of the Education and Health Standing Committee! But a serious matter is this: of that \$9 340, \$6 843 was spent on advertising in *The West Australian*, and I really think that is something that we need to examine. What is the benefit of parliamentary committees advertising in *The West Australian*? We advertise to let people know about inquiries, and I am not sure whether we have exact stats on this, but I suspect that just about everyone who came to the committee came because they heard about it through some other means, not via *The West Australian*. I know we have to follow procedure and put an advertisement in *The West*, but when we have well over two-thirds of our annual expenditure going on advertising in a newspaper that is not well read by the sorts of people we are trying to reach, it is a question that deserves further interrogation.

We have just received the response from government to the recommendations contained in our report *Making hope practical*, and it is encouraging to see some of the points there. For example, I am pleased to see that the government strongly supported the recommendation that the Department of Education work with the sustainability reference group to develop a plan to promote the benefits of climate action to school managers and corporate services people, and facilitate training around that. We found that in some schools, the word was—when we are on school boards,

we can check this point—that they look at the budget items for expenditure on electricity, water and other things, and ask the corporate services manager, “What are we doing to drive that down? It could be good for the school’s single-line budget if we could reduce the spend on utilities and therefore have more to spend on really important things like education assistants or providing better facilities for students, and we would also save energy if we were to reduce that spend.” It is very important that we ensure that corporate services managers are fully conversant with all the steps they can take towards reducing things like energy bills in schools.

There are some areas in which there is more work to be done. We raised the issue of crossings outside schools and the fact that it is very hard to get a new school crossing up at the moment because the case has to be presented that lots of people want to use it. However, the fact that there is no school crossing in place means that people cannot use it. It is a chicken-and-egg situation. I was pleased to see in a letter from the minister that there is scope for that to be reviewed and for further consideration to be given to that matter.

There is enthusiasm within the Department of Education for encouraging more people to take active modes of transport to and from schools. That is something that I know the Department of Transport is really working very well on, as well as people within the Department of Education and, indeed, at individual schools, who understand this issue. One of my primary schools, Bramfield Park Primary School, does a fantastic job of encouraging people to walk, ride or scoot to school, and it is seeing the health benefits for people and reduced levels of congestion. In fact, there is almost no congestion outside the school grounds when the school has a really big push on this. It makes for a very safe and pleasant environment at the school gates when the kids arrive at school under their own steam. They are also developing self-reliance skills. That is part of reversing the current general trend of around 80 per cent of kids getting to school by private vehicle and only 20 per cent under their own steam. We are going to reverse that to how it was when it was the other way around—80 per cent of kids getting to school under their own steam and only 20 per cent by private vehicle.

The committee has tackled some very interesting and exciting work, and we have now well and truly launched into the inquiry into the Esther Foundation and the administrative arrangements around private health institutions. I want to especially thank my deputy chair; the member for Dawesville; the member for Hillarys; the member for Pilbara; and our co-opted member for the Esther Foundation inquiry, Stuart Aubrey, the member for Scarborough. Thank you, colleagues. It is great to have your insights and the very valuable work you are putting forward. Finally, my deepest thanks to our principal research officer, Catie Parsons, and research officers Rachel Wells and now Sylvia Wolf, for doing fantastic work. They are really great thinkers and extremely hardworking and diligent. I think, all in all, we are a great team and I am very proud to have presented the annual report for the reporting period.

**MS L.L. BAKER (Maylands)** [10.54 am]: I would like to make a contribution as part of the Education and Health Standing Committee for this term of government. It has been an amazing opportunity to meet some of my colleagues and work more closely with them, something I have welcomed. I want to start by recognising those colleagues: the exceptional chairing by the member on my left, the member for Thornlie; Caitlin Collins, the member for Hillarys; Lisa Munday, the member for Dawesville; Kevin Michel, the member for Pilbara; and Stuart Aubrey, the member of Scarborough, co-opted to the committee and now on board. More than that, I would like to publicly recognise our remarkable committee staff. I have worked with quite a few committee staff, and they are all, without exception, pretty amazing individuals to work with: Catie Parsons, Sylvia Wolf and Rachel Wells. It has been an absolute pleasure and I thank them for their incredible professionalism and innovation, and for the way in which they have helped us to manage some of the more difficult, trauma-informed hearings we have been holding, particularly for our recent inquiry that is still on foot, the Esther Foundation inquiry. Thank you for your incredibly good work.

In relation to this annual report, the report that I particularly want to comment on is the one that we did on education and climate change, *Making hope practical*. We just heard my colleague the chair’s observations on that piece of research. I would like to raise a couple of other things. Before I do that, I would like to say that the member stirred some lovely memories of walking to school as a child in Darlington. It was about a four-kay walk and my mother would send me off in my little Helena Valley Primary School navy blue skirt and jumper, and I would trudge four kilometres across Darlington and single-handedly keep down the watsonia poisonous weed population by unknowingly picking bunches! I did not know they were poisonous, so I would pick bunches of watsonia and give them to my schoolteacher, who would smile at me and put them in the bin! I found out later they were dangerous vermin. That was in my younger days, and it was lovely to remember walking to school. Indeed, I think we should have far more of that with our kids.

The aspect of climate change action in schools that particularly stood out for me was a bit surprising. I suppose it is in the context of 30 years of discussion around climate change, the enormous and increasing amount of scientific and evidence-based research into climate change, and the evolving discussion around the issues that we should be putting at the forefront as we tackle climate change. In the education system there is an awful lot of emphasis being placed on how we manage things such as utilities and the like, and how the curriculum deals with climate change: How do we educate children? How do we get them involved more in responses, and how do we make them more aware, but not frightened, and thus empower them to take a really positive role in combating climate change? However, I found it interesting in the evidence that we heard that almost without exception, apart from a couple of cases, the schools that we spoke to did not consider food security and food in relation to climate change. I think that is an area in which our education system could help far more than it currently does.

I will cite an example. I was recently lucky enough to do a study tour across some states of the US, looking at food security in a global context and what we need to do to tackle climate change, the link between agricultural production practices and climate change, and how to minimise our greenhouse gas emissions and the like in the future. One group I met with, Social Compassion in Legislation, is headed by Judie Mancuso and Nickolaus Sackett. Their job is to work with politicians across America to try to escort legislative changes through to address climate change and all other issues that have a social compassion label to them. One issue that they worked on last year was the issue of the diet in schools, particularly in state-funded schools. Social Compassion in Legislation, working with its partners, obtained information on spending in the US public school system. How much money is being spent on lunches in schools across California? Social Compassion in Legislation developed a figure for how much money, through the public purse, was being spent to supply lunches in public schools. It worked out that, in California, it was actually around about half a billion US dollars a year. It then worked out the greenhouse gas emissions that would be associated with that level of spend and the type of food that was being served to children in public schools. Unsurprisingly, it was a very large figure. The greenhouse gas emissions were very closely related to what was being served. It then did a piece of research to ask about the reduction in greenhouse gas emissions if simply one meal a week was made of an alternative protein source—not a meat source but a plant-based alternative. It found that greenhouse gas emissions to the region would be reduced by many thousands of units, which is an impressive figure. That was recently passed into legislation in that legislature. It is now mandated that schools in California serve one plant-based and alternative protein meal a week, which will have a massive impact on reducing greenhouse gases. Once we start to unpick at that level of detail, I think some of the ways that schools can help assist to manage climate change and reduce greenhouse gas emissions are really interesting.

Another thing that I want to mention, on a similar subject, is that a number of organisations in America, particularly in California, are just about to pilot a program that they have put together called the Learning Enrichment After-School Program. The program addresses climate change on one level and replaces, if you like, the units in primary schools and high schools that are about teaching children what used to be called animal husbandry and farm animal practices. At the moment, the kids take a little piglet or a lamb, or something or other, and raise it in a farm situation, but at the end of that time they sell it to an abattoir. This group made up of about five animal rescue groups across America has put together a new curriculum that is about to be rolled out in the public school system, initially in California. It will replace the program under which kids raise an animal to be killed with raising these animals so that the kids understand. They go to the animal rescue property and they spend their school lesson learning how to care for the land and the animals. At the end of the program, instead of selling the animals to an abattoir and pocketing the money, the rescue groups will actually give these children around \$US1 000 to contribute to their ongoing education fund. Instead of selling the animal to be killed, the animal will go back to the rescue and stay there as a rescued farm animal. The child will then receive an extra amount of money for their schooling into the future.

Members might smile at that. It is a nice notion; it is a very compassionate notion. It is one way that people can actually contribute through the education system to making people much more aware of what is involved in the care and nurturing of a farm animal.

**Mr P.J. Rundle:** I am well aware of what is involved in the care and nurturing of a farm animal.

**Ms L.L. BAKER:** Then I shall not give you the program, member. I think you might be a little out of the age bracket, as well. We are talking about primary school children but if the member wants to go to America and deliver any parts of this curriculum, I would be more than happy to recommend him, given his very strong commitment to farm animals.

#### **EMERGENCY MANAGEMENT AMENDMENT (TEMPORARY COVID-19 PROVISIONS) BILL 2022**

*Returned*

Bill returned from the Council without amendment.

#### **ECONOMICS AND INDUSTRY STANDING COMMITTEE**

*Membership Change — Motion*

On motion by **Dr A.D. Buti (Minister for Finance)**, resolved —

That the member for North West Central be appointed to the Economics and Industry Standing Committee to fill the vacancy caused by the resignation of the former member for North West Central.

#### **FAIR TRADING AMENDMENT BILL 2021**

*Second Reading*

Resumed from 19 October.

**MR P.J. RUNDLE (Roe)** [11.05 am]: I look forward to speaking today on the Fair Trading Amendment Bill 2021, after the contribution of the member for Cockburn the other day; I thought he was actually going to continue, but apparently he completed it just in time.

**The ACTING SPEAKER (Mr D.A.E. Scaife):** Duty calls, member.

**Mr P.J. RUNDLE:** I think this is an important bill and the opposition will support it. I note that the member for Swan Hills will take the reins today. I am sure she will provide plenty of information for us as we go along. I note the unfortunate absence of the Minister for Commerce, but I am sure the member for Swan Hills is all over it so I look forward to some of the responses to a few points that I have on the way through.

I will go through some of the obvious points on the Fair Trading Amendment Bill 2021, which seeks to implement the full intent of the Fair Trading Amendment Bill 2018. The 2018 legislation was found to have significant flaws relating to WA Parliament's sovereignty. The then opposition and government reached an agreement to split the 2018 bill and create the Fair Trading Amendment Bill 2019. That bill lapsed at the end of the fortieth Parliament, along with many other bills that seem to stack up in the upper house. It is good to see that this bill is now seeing the light of day. As I said, the opposition will support it.

As a result of the lapse, this bill has been before the Standing Committee on Uniform Legislation and Statutes Review twice, with similar feedback. I have with me the 133<sup>rd</sup> report, which is one of the latest reports from the standing committee. It made three recommendations that the government generally accepted, apart from one small element. The main focus of the bill is to provide a disallowance mechanism for commonwealth legislation for Australian Consumer Law. The bill also removes section 36 of the Fair Trading Act 2010 and associated regulations relating to door-to-door sales hours. WA previously decided to go it alone; however, we will now align with other states. That is good to see.

Since the introduction of the initial legislation in 2018, four commonwealth bills have been waiting to be passed in the Western Australian Parliament. I understand that upon this bill passing, three of those will be adopted. One is the Treasury Laws Amendment (2020 Measures No. 6) Bill 2020, which states that lots of minor issues in a product constitute a major issue. The bill will also incorporate the Competition and Consumer Amendment (Australian Consumer Law—Country of Origin Representations) Bill 2020, which specifically deals with medicines that are made in Australia but sourced from produce or components that are shipped in from international jurisdictions, and some minor amendments for numbering relating to the Financial Sector Reform (Hayne Royal Commission Response) Bill 2020.

Firstly, I want to talk about the disallowance procedure. I understand from the briefings held that the disallowance process is the same as we agreed for the Legal Profession Uniform Law Application Act 2022. Once the commonwealth bill passes federal Parliament, the state government has 18 sitting days to table that bill before both houses of Parliament. There is then a window of 14 sitting days in which the bill can be referred to a committee for disallowance. Rather than prescribe a particular committee in the legislation before us, the government will rely on regulations and consider bills on a case-by-case basis. If the disallowance is passed within 30 days, the government will need to consider legislation to skirt around the issues identified. If the disallowance is lost or withdrawn, the commonwealth bill will effect proclamation. If the disallowance is not considered by the state Parliament within 30 days, the commonwealth bill will have an effect on proclamation. We need to consider and be careful of the time lines because future Parliaments must consider Australian Consumer Law amendments in a timely manner and not be blasé about it. We all share this responsibility.

Another thing that we need to think about is the timing of caretaker periods. When we move closer to a caretaker period, we need to make sure that everyone is well aware of the time frames. The Western Australian Parliament has a right to sovereignty in decision-making. We need to make sure that our internal processes are up to scratch, whether that is through the state government's Minister for Commerce lobbying and raising issues proactively while the federal government debates Australian Consumer Law amendments; or around the table at interstate government meetings such as national cabinet; or as soon as the minister tables the Australian Consumer Law amendments in this Parliament. There is a real need for good communication in all sections of Parliament, especially with the minister and their office. My limited experience of legislation and the like is that it seems to take more time rather than less time. With these time frames in place, we definitely need to make sure that we are on the game and the minister is on the game, along with both houses of Parliament.

The current requirement for the act to be updated by an amendment bill creates a lack of consistency that impacts small businesses and consumers and makes enforcement in WA more difficult. The lack of consistency in the Australian Consumer Law and Australian Consumer Law (WA) is confusing for traders and consumers, with small businesses especially disadvantaged. I refer to the minister's second reading speech, which states —

The result of the interaction of commonwealth and state laws is that commonwealth amendments apply directly to constitutional corporations that trade in Western Australia, which comprises around 80 per cent of traders, but not to other enterprises such as sole traders or business partnerships.

One of my first questions to the member for Swan Hills is: assuming this legislation passes, what is the plan to communicate to all our small businesses in WA? Obviously, the minister's second reading speech points out that 80 per cent of our traders are affected by the commonwealth amendments. What about the other 20 per cent? What is the government's communication strategy to let all our small businesses know where they sit? Obviously, it is good news in a lot of ways because there is much more clarity and the adoption of some of those federal laws, which we have not been able to undertake until now.

Minister MacTiernan stated —

The amendments will enable all businesses and consumers in WA to better understand their rights and obligations and enjoy the full range of protections provided at any given time under the national law.

She also said that it will reduce the time lag between consumer laws operating in WA under national law and consumer laws operating in WA under state law. Delays in WA have delayed adoption of three commonwealth bills—the Treasury Laws Amendment (2020 Measures No. 6) Act 2020, the Competition and Consumer Amendment (Australian Consumer Law—Country of Origin Representations) Act 2020 and the Financial Sector Reform (Hayne Royal Commission Response) Act 2020. Hon Alannah MacTiernan certainly identified the issue. She went on to state in 2019 —

The Department of Mines, Industry Regulation and Safety has advised that partial disallowance of amendments could give rise to issues with regard to participation by WA in the national scheme. The intergovernmental agreement that supports the national operation of the Australian Consumer Law requires participating jurisdictions to maintain consistent legislation.

WA is the only jurisdiction that does not comply with the national standards. This legislation will obviously provide national consistency. From my perspective and from that of the opposition, that is certainly an advantage.

I would like to raise a couple of other elements. If we do not address some of these issues by supporting the proposed mechanism in this bill, as pointed out in the second reading speech, the number of inconsistencies and problems with unenforceability will increase. The minister pointed out in his second reading speech amendments relating to —

... strengthening the unfair contract term protections; compelling manufacturers and traders to assess the safety of a product prior to offering it for sale; strengthening consumer guarantees, especially for high-value goods that fail shortly after purchase;

The next one is a very important one —

and ensuring that manufacturers, and not just traders, have a responsibility for the repair or replacement of defective products.

I want to give an example of how this will affect quite a few of our agricultural clients. I understand the current situation is that the state legislation will cover up to a ceiling of only \$100 000. At the moment we have the Australian government's *Right to repair: Productivity Commission inquiry report*.

As most members in this chamber probably know, these days any piece of agricultural equipment is probably worth from \$150 000 to \$200 000 up to \$1.2 million. Basically, a lot of the software within that equipment is very complicated and technical. For instance, when a large tractor breaks down in a paddock and no dealers are within a few hundred kilometres, farmers have to get it going again. At the moment, they do not have the ability to tap into the software to try to repair the issue. They could call their local mechanic, but the mechanic does not have the ability to get into the software and try to repair the problem.

This Productivity Commission report has come through the ranks. It was sent to the government on 29 October 2021 and publicly released on 1 December 2021. There are a couple of key points that I want to point out. It states —

- This report finds that there are significant and unnecessary barriers to repair for some products. It proposes a suite of measures that aim to enhance consumers' right to repair while providing net benefits to the community.
- A 'right to repair' is the ability of consumers to have their products repaired at a competitive price using a repairer of their choice ...
- ... These guarantees are reasonably comprehensive and generally work well, but they should be improved by:
  - introducing a new guarantee for manufacturers to provide software updates for a reasonable time period after the product has been purchased, to reflect the increasing dependence of consumer products on embedded software
  - expanding options for ensuring compliance with, and enforcement of, the guarantees ...
  - requiring manufacturer warranties to include text stating that entitlements to a remedy under the consumer guarantees do not require consumers to have previously used authorised repair services or spare parts, so that consumers are more aware of their rights.

I just wanted to make those points very clear, because, as I said, there is nothing more frustrating than having a software issue with a million-dollar piece of equipment, such as a harvester, in the middle of harvest. It does not have to be a software issue; it could be any other issue. At the moment, farmers are having real issues with getting that equipment repaired and knowing about the right to repair it. That, to me, is one of the most important elements of this legislation. Hopefully, the federal government will respond to the Productivity Commission's report in about

December this year. I want to thank Julie Armstrong from the minister's office, who gave me some of this information on the Productivity Commission. Hopefully, once the federal government responds to that, we can tie that into our state consumer law.

There are a couple of other things that I want to talk about, but the main one is something that was mentioned by the member for Cockburn when he spoke about scams affecting members of his family. This is a real issue in my electorate, as I am sure it is in other members' electorates. Banks are closing their services, especially in regional areas, citing the increase in the number of people using apps, internet banking and the like, while at the same time there has been a large increase in scamming activity. Scammers are tapping into and intercepting people's emails that may contain an invoice. A farmer in my electorate paid for a \$60 000 piece of equipment—a chaser bin. They got the invoice, and they thought they were doing the right thing by paying for it through internet banking, but when they went to pick it up, the manufacturer said that they had not paid for it. These scammers are tapping into people's emails and sending false invoices with different banking details, which people pay in good faith and then, of course, they cannot pick up what they believe they have paid for. I have had people lose \$60 000, \$144 000 and \$234 000. This is quite disturbing. Some of my constituents are now saying that they are going to go back to cheques and cash. They are not interested in internet banking because this is what is happening to them at the coalface. The banks are saying that internet banking is great and people are using apps more, so they either close their services in the regions or open only three mornings a week and close early, while at the same time people are saying that they want to go back to cheques and cash because they are frightened of what is happening with these scammers.

This blends into this legislation. I just picked it up yesterday when the member for Cockburn mentioned scamming. I just wanted to point out to members how much of a concern this is for me and my constituents and certainly many others, as is the closure of the banks in our regional areas. The way it is going at the moment, Australia Post will be the bank for the regions. In a lot of areas, that is the only place that people can get some cash or pay an account. Our big banks are patting themselves on the back for the way they are coming up with these apps, which are great, but of course they forget that in half these areas, there is no internet connectivity, so people cannot use the apps anyway. These are the issues that we are up against.

**Mr W.J. Johnston:** Of course, the state does not regulate banks, so this legislation, unfortunately, will not apply to the banks.

**Mr P.J. RUNDLE:** I take that point, minister. It is just something that I wanted to point out. It was a bit of a sideline. It is certainly disturbing to me when I look at the trend that has appeared over the last six, eight or 12 months. Members can imagine the effect it has on these people and the anguish they feel when they lose \$140 000 or \$60 000. It puts a massive dent in their budget through no fault of their own. Obviously, we do not control what the banks do and this legislation certainly will not control the large banks, but it was important to point it out.

In summary, this has obviously been playing out over the last several years. It is important that the standing committee has had a close look at it on several occasions. As I have said, the government has adopted a large part of the committee's three recommendations. From my perspective and from the perspective of the opposition, it is time to move on and make sure that we blend our federal and state legislation. The right-to-repair scenario is one of the most important elements that will see a real improvement. Another important element is that we need a commitment from the minister that any changes will involve consultation with the different industry sectors. There are small business owners who have to make labelling changes and coffee roasters who are experiencing changes in import standards. As I pointed out earlier to the member for Swan Hills, consultation and communication with small business owners when this legislation goes through is a key element to make sure that they understand the protections that will be in place for them, what they can look forward to and what their rights are.

It just seems that there is more and more activity by scammers and others these days, which is putting people at risk. I will leave it there by saying that the opposition supports the legislation.

**DR J. KRISHNAN (Riverton)** [11.30 am]: I rise in support of the Fair Trading Amendment Bill 2021. I thank the member for Roe for his contribution and support for the bill. He has been a great member of and contributor to this house, but sometimes he completely wavers. In one of his contributions, he looked around the chamber, looked at me, and said, "The member for Riverton is a great person, but I am afraid he is not going to be around next time." He said he was worried that I would not be around next time. But he is a good friend of mine, and if he is so worried about me not making it next time, he can come and see me for a free bulk-billed mental health consultation! If I make it in here again with a bigger margin than last time, I think he should be kind enough to acknowledge that in this chamber.

The title of this bill refers to fair trading. It is about giving consumers, small businesses, manufacturers and raw material producers a fair go. Intergovernmental agreements are in place for various issues. The intention of this intergovernmental agreement is to provide certainty, uniformity and consistency across the country. The global trend at the moment is that we are heading towards uncertainty. We are fortunate to have regained the AAA credit rating in WA, and the Premier mentioned yesterday that the economy is in safe hands going forward. Because of the conflict between Russia and Ukraine and supply chain issues resulting from lockdowns in China, businesses are facing much bigger challenges. There is no better time than now to enact the Fair Trading Amendment Bill 2021 to make it much easier and more comfortable for small businesses to cope with legislative changes.

The current problem is that when an amendment is made to the Australian Consumer Law, a legislative change is required to be made by this chamber for it to be implemented in Western Australia. If the bill goes through, the requirement to table these amendments will enable them to come into force. Often, the time lag between the amendments made by the commonwealth to the Australian Consumer Law and the implementation of those changes at a state level can cause confusion for industry. Eighty per cent of traders are governed by the Australian Consumer Law and 20 per cent are not, which causes confusion for small businesses and consumers about which laws apply to whom. Sometimes, the gap between the implementation of changes can be too long and can cause a lot of problems. This bill will iron out all those issues and provide consistency and certainty for consumers, small businesses, manufacturers and raw material producers; they will be able to follow the law in simple terms.

There has been a lot of confusion. Of course, amendments will occur from time to time as things evolve. What is a small business? What is a large business? What is the maximum number of employees that a business can have for it to be considered a small business? What level of turnover enables a business to be considered a small business? The value of the dollar is not the same as it was 20 years ago, so from time to time, regulations on the level of turnover beyond which a business is not considered to be a small business will need to be amended. When those amendments happen, there should be no gap in them being reflected at the state level. This amendment will ensure a timely rollover of amendments made by the commonwealth.

One example is the advocacy by the fishing industry for food labelling. Without food-labelling requirements, consumers do not know, and cannot choose, whether they are buying local produce or something that has been imported. The same thing applies to medicines. Under the requirements of the Therapeutic Goods Administration, if the final stage of the manufacturing process is taken care of in Australia, it can be called an Australian product. Changes are required to enable the labelling of where the raw materials came from, which manufacturing process occurred and what was completed in Australia so that there is transparency for consumers—and they can decide whether to choose that product. These amendments will only strengthen and increase transparency and bring forward the real value of local products so that consumers can choose what they want to buy.

These amendments will also make it convenient and comfortable for the relevant law enforcement agency to enforce these laws. When it constantly needs to adapt to changes and when a time lag causes inconsistency, it creates confusion about how to act. This amendment will take away the time lag, which will enable the law enforcement agency to take prompt action when it realises that a company is not following what it is required to follow.

There is a big difference between tabling the commonwealth's amendments and changing the legislation. It can be quite challenging. That is why I strongly support this amendment so that we can come into line with the Australian Consumer Law.

Confusion continues to be felt by various industries. What is a minor fault in a car? What is a major fault? How many minor faults until it is considered to be a major fault? A consumer who invests a lot of money to buy a new car—for whom most of the time there is a liability hanging over their head—should be able to expect that the car will function without any faults. Responsibility for that should lie with not only the dealer who sells the car, but also the manufacturer of the car. These confusions will be ironed out by these amendments simply because when the commonwealth makes an amendment to suit consumers, there will be no, or minimal, time lag because of this simplified process of tabling the amendment to bring that law into effect. This is about not just whether there is a fault, but also the seriousness of the fault and whether it affects the safety of the person or presents a danger. All these things are constantly considered in amendments. It is impossible to change the legislation every time an amendment is made to bring it into effect in WA. This law will bring about changes that will benefit consumers in Western Australia sooner and in an easy and consistent fashion.

There is confusion amongst consumers that a manufacturer's warranty is entirely different from the Australian Consumer Law. A lot of dealers pass the buck to the manufacturer and do not accept their responsibility under the guidelines of the Australian Consumer Law. These inconsistencies are definitely causing problems for end consumers. I can only imagine the number of times a consumer who has a product with a minor fault has to go back to the dealer to get it fixed. The amount of time wasted and the critical appointments people miss are often not taken into consideration. Consistency in the law across the country will only make trade better for every Australian.

With those points, I commend this bill to the house. I expect that it will have quick passage in both houses. Thank you for this opportunity.

**MS C.M. TONKIN (Churchlands)** [11.40 am]: This morning I rise to add a short contribution to the second reading debate on the Fair Trading Amendment Bill 2021. It is ironic that a piece of legislation that is as dry as dust plays such a vibrant role in the protection of consumers. Both the member for Roe and the member for Riverton touched on the intricacies of how consumer law affects members of our community, and I am very grateful for their contributions.

Western Australia is a participant in the national legislative scheme that administers the Australian Consumer Law. What is the national legislative scheme? The Australian Consumer Law includes a national unfair contract terms law covering standard form consumer and small business contracts; a national law guaranteeing consumer rights



when buying goods and services; a national product safety law and enforcement system; a national law for unsolicited consumer agreements covering door-to-door sales and telephone sales; simple national rules for lay-by agreements; and penalties, enforcement powers and consumer redress options. It is a very important law that affects many people in their everyday lives.

The Australian Consumer Law applies nationally and in all states and territories, and to all Australian businesses. The Australian Consumer Law is administered by the Australian Competition and Consumer Commission and state and territory consumer protection agencies, and is enforced by all Australian courts and tribunals, including the courts and tribunals of the states and territories. The Australian Consumer Law is a cooperative reform of the Australian government and the states and territories. It is a very elegant piece of legislation that applies across our commonwealth, notwithstanding the many jurisdictions that it covers. An intergovernmental agreement signed by each state underpins the establishment of the Australian Consumer Law.

Why do we need the Fair Trade Act 2010 WA and, in particular, this amendment bill? The Australian Consumer Law does not cover protections for consumers of products and services provided by sole traders, partnerships and trusts. The Australian Consumer Law applies to corporations under the corporations power of the commonwealth under the Constitution. I believe that covers about 80 per cent of trading businesses, but the balance of 20 per cent, including sole traders, partnerships and trusts, needs to be covered by state legislation.

The Fair Trading Act 2010 applies the Australian Consumer Law to protect businesses and consumers in this state regardless of the legal form of the entity with which they are dealing. It is very confusing for consumers trying to enforce their rights when they do not understand the distinctions between different legal entities. The current form of the Fair Trading Act 2010 is such that it can be only updated by an amendment bill every time the national legislative scheme is updated. As a consequence, the act has not been amended for some time. Significantly, this bill will insert a mechanism for the timely incorporation of future Australian Consumer Law amendments, following a process in which these amendments are tabled and subject to scrutiny by Parliament.

The passage of the bill will result in the following benefits being realised and for WA's continued participation in the national consumer legislative scheme. There are a number of benefits from passing this legislation. The full range of protections offered by the Australian Consumer Law will be extended to businesses and consumers in WA in a more timely and effective fashion and at the earliest opportunity. This will alleviate some of the confusion for consumers and those protections will apply much sooner. Consumers will participate in the market with a much clearer understanding of their rights and protections under consumer law. Businesses in WA will have much greater clarity on the requirements of the consumer law that applies to their activities. Small businesses operated by sole traders, partnerships or trusts will no longer be disadvantaged in comparison with corporations in understanding and complying with their consumer law obligations in Western Australia. This legislation is very important for those businesses.

The Commissioner for Consumer Protection's powers to undertake compliance and enforcement activities in WA will be enhanced. There will be a reduction in costs and administrative effort associated with the requirement to repeatedly amend the Fair Trading Act to incorporate changes to the Australian Consumer Law. There will be much greater consistency with the administration and enforcement of the Australian Consumer Law in WA with the administration and enforcement of the Australian Consumer Law in all other states and territories. Australians across the country will all know exactly where they stand in relation to consumer protection.

The amendments will ensure that WA complies with its requirements under the intergovernmental agreement we have signed up to for the Australian Consumer Law in a much more timely and efficient way. This is a very elegant piece of legislation that will provide what is really a novel mechanism that will allow for nearly immediate recognition of amendments to the national scheme. There is a potential issue with inserting the mechanism to amend the Fair Trading Act 2010 in line with the Australian Consumer Law in a timely manner—that is, the requirement for ongoing monitoring of commonwealth amendments to ensure that they are tabled in Parliament in accordance with the requirements of this legislation. The member for Roe touched on this issue.

The bill includes clauses to ensure that amendments to the commonwealth law incorporated into the Western Australian legislation will be reviewed and subject to disallowance by Parliament through scrutiny by a committee. That may be the Joint Standing Committee on Delegated Legislation, of which I am a member, or it may be some other committee determined by Parliament. The Joint Standing Committee on Delegated Legislation would consider whether an amendment is within power, has no unintended effect on any person's existing rights or interests, provides an effective mechanism for the review of administrative decisions, or contains only appropriate matter. It may be that there are wider considerations, perhaps including policy interaction between the Australian Consumer Law and a state law or policy, rather than the narrow remit of the Joint Standing Committee on Delegated Legislation. The power of Parliament to refer amendments to the appropriate committee is a very useful mechanism. Whichever committee reviews an amendment, failure to comply with the requirements will result in its disallowance and a requirement to introduce an amending bill for its incorporation. That means that should a change to the Australian Consumer Law be disallowed by the Western Australian Parliament, progressing the relevant amendments would fall back to the current situation of requiring a separate bill for the disallowed amendments to be passed by Parliament. We would be back in the same position as we are now, playing catch-up to make sure that more recent

amendments to the Australian Consumer Law were incorporated into our law. The Department of Mines, Industry Regulation and Safety's Consumer Protection division has advised that under the intergovernmental agreement for the operation of the Australian Consumer Law, the state of Western Australia will be involved in any proposed amendments to the commonwealth Australian Consumer Law effectively from their outset. That will be a much more efficient mechanism. We will get scrutiny of the amendments from their outset and therefore be able to be prepared to send the amendment via the correct route through our Parliament for scrutiny by the relevant committee. This will ensure that amendments will be tabled in Parliament in accordance with the legislative requirements.

I know this bill is as dry as dust, but it is a great bill. It is an elegant bill. It will ensure that Western Australian consumers benefit in a timely manner from improvements to the national consumer law.

**MS M.J. HAMMAT (Mirrabooka)** [11.53 am]: I also rise to make a contribution to the debate on the Fair Trading Amendment Bill 2021. The member for Churchlands referred to it as a very dry bill and I must say that when I was first asked to make a contribution on this bill, that was my response as well. I am feeling more generally energised on the topic now.

**Mr S.A. Millman** interjected.

**Ms M.J. HAMMAT:** Yes. I will not spend a lot of time going through the background to the bill because I think other speakers before me—the member for Churchlands and the member for Riverton—did a very good job of that. The need to update this legislation to take into account the federal law was covered quite well in your contribution yesterday, Mr Acting Speaker (Mr D.A.E. Scaife). It is tempting to wax lyrical about constitutional corporations. I am sure that the Minister for Industrial Relations would welcome a discussion about that, but the crux of the problem is the need to make sure that our state laws cover the field. Although federal law applies to constitutional corporations, it does not apply to every business operating in Western Australia. There is a need for the Western Australian Parliament to deal with that to make sure there is consistency and complete coverage. I think other members have covered quite well the differences in the federal scheme, which covers about 80 per cent of businesses in operation in Western Australia and causes confusion for businesses and consumers about what requirements apply. It also creates a problem for enforcement. These points are really the crux of the bill before Parliament today.

By this time in the debate, I thought that people might welcome a submission that goes beyond a discussion about constitutional corporations, so I thought I would speak today about consumer protection more broadly. I want to do so because I have been a long-term member and supporter of the Australian Consumers' Association. People in this place will know that I am a fan of member organisations that advance rights for everyday people. Because it shares those values, from many years back I have been very interested in the Australian Consumers' Association. It started back in the days when information still arrived in physical mailboxes, as opposed to emails. I remember being a subscriber to *Choice* magazine, which came to our house every month. It provided a really handy reference for all consumer decisions, big or small. It provided objective guidance on the most effective value for money. For many years, I relied on *Choice* magazine and, in more recent years as it has moved to an online form, I relied on it to cut through the nonsense of advertising and deal with the facts about what is a reliable consumer product. I am never in my life going to be in a position to test every washing powder on the market to find the one that cleans my clothes the best at the most cost-effective price. I am incredibly grateful to the people at the Australian Consumers' Association, more commonly known as Choice, for their rigorous testing of all manner of products and their elegant summaries that tell me exactly what product represents the best value for money. I have referred to their work for many decisions I have made over my life, particularly when I was expecting my first child and I shared a kind of obsessive interest in child safety products, which many new parents do. We bought a book that went through all the products that might be bought for a new baby, assessing their effectiveness and safety. It was not just assessing effectiveness or cost efficiency, but also in the case of adding a newborn to the family, their safety, which is really at the heart of many of the decisions made by new parents.

The Australian Consumers' Association, now known as Choice, is the largest advocacy group in Australia. It is independent and, as I said in my opening comments, it is member funded, so its work is completely independent. It was founded in 1959 with, I understand, 50 members and £50 in Sydney Town Hall. Members here would be interested to know that one of the founding members of the Australian Consumers' Association was Hon Ruby Hutchison, MLC, a member of the other place. At the time, she said —

I am only a housewife, but I know how the housewives of this State are being robbed. I am not too learned in legal phraseology, but I would say that unfair trading practices would mean the taking of profits by big concerns up to a saturation point.

At that stage, she was not only a housewife, but I think her point was well made, which is that people who are regularly charged with the responsibility for administering a household budget can well understand when they are being ripped off. The Australian Consumers' Association was founded in 1959. By 1960, the ACA had a membership of 4 700 people. By April the following year, it was 10 000 members and by the end of 1961, it had more than doubled to 20 000 members. It had a phenomenally rapid growth. There are now more than 185 000 members and that membership is substantially online. People can access the website for free, but by paying a subscription fee, they can access more detailed reports. It has an enormous following.

I want to talk a bit more about Hon Ruby Hutchison because I did not know that the Western Australian Parliament had produced the founding member of the Australian Consumers' Association either. It turns out she had a fairly interesting life well before she got to that point. Hon Ruby Hutchison was elected in May 1954. She was the first woman elected to the Legislative Council in Western Australia and only the fourth woman elected to Parliament overall. She spent 17 years as a member of our Legislative Council and was the only woman to sit in the chamber during that entire time. Now, I know that my colleagues on this side of the house will be interested to know that she was a campaigner for electoral reform, or its abolition, in fact! That was an issue that she pursued quite vigorously through her entire time in that house. She referred to it in both her inaugural speech and her last speech to the house.

She was born in 1892 in Victoria and moved to WA with her family as a young girl. She attended school in Murchison, in the goldfields region, and joined the Labor Party at the age of 16. She married as a teenager to a miner. But that marriage dissolved in 1928, leaving her a single parent of seven children, which perhaps gives members some insight into why she felt very strongly about advocacy for consumer rights and why she would have been particularly conscious of the money she spent in caring for her family at a time when there were not many single parents at all. During this time, she lived in the metropolitan area, looking after her seven children, and she made her income as a dressmaker and taking in boarders. She remarried in 1941 and that allowed her to resume her education and her interest in politics.

She first contested the election at the age of 58 in 1950 and was unsuccessful. She was not elected until her third attempt in 1954 when she won by 500 votes, knocking off a long-serving member of the Legislative Council who had served for 20 years, including as a minister for the non-Labor parties. Having won the election, she remained in the Legislative Council for a total of 17 years. As I said, she was a fierce campaigner for electoral reform and full suffrage for people in Western Australia. Her view was that the Council should be abolished because it did not allow for everyday people to have a vote, and that if it could not be reformed, it should be abolished altogether. She not only established the Australian Consumers' Association; she also had an important role in establishing Nulsen Haven, with which people will be familiar. She worked for many years with boy scouts and girl guides and she worked with the Epilepsy Association of WA. She was a woman of great capacity and clearly a fierce and determined woman in her own right, and an important historical figure in this Parliament. She was one of the founding members of the Australian Consumers' Association.

Hon Ruby Hutchison retired from politics in 1971, at the grand age of 79, and I believe she died in 1974. In 1974 the first Trades Practices Act was introduced in the federal Parliament by the Whitlam government. The Australian Consumers' Association recognised the act as an outcome of the very rapid growth that its organisation had gone through since it was established in 1959. The success of the Australian Consumers' Association—the success of the Choice organisation—and its rapid growth had created circumstances in which the federal government needed to take steps to start regulating what happens in consumer marketplaces. This is an important bill, and an important line can be traced from this Parliament to the general progress made on consumer issues.

In the time remaining, I will share with this Parliament what I think is some of the excellent work that the consumers' association does. It does a number of very good things, not only testing products, making good and reliable information available to consumers and campaigning for action to be taken, but also running significant education campaigns. One of my favourite Consumers' Association education campaigns is the Shonky Awards that are awarded every year. I believe they are due out in November, so people will wait, with much interest I am sure, to see who are the winners of the 2022 Shonky Awards. Every year the Consumers' Association awards companies, businesses or products for their failure, really, to provide value for money for consumers. One of the more interesting awards was for insurance against alien abduction! That was given a Shonky. Today I will go through what the Australian Consumers' Association identifies as the list of its most important successes from the Shonky Awards, because the point is to not only name and shame businesses and products that are shonky, but also bring about change for consumers. These awards were first introduced in 2006 and over its life span its work has been instrumental in bringing about change. I thought in the time remaining I would share some of the award winners with the house.

The first one I have is Revitalife, which was awarded a Shonky in 2022. Revitalife manufactures beds and it targeted older Australians because the bed sales relied on, first of all, a salesperson to administer a health survey to older people that would tell them which therapeutic bed they should buy. In reality, a high-pressure salesperson came to elderly consumers' houses and signed them up to buy a bed that quite possibly made no difference to the health and wellbeing of those people. The ACA did not just award Revitalife a Shonky award; it also made a complaint to the Australian Competition and Consumer Commission, which led to an investigation of the company. This year, in July, Revitalife, the company, entered into a court-enforceable undertaking, during which it admitted that it had probably breached Australian Consumer Law with its sales tactics. Since then, Revitalife has provided more than \$57 000 in refunds to 49 customers. That was a significant result for some very vulnerable people in our community.

Harvey Norman also received a Shonky award in 2022 for the work it did with a finance provider called Latitude Financial Services. Earlier this month, ASIC announced that it was taking legal action against Latitude Financial Services and Harvey Norman for their misleading advertising.

I will read from an article in *The Guardian* from 5 October, which refers to this action. It says —

The corporate regulator has launched legal action against Harvey Norman and the credit provider Latitude, accusing the retailer and the finance company of misleading and deceptive conduct over an advertising campaign offering “60 months interest-free” purchase terms for household goods.

It goes on to say that this was for radio and television advertising that —

... between 1 January 2020 and 11 August 2021, misled consumers into thinking they could buy goods ... by making 60 equal monthly payments.

In fact, the offer required buyers to sign up for and use a credit card offered by Latitude, which carried fees and charges that could result in them paying hundreds of dollars more than the sticker price of the goods they bought.

It goes on to say —

“For example, a consumer who, during the relevant period after 16 March 2021, purchased a refrigerator with a retail price of \$1,000 using the payment method ... and paid the 60 monthly instalments on time, would have to pay a minimum total of \$1,537 (which would include \$537 of monthly account service fees over the course of a 60 month payment term).”

That is a significant increase on the price of those goods.

**The DEPUTY SPEAKER:** Member, can you just hold on for two seconds.

Minister for Police, the acoustics in this room are very good and your voice is travelling, so if you could just keep it down a bit, that would be great. Thank you.

**Ms M.J. HAMMAT:** Choice awarded a Shonky to Harvey Norman, which says that it was not for this instance. Harvey Norman is now being pursued by ASIC, and we will wait to see the outcome. However, the Shonky award was for the practice of Harvey Norman signing up people for expensive credit cards in store that then had extensive credit limits. This is very similar behaviour to what is now being prosecuted by ASIC, and we will await the outcome of that.

The third one it identifies is Viagogo, the ticketing resale website. It received a Shonky in 2017. This is a ticket resale website for concertgoers, and they experienced substantial out-of-pocket losses. Often tickets were still available on the promoters’ sites for less, or they were in possession of tickets that did not allow them entry to the event when they presented them at the gate. Members will be aware that substantial reform of ticket resale websites has been undertaken since 2017, but Viagogo’s dealings with disgruntled customers led to it getting a \$17 million fine following the ACCC action in 2022.

[Member’s time extended.]

**Ms M.J. HAMMAT:** The fourth most successful Shonky award went to the Dollarmites program, run by CommBank.

**Ms J.J. Shaw:** Is that still going?

**Ms M.J. HAMMAT:** It is interesting that the member asks; it is not still going. Again, this is a result of the work undertaken by Choice to highlight the problems with that program. It awarded CommBank a Shonky in 2018, which is some time ago. It was a marketing scheme effectively targeting very young customers in schools. Choice awarded that Shonky in 2018. There was an Australian Securities and Investments Commission inquiry in 2019, and Choice made a submission to that inquiry. That led to the program being banned in Victoria in 2020 and then banned in the ACT and Queensland. The bank withdrew the program in October last year, recognising that the writing was on the wall because, clearly, although it is important that we educate our young people to be financially literate, it is not necessary to market a financial product to them in their schools.

A government member interjected.

**Ms M.J. HAMMAT:** Credit cards—that is exactly right.

The fifth Shonky was awarded to InvoCare, one of the largest funeral operators in Australia. It owns a number of brands people will be familiar with, such as Simplicity Funerals and White Lady Funerals. It was charging a late payment fee as an administration fee. Choice not only awarded it a Shonky, but also submitted a complaint to the Australian Competition and Consumer Commission, basically because of the way that it was being described as an administration fee. It was not being up-front or transparent as a large funeral operator. Again, when people are making decisions about funerals, they are often very vulnerable to sales techniques and sales pressure, so that resulted in the company changing that practice. Another thing that led to that change in practice, apart from the Shonky and the ACCC complaint, was the campaign work that went on behind it. More than 5 400 Australians emailed their local consumer affairs ministers about the issues, asking them to take action on it. It was just after that, one month later, that InvoCare decided it would change its policy and roll out an itemised funeral price online so that people can have transparency about what they are signing up for.

The sixth Shonky award that Choice claims has resulted in significant change relates to pet insurance policies. In 2019, Choice awarded the entire pet insurance industry a Shonky for its terrible practices. It basically was awarded for being expensive and confusing, and offering policies with so many exclusions and conditions that they were basically pointless. I have to say that, as someone who this year had to present with my pet dog at an emergency vet because the dog had eaten some rat bait, I was very glad to know that my pet insurance was going to do the job! Choice awarded the whole pet insurance industry a Shonky, resulting in that industry reaching out to Choice and making substantial changes, particularly around full cover for out-of-hours emergencies. I am a very grateful beneficiary of the work Choice did, because I can confirm that our pet insurance covered nearly all the expenses associated with the blood transfusions and other medical assistance that our dog, Zoe, required earlier this year.

**Mr S.A. Millman:** How is she going?

**Ms M.J. HAMMAT:** She is well! She made a full recovery, for which we are also grateful.

The seventh award is for credit card surcharges, particularly when they are tied up with big corporations. Qantas has been in the news recently for its corporate practices, but in 2009 it was awarded a Shonky for applying a mark-up to the credit card booking fee when people booked flights; they booked a flight and they paid credit card mark-up fees. Many airlines, in particular, were charging excessive mark-ups. We all understand that there is a cost between the business and the bank that is applied to credit cards, but these operators were jacking up that price substantially and passing it on to the consumer. Qantas won the Shonky for applying a 517 per cent mark-up to its credit card booking fee for a \$500 flight to Fiji; it was charging people substantially. The other airline that got an honourable mention was Tigerair Australia, which was still around at that time. The example that Choice gave was that if a \$200 credit card booking was made for a Sydney to Melbourne flight, Virgin and Jetstar charged \$6, Qantas charged \$7.70 and Tigerair charged \$12. That meant that six per cent of the fare was paid to use a credit card to make that booking. This was the kind of gouging that was applied to credit card bookings. Over the years, Choice awarded Shonkys to many other companies for the exact same thing—excessive credit card fees. Cabcharge got one, and Ticketmaster and Ticketek Australia also got them.

The eighth Shonky—the most successful Shonky in terms of achieving change—went to Nurofen. In 2010, it was awarded the Shonky for its claim of targeted pain relief products. Anyone who has ever reached for a Nurofen, hoping it will provide immediate relief for their sore hip or bad neck or whatever it is that is aching, will understand that those drugs do not work in that way; they do not target any particular area. At the time, the company offered a range of higher-priced medications that were targeted at particular things, including migraine, back tension and period pain, and claimed that they were formulated to target particular areas, which we all understand is nonsense; if we ingest something, it impacts on our body in exactly the same way. Again, the ACCC took action against the manufacturer for misleading conduct, and the producer of Nurofen was fined \$6 million in 2016.

Just two more to go, members! This is my favourite: the Samsung washer and dryer, which received the 2017 Shonky. I will not read the reference number, but it was for one of those combo washer-dryers that do both, and are very attractive for people who live in small apartments or need to make space. It was a \$3 000 machine, and when Choice tested it in its special labs—I think members understand that it has special labs to run all this equipment through tests—it found that it used 210 litres of water and took six and a half hours to dry a single load of washing. Choice has a system in which it gives scores—drying scores, energy efficiency scores and various other scores. That washer-dryer got zero for its drying time test because it took six and a half hours to dry the load. Choice said that in the time it took to dry a load of clothes, someone could nab a cheap fare from Sydney to the Gold Coast and dry them on the beach every week for nearly a year instead of buying that shonky product! I think that is an excellent way of cutting through the expense of the model and its inefficiency in doing what it was claimed to be able to do. It was discontinued shortly afterwards.

The last one I want to mention remains a serious issue today. It relates to the insurance industry, particularly with regard to widespread flooding. A Shonky was awarded as a result of the flooding that occurred in the summer of 2010 to 2011, which mainly impacted Queensland, New South Wales and Victoria. When people began rebuilding, they of course relied on their insurance to help them rebuild. What was uncovered was that there was no standard definition of the word “flood”, and many policies had carve-outs and different sorts of restrictions that left many people without cover.

Choice reported at the time that it had heard stories about people living in the same street, affected by the same flood, receiving completely different outcomes when they made a claim. We only have to look at the situation on the east coast where, again, we see devastating flooding and the terrible personal impact of people finding out that their insurance will not provide the cover that they thought it would, which has devastating consequences. The whole industry got a Shonky award in 2011, but Choice worked with the industry and government to come up with a solution to ensure that Australians would not be left in that situation again after flooding. I reflect, again, on the terrible situation on the east coast and hope that those who have been affected have insurance that provides them coverage.

I encourage people to avail themselves of this excellent organisation, which is providing not only great information to consumers, but also active advocacy to ensure that companies and businesses are doing the right thing by

consumers. It is pretty clear from that list that many big corporations—some that have been with us for a very long time—are not immune from conducting themselves in a way that leads to consumers being ripped off, out of pocket or with products that are not fit for the purpose for which they are sold. I commend Choice for its excellent work.

Before concluding my remarks, I want to share with the house what Choice claims as the shonkiest quote, which came from a bread manufacturer in September 2006. It reads —

“We don’t consider wholemeal flour to be a characterising ingredient in wholemeal bread.”

There are probably many others quite like that! Choice has done a lot of excellent work protecting consumers, advocating for change and making sure that we have rigorous legislation and appropriate redress for people who are ripped off. This piece of work started with a member of this Parliament in 1959 and it continues today. I know from some of the other submissions that have been made that we need to be vigilant about our consumer rights and the mechanisms that provide protection. There is no room for complacency in this area.

I thank the Minister for Commerce and his parliamentary secretary for bringing in this bill for debate. With that, I commend the bill to the house.

**MR S.A. MILLMAN (Mount Lawley — Parliamentary Secretary)** [12.22 pm]: I rise to make a contribution to the Fair Trading Amendment Bill 2021 and I do so in the knowledge that the member for Mirrabooka has made an outstanding contribution, reciting the history of the Australian Consumers’ Association, or Choice. Similarly, I will not touch on the bill directly; rather, I will refer to the history of reform in competition and consumer law and trade practices more generally.

I do so bearing in mind that my colleague the member for Cockburn made a contribution yesterday afternoon. I should say at the outset that he is much more of an authority than I am on the Australian Consumer Law. I commend his contribution to members in the chamber. He touched on a couple of important considerations about why we need this bill to bring Western Australian consumer law into line with changes to the Australian Consumer Law in a more expeditious fashion. He touched on a couple of reasons why that is an important part of legislative reform as a result of changes that are likely to come about in Australian Consumer Law relatively quickly over the next little while. He identified two considerations, to which I will add a third, which the Premier mentioned yesterday; that is, in a time of global economic uncertainty and global anxiety about the prospect of a recession, it is imperative that the legislative and regulatory framework that governs consumer protection, fair trading and competition law is fit for purpose and up to date. I will come back to why that is important shortly.

The member for Cockburn also mentioned that one of the aspects of contemplating change to federal consumer law relates to imposing an obligation on traders who import manufactured products from other jurisdictions into Western Australia. He said that it is important that these traders have a degree of liability so that they discharge their obligations to ensure that these products are safe for Australian consumers. He mentioned a case involving lead in children’s products. The other case he touched on—I will elaborate on his comments, despite not having extensive notes about what he said—had to do with asbestos. He was referring to the importation of non-standard motor vehicle brake pads. I think Toyota was the subject of brake pads that had been manufactured in China that were not fit for purpose and had to be replaced because they contained asbestos. Chinese regulations state that brake pads are asbestos-free if they contain less than five per cent asbestos, which was part of the problem. Although the brake pads were described as asbestos-free, they contained asbestos, and the problem was the amount of asbestos they had in them. With due deference to the member for Cockburn, I think that was the case he was referring to.

I want to go through some of the history of the FTA bill. I go back to July 2009 when the Intergovernmental Agreement for the Australian Consumer Law was first executed by the commonwealth and all states and territories. This followed a 2008 agreement by the Council of Australian Governments for the development of a national consumer policy framework to enhance consumer protection, reduce regulatory complexity for businesses and encourage the development of a seamless national economy. The IGA was implemented in 2010 by way of the Australian Consumer Law, which was enacted by the commonwealth and applied by state and territory legislation. In WA, the ACL is applied by the Fair Trading Act 2010, which is the legislation that this bill seeks to amend. The FTA, unlike the application law of other states and territories, applies to the commonwealth ACL as it exists at a specific point in time rather than as amended from time to time. Until now, changes to the commonwealth ACL have had to be incorporated into the ACL (WA) by way of a separate bill, which is an unsatisfactory mechanism for keeping the ACL up to date with changes that apply in the rest of country. WA traders and consumers are placed at a disadvantage because they have to wait for Parliament to make those changes and incorporate them into legislation. Other states and territories automatically update their ACL legislation when commonwealth amendments are made. As I say, as a result, consumers, businesses and the regulator of the ACL in WA experience a significant time lag between changes to the commonwealth legislation and when those changes are introduced into WA via the ACL amendment bills. Unless the timelier mechanism provided for in the bill is implemented, consumers and businesses will continue to be adversely impacted by the lack of consistency, and Western Australia will continue to lag behind other jurisdictions in improving its consumer laws. That will be a bad thing, because we need to make sure that the Western Australian economy is well placed to maintain its outstanding position when we face the global headwinds of a potential recession.

I want to take members to recent commentary from the International Monetary Fund, as reported in *The New York Times* in an article by Alan Rappeport from 6 October 2022. The IMF warns thus —

The head of International Monetary Fund warned on Thursday that recession risks across the globe were rising as a toxic mix of inflation, higher borrowing costs and lingering supply chain disruptions continued to batter the global economy.

Kristalina Georgieva, the leader of the I.M.F., said that as a result of these persistent problems, the international body would downgrade its growth projections for next year in an upcoming report, one that she said would paint a dark picture of the looming economic threats. The assessment is the latest example of how last year’s optimism for a strong global recovery has been replaced by worries about rapid inflation, Russia’s war in Ukraine and an ongoing pandemic.

Ms Georgieva is quoted in the article —

“Multiple shocks, among them a senseless war, changed the economic picture completely,” ... “Far from being transitory, inflation has become more persistent.”

The article continues —

The I.M.F. has been steadily downgrading its forecasts in recent months and currently projects global output to grow by 2.9 per cent next year. That projection will be lowered when the fund releases its closely watched World Economic Outlook report on Tuesday as the annual meetings of the I.M.F. and World Bank begin in Washington

Policymakers at the meetings will be working to better coordinate their responses to inflation pressures and recession risks while preparing for the repercussions of higher interest rates.

“For major economies facing high inflation, the immediate task is to return to an environment of stable prices,” Treasury Secretary Janet L. Yellen said in a speech at the Center for Global Development on Thursday. “But it is important to recognize that macroeconomic tightening in advanced countries can have international spillovers.”

I will not quote further from that article, except for the conclusion, in which the head of the International Monetary Fund said —

“Overall, we expect a global output loss of about \$4 trillion between now and 2026. This is the size of the German economy—a massive setback for the world economy,” ...

... “And it is more likely to get worse than to get better.”

The circumstances at the moment look grim. Therefore, it is important for the Western Australian economy that we put the regulatory framework on the best possible setting.

I refer to another report by Mr Rappeport in *The New York Times* of 11 October 2022. For the purposes of Hansard, I will email the links to these articles. It states —

The International Monetary Fund said on Tuesday that the world economy was headed for “stormy waters” as it downgraded its global growth projections for next year and warned of a harsh worldwide recession if policymakers mishandled the fight against inflation.

The grim assessment was detailed in the fund’s closely watched World Economic Outlook report, which was published as the world’s top economic officials traveled to Washington for the annual meetings of the World Bank and the I.M.F.

The gathering arrives at a fraught time, as persistent supply chain disruptions and Russia’s war in Ukraine have led to a surge in energy and food prices over the last year, forcing central bankers to raise interest rates sharply to cool off their economies. —

We have experienced that firsthand in Australia —

Raising borrowing costs will probably tame inflation by slowing business investment and consumer spending, but higher rates could also yield a new set of problems: a cascade of recessions in rich nations and debt crises in poor ones.

There are growing fears among policymakers that a so-called soft landing will elude the global economy.

We are facing increasing interest rates and, therefore, increasing borrowing costs. The Western Australian state government, through its good budget management, has put this state in a fiscal position that is better placed to absorb those increasing rate rises. That is because this government has balanced the books, achieved a budget surplus, restored the state’s AAA credit rating and reduced the Liberal debt that we inherited in 2017. It is interesting that another cause of the global economic uncertainty that has not been touched on in these reports from the IMF is the absolutely abysmal handling of the UK economy by the British Conservative Party. The reason I say that is that as recently as 25 June, Trent Zimmerman was quoted in *The Guardian* as lauding David Cameron, a former British Prime Minister, for his political acumen. I will come to that later.

Some great things have been said in *The Economist* in the last couple of weeks, for those who are interested, particularly about the current British Prime Minister and a lettuce, but I will let others look at that! I refer to an article in *The Economist* three weeks ago headed, “The fallout from Kwasi Kwarteng’s mini budget continues”. That shows how quickly things move in the United Kingdom; he is no longer the Chancellor of the Exchequer. It says —

Neither the Chancellor nor the Prime Minister seems particularly to care

It continues —

A DECADE AGO the Conservative government —

That was the government of David Cameron —

announced a budget so unpopular that it was dubbed an “omnishambles”. Humbled by weeks of bad headlines, it ultimately scrapped plans to introduce a tax on some hot foods. The reaction to Kwasi Kwarteng’s fiscal statement on September 23rd made the omnishambles budget look like a triumph for the ages.

After the chancellor announced the biggest tax cuts in half a century, sterling cratered: in the early hours of September 26th the value of the pound fell to a record intraday low of \$1.035 (it subsequently recovered a bit). That same day ten-year gilt yields reached 4.3%, over one percentage point higher than a week before.

The gyrations were so extreme that Andrew Bailey, the Bank of England’s governor, published a statement confirming that policymakers were “monitoring developments in financial markets very closely”. The IMF weighed in with some unusually blunt criticism: “We do not recommend large and untargeted fiscal packages at this juncture”, it said.

The negative reaction came even though most of the budget’s contents had been widely trailed. Liz Truss promised both to scrap a planned increase in corporation tax and to cut payroll taxes while campaigning to become prime minister; she had announced measures to help households and businesses with high energy bills ... The unexpected elements of the package, which included tax cuts for high earners and higher thresholds for stamp duty ... accounted for less than a quarter of its long-run cost.

That is the view of *The Economist*. I would prefer its view to that of Peta Credlin, who, when the financial markets stacked themselves as a result of the policy directions in the Truss–Kwarteng mini-budget in September, said that it was because of woke hedge fund managers. That is an absolutely ridiculous proposition! It does not bear any scrutiny.

This is the risk that is posed to the global economy by the British Conservatives. I have said that their handling of the economy has been lauded by Trent Zimmerman. Members may recall that Mr Zimmerman was the member for North Sydney. The reason that he was looking for some way to restore the economic and financial credibility of the fraternal party of the British Conservative Party, the Liberal Party of Australia, was Mr Zimmerman had lost his very, very, very, very safe Liberal seat of North Sydney, which had been on a significant margin of close to 10 per cent on a two-party preferred basis before the federal election. His margin was almost as big as that of Ben Morton, who similarly lost his very, very, very safe seat of Tangney in the federal election to the great Sam Lim, who is doing an incredible job representing the people of Tangney.

**Ms J.J. Shaw:** Hear, hear!

**Mr S.A. MILLMAN:** Thank you, member for Swan Hills. He is doing an incredible job.

The McGowan Labor government has done the following things. First, we have balanced the books and returned the Western Australian budget to surplus. Second, we have achieved recognition from the international monetary markets and global ratings agencies by the restoration of our AAA credit rating, which makes it easier for us to service the incredibly significant Liberal debt that we inherited. Those two things in and of themselves put the WA government in the best possible position to respond to the pressures that will be caused by a downturn in the global economy. Third, by legislating in this way to reform the Fair Trading Act, we will create an environment in which businesses and consumers can have confidence that they will be in the best possible position to face the global headwinds that are coming in our direction.

One of the most important things that we can do is promote the strength, stability and resilience of the WA economy. That is why I am so annoyed when I hear what the opposition is saying. We should be saying that although global geostrategic, geopolitical and economic challenges are coming down the track towards us, we in Western Australia are well placed to tackle those challenges. We should be talking up the WA economy, not talking it down. We should be talking about the reforms and the fiscal management that this government has put in place. It is always disappointing and I am always sad when I hear the Liberal and National opposition criticise us for the way we handle the economy.

**Dr A.D. Buti:** They are so negative.

**Mr S.A. MILLMAN:** Yes, so negative.

That brings me back to Mr Zimmerman’s point. The Liberal and National Parties now know that they are no longer the parties of responsible economic management.

**Dr A.D. Buti:** If they ever were!



**Mr S.A. MILLMAN:** Yes, minister, if they ever were. All members opposite are left to do is criticise and condemn us for our success in stably and sensibly managing the finances of the state of Western Australia. I for one would love to see them put more effort into talking up team WA and the WA economy so that investors, consumers and businesses can be confident about the future.

**Dr A.D. Buti:** Are you taking note of this, member for Roe?

**Mr P.J. Rundle:** I am listening.

**Mr S.A. MILLMAN:** It is a real shame. I commend the member for Roe for at least being here —  
Several members interjected.

**Mr S.A. MILLMAN:** Forward small businesses, working hard, member for Roe—it might be the smallest geographical effort, but they have the biggest sense of entrepreneurialism and endeavour. They are looking to preserve, promote, encourage and grow their businesses, irrespective of and notwithstanding the global headwinds that we face.

Members, the Labor Party has always been the party for efficient economic regulation, consumer protection and the proper functioning of the state.

[Member's time extended.]

**Mr S.A. MILLMAN:** I mentioned before the amendments in the Fair Trading Amendment Bill 2021 that will address the Australian Consumer Law. The Australian Consumer Law came into effect as a result of an agreement that was first executed by the commonwealth and all the states and territories in 2009 following on from a COAG meeting in 2008. We can go back further than that to 1995, when the Australian Competition and Consumer Commission was created. For those members who have forgotten, the Prime Minister at that time was Paul Keating. We can go back even further to 1974, when the original Trade Practices Act was introduced into Parliament. The member for Mirrabooka has articulated in stunning fashion the history and background of consumer protection that was advocated for by politicians back in those days—advocacy that resulted in the Whitlam government introducing the Trade Practices Act, which redefined provisions relating to things such as misleading and deceptive conduct and the way in which consumer protection and fair trade worked in Australia. In 1974, Gough Whitlam's Labor government introduced the Trade Practices Act. In 1995, Paul Keating established the ACCC. In 2008, Kevin Rudd was the Prime Minister when the Intergovernmental Agreement for the Australian Consumer Law came into effect. There can be no argument that, when it comes to putting in place the proper regulatory framework to encourage economic growth and diversification, to encourage consumer protection and to encourage the participation of small businesses in a system that is equivalent in all the states so that we are all competing on a level playing field, the party that will achieve those reforms, and has always achieved those reforms, is the Labor Party.

I am grateful that the member for Roe from the Nationals WA is here, because at least the Nationals are here. It is a real shame that there are no members of the Liberal Party here—the fraternal party of the British conservatives, and the party of Trent Zimmerman, who lost his very safe seat, and Ben Morton, who also lost his very safe seat—because they might learn from this. They might figure out that perhaps they could articulate a new optimistic vision for Western Australia that does not undermine confidence in our local economy, but recognises that they bequeathed to us the largest debt that this state has ever seen and that we at least are on the path to paying that debt down. When I walk along the streets of Mount Lawley doorknocking and speaking to constituents, they know now that the party of responsible financial management is the Labor Party. When we look at the history of Gough Whitlam's reforms in 1974, Paul Keating's reforms in 1995 and Kevin Rudd's reforms in 2008 and 2009, we know that that rings true.

**Mr P.J. Rundle:** What about WA Inc?

**Mr S.A. MILLMAN:** What a ridiculous interjection!

Several members interjected.

**Mr S.A. MILLMAN:** No, no.

**Mr D.J. Kelly:** The greatest contribution that former Leader of the National Party Brendon Grylls made in this place was when he came into the house one night and talked about the debt that they had run up and said that it was such a good policy that if he had the chance again, he would spend every bit of that money again. That was Brendon Grylls' contribution—he would do it all again!

**Mr S.A. MILLMAN:** On the current Leader of the Opposition, his acolyte, the member for Central Wheatbelt, I have never seen anyone so keen to spend this surplus—it is not their surplus; the surplus belongs to the people of Western Australia—so quickly and put us back into the situation that we were in in 2017, when we inherited the worst set of books ever seen in the history of the state of Western Australia.

I commend the Deputy Premier for bringing this legislation before the house. I commend the government as a whole, in fact, for the approach it has adopted to stabilising our economic circumstances in Western Australia and putting in place the legislative reform that will support small businesses such as those in Mount Lawley.

I will finish by saying that I am very pleased that my good friend the member for Swan Hills, the Parliamentary Secretary to the Deputy Premier, has been delegated responsibility for shepherding this legislation through Parliament. I for one am very pleased to both speak in support of the legislation and congratulate the member for Swan Hills for the responsibility that has been bestowed upon her and wish her the very best in shepherding this excellent piece of legislation through the chamber. Hopefully, it will be the first of many, member. I commend the bill to the house.

**MS L.L. BAKER (Maylands)** [12.44 pm]: The Fair Trading Amendment Bill 2021 is not a bill that deals with a subject that I have spent my life committed to, but I can tell members that it has huge relevance to many aspects of my life and the lives of everybody else. I remember at an earlier point in my career when I was on the Department of Consumer and Employment Protection's community consumer board, I spent a lot of time considering both federal and state policies and how they were being enacted and enforced in Western Australia. At one point in my chequered history, I did have quite a bit of knowledge of the impact of consumer law on Western Australians.

**Dr A.D. Buti:** I wouldn't call it a chequered history; it's a very good history!

**Ms L.L. BAKER:** The minister does not know it quite as well as I do; it is slightly chequered—maybe polka dotted!

I want to start by saying that the best way for me to describe this piece of legislation for the purposes of my electorate is by saying that it should provide a far safer regime for the way that consumer protection laws are applied in Western Australia simply by harmonising more quickly the changes and improvements to the Australian Consumer Law that come out of our national Parliament and allowing us to make them enforceable in Western Australia far more fluently and effectively so that they can be of benefit to us and members of our families. I will go through some of the protections as they have been outlined to me that will be offered when this bill goes through, which I hope will be quickly.

The full range of protections under the Australian Consumer Law at the moment will be extended to businesses and consumers in WA in a much more timely and effective fashion, which I have already mentioned. Consumers themselves will be able to participate in the market with a much clearer understanding of their rights and protections under the Australian Consumer Law. Businesses in WA will have much better clarity about the requirements of the consumer laws that apply to their own activities and small business operators, especially sole traders and partnerships, will no longer be disadvantaged in comparison with corporations in how they understand and comply with consumer law obligations in Western Australia.

The powers of the Commissioner for Consumer Protection to undertake compliance activities in Western Australia will be significantly enhanced. There will be a reduction in the costs and administrative effort associated with the requirement to repeatedly amend the Fair Trading Act to incorporate federal changes, which will be a flow on from a more harmonious system. There will be much better consistency in the administration and enforcement of the act across the other states and territories. It will mean that if someone in Western Australia buys a new car and they then move to the Northern Territory, there will be some consistency in how the law is applied.

The legislation will ensure that Western Australia complies with its requirements under the Intergovernmental Agreement for the Australian Consumer Law in a more timely and efficient way. Those of us who have been in this place for a while will be worried about whether this will undermine our sovereign powers around legislation. No, it will not; it will allow us the capacity to disallow an amendment if we do not agree with it, and we can fall back to the current situation and require a separate bill in respect of the disallowance amendment to be passed by Parliament. We can go back to a more convoluted process if that is what we wish to do.

I want to mention a number of issues with the Australian Consumer Law and how it is being enforced in Australia and Western Australia that have particular relevance for the constituents I talk with and the groups I interact with on a weekly basis. One thing that I thought was very interesting about this bill is the messaging around complementary medicines and the changes that will be made to their labelling to provide a clearer understanding of the Australian content of these medicines. My point around complementary medicines goes more to the issue of Indigenous medicines and Indigenous products that are used in our medicines. There is growing concern globally about the increasing use of things like hallucinogenics and other chemicals that are directly related to Indigenous cultures.

Debate interrupted, pursuant to standing orders.

[Continued on page 4873.]

**DISTINGUISHED VISITORS — HON PETER DOWDING,  
TABITHA DOWDING AND PHOEBE KELSBIE**

*Statement by Deputy Speaker*

**THE DEPUTY SPEAKER (Mr S.J. Price)** [12.50 pm]: Just before we get on to members' statements, I would like to acknowledge and welcome the former member for Maylands and Premier, Mr Peter Dowding; his granddaughter Tabitha, who is also the member for Warren–Blackwood's electorate officer; and the member for Warren–Blackwood's daughter Phoebe. Welcome to the chamber today.

**BALLIDU CONTEMPORARY ARTS SOCIETY***Statement by Member for Moore*

**MR R.S. LOVE (Moore — Deputy Leader of the Opposition)** [12.51 pm]: I wish to acknowledge the incredible achievements of the Ballidu Contemporary Arts Society, which will celebrate its thirtieth anniversary this Saturday. Ballidu is a small farming community two and a half hours drive north-east of Perth with a population of just 60 or 70 people. The arts society came together as a happy accident, according to one of the group's founders, Pam Toster. In 1992, Tom Mailey bought the Masonic lodge, which had closed, with the view of setting up an art gallery. The original committee included Pam, Dawn Lines, Kath and John Cousins, Jen and Steve Latham, Nicky and Jamie Hood, and professional artist Peter Phillips—a serendipitous union of people who were interested in fine art and looking for an alternative to sport. Pam says that the 1990s was a period when federal and state funding for art was readily available. The extensive gallery space proved perfect for visiting exhibitions, and the group hosted artists-in-residence thanks to Peter Phillips' artistic networks. Camps saw art students from Perth TAFEs and universities visit the town. The local primary school students' biennial art exhibition gave local children a chance to show off their talent.

Enthusiasm for art in Ballidu has not waned. The town's arts society has survived and thrived, all the while enriching the physical and emotional wellbeing of the community. Locals meet regularly for workshops, and the gallery will host three exhibitions this year. Between exhibitions, the gallery displays its own collection to the public every Saturday and by appointment. I commend the Ballidu Contemporary Arts Society for bringing fine art to this community and enriching the lives of many over three decades.

**ANNUAL STATE HISTORY CONFERENCE OF AFFILIATED SOCIETIES***Statement by Member for Warren–Blackwood*

**MS E.J. KELSBIE (Warren–Blackwood)** [12.52 pm]: I recently had the honour of opening the fifty-seventh annual state historical societies conference in my home town of Denmark. I give my huge congratulations to everyone involved from the Denmark Historical Society for hosting such an engaging, educational and welcoming event that included a series of excursions to places of historical significance, including Tingle Dale Hall, the Recollections of War museum and the Denmark Historical Museum, as well as a series of talks, including by Vernice Gillies on the 30 000 years of Indigenous history, and local historian Bev McGuinness, who provided a Denmark perspective on pioneer photography through Bert Saw's lens.

About 120 delegates from 31 historical societies from across the state attended the event, including, from my electorate, members of the Margaret River and Districts Historical Society, the Bridgetown Historical Society and, of course, the fabulous Denmark Historical Society. It was a pleasure to meet attendees and hear about the great work being done across our state to celebrate and conserve our varied and rich histories. I have a great relationship with and respect for this year's host, the Denmark Historical Society, and I applaud its members' work, dedication and passion for researching, conserving and promoting the history and heritage of our beautiful town. Forums like this offer a place to share ideas, information and knowledge. I look forward to supporting the fifty-eighth state historical societies conference, which will be hosted by the just as fabulous Bridgetown Historical Society next year.

**MY HOME PROJECT***Statement by Member for Cottesloe*

**DR D.J. HONEY (Cottesloe — Leader of the Liberal Party)** [12.53 pm]: I recently had the pleasure of visiting St Patrick's Community Support Centre's My Home project in North Fremantle to see firsthand some of the first wall panels being erected at the site. The My Home program is an innovative partnership between not-for-profit groups—in this case, St Patrick's and My Home Australasia—that takes advantage of surplus state government land to provide simple but safe and affordable housing to homeless women aged over 55. The homes are built using the latest prefab technology, with the walls, floors and roofing constructed offsite. In fact, I understand that this method will allow the project to be fully completed, including all earthworks and service connections, in a little over three months. St Patrick's will manage the My Home site in Fremantle. It will consist of 18 single-bedroom self-contained units constructed on vacant land in North Fremantle that is currently part of a railway reserve.

I want to take this opportunity to give a special mention to the project's architect, Michelle Blakeley. Her passion and dedication to this initiative is truly outstanding. Michelle's knowledge, empathy and willingness to help the plight of people facing homelessness in Western Australia is unsurpassed. The only downside to this project is that although it will take only three months to build the units, it took the state government over three years to grant approval to build on the site. Homelessness is a complex problem, but this innovation will be an important part of the solution, especially for single women.

**OLD COAST ROAD — SPEED LIMIT***Statement by Member for Dawesville*

**MRS L.A. MUNDAY (Dawesville)** [12.55 pm]: I am very excited to rise today to speak about a win for my electorate of Dawesville—that is, the speed limit on a 13-kilometre stretch of Old Coast Road was reduced in August this year.

Earlier this year, I met with the Minister for Transport, Rita Saffioti, in my electorate to discuss concerns raised by my constituents about the need to improve road safety conditions along Old Coast Road. I had the opportunity to show the minister how risky various intersections had become. In addition, I recently made a grievance to the minister, further sharing local residents' worry and frustration about the speed of traffic, the number of speed limit changes along the 13-kilometre stretch, and the difficulty in pulling out onto various sections of Old Coast Road, including at Sticks Boulevard bordering Halls Head and Erskine, Oakleigh Drive in Erskine, and Rees Place in Wannanup. There were 389 reported crashes along this 13-kilometre stretch of road up to 2021. As a former ambulance paramedic, I remember turning out to many crashes along this stretch of road; people would constantly misjudge distances and pull out into oncoming traffic or, worse, step in front of cars in an attempt to cross the road.

I offer a huge thankyou to Main Roads Western Australia for making this change. It is something that has become necessary because of the expected population explosion in my electorate, with an anticipated increase of more than 50 per cent to the number of residents living on the southern side of the Port Bouvard Bridge over the Dawesville Cut by 2035. This change to the speed limit will help mitigate the number of accidents and incidents on that road. I thank the minister for her continued support on and commitment to this issue.

### CARNARVON FASCINE

*Statement by Member for North West Central*

**MS M. BEARD (North West Central)** [12.56 pm]: I rise today to mention a matter most important to the economic and social fabric of Carnarvon—that is, the neglect of the Carnarvon fascine waterway. The fascine is not only the focal point of the central business district of our town; it is our greatest tourism drawcard, or at least it was a drawcard. Unfortunately, April 2017 brought a major weather event that washed Pelican Point into the fascine, essentially blocking the navigable channel. The fascine is the jewel in the crown for our region's tourism, providing safe harbour for travelling sailors and a launch point for fishing expeditions. The economic impact of having money quite literally sail past each day the fascine remains closed cannot be underestimated. It is having a devastating effect on the viability of local businesses and making it harder for our community to attract the families it needs for a strong future.

For more than five years our community has requested, asked for and patiently waited for a permanent solution from the state government to reopen the fascine. Unfortunately, in that half decade, it would appear we are no closer to a permanent solution because it seems Carnarvon's population and rate base means we are not considered worthy of doing what it will take. It is simply not equitable. Residents in Perth or Mandurah would not accept being bypassed by the state's dredging program, but we are expected to just grit our teeth and accept it. This project is far too important to allow partisan politics to stand in the way of a solution. I look forward to working with the state government to deliver a permanent solution to finally reopen the fascine.

### PREGNANCY AND INFANT LOSS MEMORIAL DAY

*Statement by Member Nedlands*

**DR K. STRATTON (Nedlands)** [12.58 pm]: On Saturday, 15 October, I had the honour of representing the Minister for Health, Hon Amber-Jade Sanderson, at the Pregnancy and Infant Loss Memorial Day at the rose garden at King Edward Memorial Hospital for Women. This is an important day for those who have experienced the loss of a pregnancy and a baby. It is a loss so common that it is likely to have impacted everyone in this place in some way. Having experienced pregnancy loss as a mother, a friend and a sister, I know it is a very particular and painful loss. It is the loss of hope, anticipation and excitement; and the loss of an imagined future and family, with that very unique love that we have for our children long before they are born or even imagined.

I have also had the great privilege of being a social worker at King Edward, walking alongside people as they received and confronted bad news; trying to make sense of something that even if it has a medical explanation still makes no sense. They navigate their own experiences and responses of sadness, anger and confusion as well as that of their partners, children, grandparents and community who are all impacted by the loss. But it is also at this very worst of times when we see the very best in people, and so I acknowledge John and Kate De'Laney, who are here with us today in the Speaker's gallery, who championed the establishment of this very important remembrance day based on their wish that nobody should ever feel as alone as they did when experiencing a devastating pregnancy loss. On Saturday, standing in the beautiful rose garden, tended to by the memorial garden management committee and the Rotary Club of Matilda Bay, and seeing the buildings of Perth lit up pink and blue that night, Kate and John, I saw your wish has come true. On behalf of bereaved parents, I say thank you.

*Sitting suspended from 1.00 to 2.00 pm*

### LEGISLATIVE ASSEMBLY CHAMBER — BELLS — DIDGERIDOO MUSIC

*Statement by Speaker*

**THE SPEAKER (Mrs M.H. Roberts)** [2.00 pm]: There must be some people who are really hard of hearing here! I gave this statement at the start of the day. Having heard that a number of members have had difficulties hearing

the new Assembly didgeridoo bells throughout the house, from today this uniquely Australian sound will ring out to call members to the start of each day's proceedings and the traditional Assembly bells, as members just heard, will be heard for the remainder of each day.

### QUESTIONS WITHOUT NOTICE

#### POLICE — WORKING CONDITIONS

##### 610. Ms M.J. DAVIES to the Minister for Police:

With police officers leaving the Western Australia Police Force in the hundreds each month and with the minister's promise to deliver an additional 950 police officers now seeming like a pipedream, I ask the following.

- (1) Does the minister endorse the Commissioner of Police's support for penalty rates for our hardworking police officers to bring them in line with other public servants?
- (2) Does the minister support the police in their calls to establish a switch-off clause in their conditions?

##### Mr P. PAPALIA replied:

- (1)–(2) I disagree with the premise the member posed at the start of her question. We have committed to growing the Western Australia Police Force by 950 above attrition. That will be 10 times more than members opposite did in the last five years of their time in office, in which time they grew the police force by a net of 95. It is a high target, but the police are resourced to do that. Today—the last time I got the numbers was at the end of September—there are 481 more police officers than when we took office. The police force has grown by 481. Noting there are only about 7 000 of them, that is a pretty significant number.

Next Wednesday or Thursday, I will be going to yet another graduation at the Western Australia Police Academy, at which 50 or so police officers will graduate. I went to a graduation a couple of weeks ago. There is one every month. Right now, there are some 150 officers training at the academy. Only a week ago, the Commissioner of Police was with me at the academy for a jobs expo. Many thousands of people came to view displays and seek information about careers in the police force, and more than 120 applications were made within three days of that expo.

Thanks to many months of work, we have settled on a labour agreement with the federal government, well in advance of every other jurisdiction. As the member would have seen, last weekend we announced a campaign to recruit qualified police officers from New Zealand, Ireland and the United Kingdom. I am pretty confident that we are going to get 950 above attrition because the police are doing such a good job of recruiting. That is their job.

I refer back to the point I made at the start: there are 481 more police officers now than when members opposite were in office. The police force is significantly larger and better equipped than when we came to government. I will not reflect on the leadership, but I will make the observation that we have an excellent police commissioner.

With respect to whether police should be paid more, yes, and they are going to be. That is what the wages case is about and it is what the negotiations are about. We have a wages policy that means they will get paid more. Beyond the wages policy, there is an opportunity to negotiate conditions. I am not involved in that. If the member wants to talk about whether particular issues or subjects for negotiation might be acceptable, she needs to talk to the minister responsible, but I am not that minister.

As far as supporting the police goes, I will make a final observation. I have constantly supported the police. I commend them for the outstanding role they have performed, particularly during the COVID pandemic and subsequently. They have defended the state against COVID and they have continued to provide excellent police services at the same time.

#### POLICE — WORKING CONDITIONS

##### 611. Ms M.J. DAVIES to the Minister for Police:

I have a supplementary question. Just so I am clear, my question was: does the minister endorse the police commissioner's support for penalty rates, and does the minister support the police in their calls to establish a switch-off clause in their conditions?

**The SPEAKER:** I just have some advice. You repeated two questions there. A supplementary is an opportunity for a short, sharp, single question. I will ask the minister to respond.

##### Mr P. PAPALIA replied:

Thanks, Speaker.

Police receive penalty rates now. I am not sure what part of the comments the commissioner may or may not have made the member is referring to. He is supportive of the police being paid more. As I said at the outset, that is the

whole intent of the wages policy. They will be paid more. I support the police. I am always supporting the police, unlike many on the member's side of the house, who seem determined to constantly undermine the performance and command of the Western Australia Police Force, suggesting that somehow morale is down, when, quite clearly, police have every reason to be proud of the service that they deliver to the state.

#### JAPANESE PRIME MINISTER'S VISIT

##### **612. Ms A.E. KENT to the Premier:**

I refer to the McGowan Labor government's commitment to ensuring that Western Australia has a strong and stable economic position in light of growing concerns about a global recession.

- (1) Can the Premier update the house on this government's success in delivering a nation-leading economy?
- (2) Can the Premier advise the house how he will use the opportunity provided by the upcoming visit of the Japanese Prime Minister to further strengthen our trade and investment relationship?

##### **Mr M. McGOWAN replied:**

I thank the member for Kalgoorlie.

- (1) Obviously, Western Australia continues to be the economic powerhouse of Australia. Over the COVID pandemic, we supported the rest of the country during their difficulties by keeping our industries open and keeping COVID out, despite some of the criticisms that have now emerged. It is good to see that the figures today show that Western Australia's employment figures remain extremely strong. We have the strongest participation rate in Australia and we have a very low unemployment rate. We are amongst the strongest, if not the strongest, in Australia when it comes to these matters.
- (2) In coming days, the Japanese Prime Minister will visit Australia. He will only visit one place and that is Western Australia. I will join the Prime Minister and other people involved in business and the like in various meetings with the Japanese Prime Minister and at various events. It is terrific that Prime Minister Kishida is taking the opportunity to come to Western Australia. For the last 60 or so years, Japan has been a very important trade and investment partner for Western Australia. It is our second-largest trading partner. It is a very reliable and friendly trading partner and very important for the success of the Western Australian economy.

We will also take this opportunity to promote diversification initiatives for the Western Australian economy. Before the COVID pandemic, the former Minister for Tourism, who is now the Minister for Police, secured direct flights between Tokyo and Perth. We will advocate for a restart of those direct flights, which were unfortunately cancelled over the COVID period. We will also promote investment in economic diversification, particularly for renewable hydrogen and battery minerals, with the Japanese government. That will be an ongoing opportunity for Japan to invest in Western Australia and take offtake of renewable hydrogen and battery minerals.

As the member said, the world is in grave danger of entering a recession next year. We will continue to make sure that Western Australia remains as strong as possible to confront what might be ahead of us.

*Visitors — Harvey Primary School and Georgiana Molloy Anglican School*

**The SPEAKER:** I would like to welcome some guests to my gallery today. On behalf of the member for Murray–Wellington, I would like to acknowledge the nine students from Harvey Primary School. Welcome. I also acknowledge that we have guests of the member for Vasse from Georgiana Molloy Anglican School. Welcome.

#### LIVE EXPORT — FEDERAL GOVERNMENT POLICY

##### **613. Mr P.J. RUNDLE to the Premier:**

I refer to the Premier's recent meeting with the federal Minister for Agriculture, Fisheries and Forestry regarding the live sheep trade and his comment that he and the Premier had a very productive conversation.

- (1) Has the Premier formally requested either in writing or in person a change to federal Labor's policy to end the trade, which employs more than 3 000 Western Australians?
- (2) Does the Premier understand how important the live export industry has been this year in underpinning the sheep market, given the shortage of labour and with all abattoirs operating well below capacity?

##### **Mr M. McGOWAN replied:**

- (1)–(2) I did meet with the federal Minister for Agriculture, Fisheries and Forestry, Senator Murray Watt, and Senator Littleproud on these issues when I was in Canberra for the skills summit. I put to them that many Western Australians were employed in this industry and that considerable reform of the industry has been put in place over the past few years and that that reform should be allowed to continue. I expressed that to both parties in those meetings.

## LIVE EXPORT — FEDERAL GOVERNMENT POLICY

**614. Mr P.J. RUNDLE to the Premier:**

I have a supplementary question. Noting that the Prime Minister is currently in WA, will the Premier meet with him to emphasise the importance of this industry to the state rather than leaving the Western Australian industry in the hands of Ministers Murray Watt and MacTiernan?

**Mr M. McGOWAN replied:**

I will be meeting with the Prime Minister in the coming days because of the Japanese Prime Minister's visit and Telethon. I will have a number of conversations with the Prime Minister about a range of issues.

## POLICE — RECRUITMENT

**615. Ms M.M. QUIRK to the Minister for Police:**

I refer to the McGowan government's unprecedented commitment to increase the Western Australia Police Force by an additional 950 police officers in its term of government. Can the minister update the house on the initiatives being undertaken to recruit those additional police officers, particularly considering the current economic pressures facing the country, and can the minister advise the house of the work the state government has done to enable the recruitment of police officers from other jurisdictions?

**Mr P. PAPALIA replied:**

I thank the member for her question because it gives me an opportunity to reiterate and expand on what is being done to recruit police officers.

I note that we have the best economy in the country and probably among the best, if not the best, in the world. We are confronting a challenge, as are all sectors, in continuing to tap the population of Western Australia and attract people to the police force. There is no immediate difficulty with that. We are attracting people, but we anticipate that we will have to continue other efforts in light of the extraordinary economy we are confronting. We recently announced an overseas expansion of the campaign. Last weekend, 5 000 people attended the jobs expo at the police academy. As I said earlier, 120 new applications were received for the police within three days of that expo.

The WA Police Force is now going to be recruiting from the United Kingdom, Ireland and New Zealand. That was made possible with the collaboration of the new federal government. We have been working on this for months, which is why we are the only jurisdiction in a position to approach fully qualified police officers in those countries. This historic agreement is the first of its kind at this time and will enable WA to recommence recruiting overseas officers. Under the new labour agreement, skilled police officers from the UK and Ireland will be given entry into WA over the next five years under the employer nomination scheme subclass 186 visa that will enable their transition into the WA Police Force and place them on a pathway to citizenship. The previous labour agreement that allowed WA to recruit officers from the UK expired in 2019.

I repeat that the Western Australia Police Force is more than 480 members stronger than it was when we took office. The Western Australia Police Force is far and away larger than it has ever been, and we are continuing to graduate officers. Next week I will attend the twelfth police academy graduation since I became the minister in only March last year. That is an extraordinary number. At most graduations, more than 50 officers graduate, and that will continue. Next week we will go to another graduation. There will be one almost every month. We are continuing to recruit officers locally.

Recently, we have undertaken cadet programs that are focused on attracting young people who might not be old enough to become a police officer. That mentoring program allows them to experience the job of a police officer at a police station and guides them towards applying to become a recruit. That has focused very much recently on Aboriginal cadets and culturally and linguistically diverse cadets. A story that was distorted by some commentators recently was that we had opened up that program to the wider community again. This has been going on since our current commissioner and many other commissioners were young officers who joined the police force. The cadet program has been around for many, many decades. It is another avenue for attracting young people and getting them to consider joining the police force and supporting them on their pathway to becoming a recruit. We will continue to do that. The police are fully resourced to grow the force by 950 over the rate of attrition in this term of government. I am confident that the police will make every possible effort to achieve that, and I am pretty confident that we will get there.

## POLICE — RECRUITMENT

**616. Dr D.J. HONEY to the Minister for Police:**

The Western Australia Police Force annual reports state that in 2012 there were 5 821 police officers and that in 2016 there were 6 342, which is an increase of 521 police officers during that period. This compares with the increase in the number of police officers by only 481 in this period of government to date, which the minister has cited. Last Tuesday and today the minister claimed that the police numbers increased by just 95 officers from 2012 to 2016. Does the minister still stand by this claim?

Several members interjected.

**The SPEAKER:** Order, please!

**Mr P. PAPALIA replied:**

Between 2012 and 2016, 1 306 officers were recruited and there were 1 211 resignations, resulting in a net growth of 95 officers. A comparative time frame is 2017 to 2022. The headcount on 30 September this year was 6 897 and the headcount on 28 February 2017 was 6 416, for a net growth of 481. We have recruited —

Several members interjected.

**The SPEAKER:** Order, please, members!

**Mr P. PAPALIA:** Over the course of the last term of office and this term to date we have recruited 1 800 officers. There are 155 at the academy right now. We will continue to graduate them almost monthly and we are aiming to achieve the target of 950 more officers above the rate of attrition, as we committed to just before the last election.

#### POLICE — RECRUITMENT

**617. Dr D.J. HONEY to the Minister for Police:**

I have a supplementary question. Why does the minister not focus on reducing the record attrition rate —

Several members interjected.

**The SPEAKER:** Order, please! Member for Wanneroo, I will determine whether it is a supplementary question, not you.

**Dr D.J. HONEY:** Why does the minister not focus on reducing the record rate of attrition of experienced officers from the police force instead of misleading this house with false statistics?

**Ms M.M. Quirk** interjected.

**The SPEAKER:** Order, member for Landsdale! We did not need your comment either.

**Mr P. PAPALIA replied:**

I have not misled the house. The numbers are the numbers. It is clear that the growth of the police force under our government is far exceeding that of the last five years of the former government.

That aside, the member's question seems to suggest that rather than having the best economy in the world, the lowest unemployment rate in the nation, the highest participation rate in the nation and many opportunities for every sector of the economy, the member would prefer to have some alternative. That is what the member is saying. If he is saying I have to reduce the attrition rate at a time when it is entirely attributable to the economy and the opportunities that —

**Dr D.J. Honey:** They're leaving because they don't like the way they're treated.

**Mr P. PAPALIA:** What is it, then, otherwise?

**Dr D.J. Honey:** You go and find out.

**Mr P. PAPALIA:** Is the member suggesting that there is some other reason for officers seeking opportunities after they have done 10 years of service and they have a bit of long service leave behind them, and we have the greatest opportunity almost in the history of the state in terms of jobs? Is the member suggesting that there is some other reason?

**Dr D.J. Honey:** There's a 300 per cent attrition rate increase, minister, and that's due to the fact that you're not doing your job.

**Mr P. PAPALIA:** What is the member suggesting is the reason, if it is not the economy and the opportunity? Is he suggesting —

**The SPEAKER:** Minister, you are asking too many questions of the opposition. This is a supplementary. It was a relatively brief question. If I could just have a brief answer. Thank you.

**Mr P. PAPALIA:** I am sorry, Madam Speaker.

I am left only with the conclusion that the member is somehow suggesting that the Commissioner of Police, the leadership of the police, or something else going on in the police force is driving police officers from the police force, when that is not the case. We are attracting police officers at a record rate and we are in the process of recruiting elsewhere because, like every other sector of the economy, there is huge opportunity and great demand. People are in demand. It is a challenge to deal with people who can rightly and willingly just look for other opportunities, because there are opportunities, because we are in one of the best places on the planet in terms of the economy. That is a better problem to be dealing with than the alternative.

**Ms S. Winton** interjected.

**The SPEAKER:** We will just wait for the member for Wanneroo before I give you the call. The member for Kimberley.



## GOVERNMENT CONTRACTS — ABORIGINAL PROCUREMENT POLICY

**618. Ms D.G. D'ANNA to the Minister for Aboriginal Affairs:**

I refer to the McGowan Labor government's commitment to deliver more business and employment opportunities for Aboriginal Western Australians, particularly in our regions and in my electorate in the Kimberley. Can the minister update the house on the government's Aboriginal procurement policy and outline what it is delivering for Aboriginal businesses and their communities?

**Dr A.D. BUTI replied:**

Thank you very much to the member for Kimberley for that question and for her very, very keen interest and commitment in the area of Aboriginal employment. I am really answering this as Minister for Finance and Minister for Aboriginal Affairs.

I ask members to cast their minds back to 2018. Back in 2018, we had no way of measuring how many government contracts went to Aboriginal business operators—none at all. My predecessor, Ben Wyatt, instigated the Aboriginal procurement policy, which was an absolutely transformational policy. Since 2018, it has gone from strength to strength. I am pleased to update the house today that the McGowan government has delivered a record spend on contracts awarded to Aboriginal business operators. We have eclipsed the Aboriginal procurement policy percentage targets four years in a row. The policy has been going for four years. We measure how many contracts are going to Aboriginal business operators from government, we have set targets, and we have surpassed them four years in a row.

In 2021–22, nearly \$254 million worth of contracts were awarded to Aboriginal business operators. This \$254 million comprised 262 contracts awarded to 119 businesses across WA. Those contracts being awarded to Aboriginal business operators represented 5.6 per cent of all government contracts, easily exceeding our target of three per cent. Over four years, a total of \$821 million worth of government projects has been delivered by Aboriginal business operators. If we keep that progress going forward for the next decade, just imagine what we will reach at the end of the decade.

The member for Kimberley is in the regions. The Kimberley region has been the strongest regional area for Aboriginal contracts, with 32 contracts worth nearly \$40 million awarded to Kimberley business operators. That includes six contracts worth around \$6 million to Kullarri Building, which is helping to deliver public housing in places like Kununurra. Over the next five years, the advisory service is projected to grow and support a further 500 jobs through Aboriginal business operators across regional WA. I think the results of this policy speak for themselves not only in the Kimberley but across Western Australia. I would hope that on this occasion, the opposition, which is negative, negative, negative, will congratulate the government on this incredible performance, but if it will not —

**Mr P.J. Rundle** interjected.

**Dr A.D. BUTI:** Member for Roe, what was that?

**Mr P.J. Rundle:** It's all right.

**Dr A.D. BUTI:** The member for Roe may not be able to bring himself to support it, but none other than the former leader of the Liberal Party, Zak Kirkup, recently wrote in the *National Indigenous Times* —

It's one of the best ways to help close the Gap, to give a sense of place and foster a contribution to the betterment of the society which we all live in together.

I just wish he had had that common sense when he was in this place. Well done.

## FAMILY AND DOMESTIC VIOLENCE SERVICES

**619. Ms L. METTAM to the Minister for Prevention of Family and Domestic Violence:**

I refer to the South West Refuge, a women's refuge that has turned away 340 women and children in the last 12 months due to the significant increase in demand and cost of living.

- (1) How can the McGowan government justify a continued rollover of service contracts with very little indexation, resulting in real cuts to service delivery?
- (2) What will the minister do to address the 12.75 per cent gap in funding for service agreements that has occurred under her watch?

**Ms S.F. McGURK replied:**

- (1)–(2) I thank the member for the question. It is an interesting premise, because we have made a number of adjustments to the existing contracts within the community services sector, which I will address, but on the broader question of our investment in relation to preventing domestic violence, it is light years ahead. Our focus on, investment in and commitment to dealing with the scourge of domestic violence and sexual violence—another real form of gender-based violence in our community—is light years from when the member was in government.

Since we have been in government, we have achieved investment of \$150 million in new funding; significant law reform; two new refuges; two new hubs, with two more on the way; law reform; amendments to the commercial tenancy legislation; and our Respectful Relationships training in schools. That is a whole lot of engagement across a broad range of sectors. It always surprises me when I get—I do not get them very often—questions in this place from the opposition in relation to our focus on domestic violence, because I think that anyone who has been watching our progress on this issue would say that there has been, as I said, significant investment and dedication to the issue.

I was particularly pleased to be with a number of service providers and sector leaders in Melbourne earlier this week to be part of the launch of the 10-year plan to combat gender-based violence in our society. There has been significant investment and focus. But on the member's particular question about whether there has been some sort of reduction in service-based funding for any of the refuges, I absolutely dispute that allegation or assertion. It is ridiculous. In fact, we have done a number of things. After advocacy from the Western Australian Council of Social Service and other sector leaders, we amended the indexation formula from what had occurred previously under the Barnett government. That means that, at the time, after a request from the sector, we gave more emphasis to the consumer price index, as had been requested. Of course, that now presents a challenge for the sector, because in fact there were two components to the indexation—one is the CPI and one is the labour price index—and although when we came into office we were initially asked by the sector to give more emphasis to the CPI, now they want us to have more emphasis on the labour price index, because wages are going up. I understand that circumstances change, and we have tried to be responsive to that, but there is no doubt we have improved the indexation formula as it relates to the sector. We gave significant boosts during COVID. That included additional people on the ground to individual services as well as to joint response teams and the like. Finally, we have given extra money to those services that required additional funding for their equal remuneration order. There were a number of services that felt that their existing contracts did not adequately cater for the equal remuneration order. I think that last year was the final year for that adjustment.

There has been a significant increase in and focus on the effort towards combating and responding to domestic violence. Extra attention has been given to the indexation formula, including the equal remuneration order and accommodation, and extra money was given during the COVID pandemic. There is a lot to do. The Liberal government left us a lot to do when we came into office. Very, very little had been done for the eight and a half years when the member's side was in government and we have been working very hard to address that. It is true that there is a lot to do, but we are working hard with the services. Commissioning work is being done with those individual family and domestic violence services and they are all part of those negotiations, including the Centre for Women's Safety and Wellbeing, the peak body, and individual services are part of those discussions as well.

#### FAMILY AND DOMESTIC VIOLENCE SERVICES

##### **620. Ms L. METTAM to the Minister for Prevention of Family and Domestic Violence:**

I have a supplementary question. When will there be an update to these service agreements so that we will not see an effective cut to services, as is happening with the South West Refuge?

##### **Ms S.F. McGURK replied:**

What is familiar about the premise of that supplementary question is the hysteria and misinformation that comes from the member for Vasse. It is misinformation and hysteria. There has not been a cut in its funding.

**Ms L. Mettam:** There are 340 women and children. You are out of touch.

**Ms S.F. McGURK:** In fact, there has been an improvement in the indexation, if the member would listen to the answer and try to understand it. There has been an improvement to the indexation formula since the member was in office—an improvement—and an additional uplift to accommodate the equal remuneration order for those services that have asked for it. That has all been accommodated. In addition, additional money was given during COVID. Commissioning discussions are taking place now and all the services agreed to roll-over their current contracts while those commissioning discussions took place. That was agreed across the sector. Instead of just taking cheap shots and trying to politicise this issue, perhaps the member could focus on some detail when it comes to the broad range of effort that has been given to combating domestic violence in our community.

#### SCHOOLS — MANDATORY CONSENT EDUCATION

##### **621. Ms E.L. HAMILTON to the Minister for Prevention of Family and Domestic Violence:**

I refer to the McGowan Labor government's commitment to preventing sexual violence.

- (1) Can the minister advise the house how this government is leading the country in ensuring that Western Australian students and their families have the knowledge and skills to understand what healthy and respectful relationships look like?
- (2) Can the minister outline to the house why early intervention is important in tackling sexual violence?

**Ms S.F. McGURK replied:**

I thank the member for her question and her interest in this area.

- (1)–(2) This is a good example of the sort of work we are getting on with as a government to take opportunities to progress reform. I particularly acknowledge the Minister for Education and Training for her work in this regard. I stood with her at Bob Hawke College last week when she announced that WA would be one of the first states in the country to mandate consent education for pre-primary to year 10 in all schools in the state. Members might be aware of Chanel Contos, a student from New South Wales and a sexual consent activist. She became known globally in 2021 following an amazing national and international response to her request for women to report on their sexual assault experiences. Her petition, which attracted over 44 000 signatures within a month of its launch, also resulted in about 5 000 stories of sexual assault. Minister Ellery told the story of Chanel Contos, who I have also met with, presenting to education ministers across the country about why consent education should be mandatory in schools. As I said, the announcement has been that WA will be one of the first states to mandate that. The draft curriculum is now open for comment and there will be an opportunity for people to give their feedback. During 2023, individual schools will have the opportunity to pull together the resources they want and that curriculum will be mandated in 2024. Of course, it is age-appropriate and is unashamedly progressive in nature. The concepts are developmentally relevant and appropriate to students.

This is so important. I cannot tell members the number of times people say to me that they despair when they hear of high rates of domestic and sexual violence in our community. We need to respond to that, and we are responding to it to make sure that we have a good crisis response, that our courts and our laws are up to the task and that all of our services and responders are doing what they need to do, but we need to change behaviour. We need to change the underlying attitudes that result in that violence. Of course, schools are an important place for that education to occur. It is not about giving students just the understanding and the tools. As Minister Ellery described, students will learn how to say “no”, but also how to hear “no”. Some of those underlying attitudes will also be identified. I was pleased to announce at that press conference the delivery of another 22 schools that will have access to the Respectful Relationships program. The schools will partner with the Starick women’s refuge to deliver that program to have age-appropriate resources available to understand respectful relationships and to understand a bit more about domestic violence.

Sadly, one in five Australians think that women who say they have been sexually abused are lying or exaggerating, and more than one in 10 Australians believe it is a woman’s obligation to have sex with her partner even if she does not want to. These are the sorts of beliefs and attitudes that need to be challenged. That is what we are doing through mandating consent education and rolling out respectful relationships training and resources in schools, and a lot of other work that we are doing. At the end of November will be another 16 Days in WA campaign to encourage everyone to think about these issues and to take action within their own families, workplaces, community groups and spheres of influence so that we can start to address these high rates of sexual and family and domestic violence.

## WESTERN AUSTRALIAN CRICKET ASSOCIATION — LOCAL GOVERNMENT RATES

**622. Mr R.S. LOVE to the Minister for Local Government:**

I refer to the minister overriding the City of Perth in granting the Western Australian Cricket Association a 100 per cent exemption from paying rates.

- (1) Why has he decided to stop the city from collecting rates from the WACA?  
 (2) Has he used ministerial discretion to grant other such rate exemptions?

**Mr J.N. CAREY replied:**

- (1)–(2) I thank the member for this question. As the minister, I have the ability to give an exemption. I note that this happened with the WACA consecutively under the member’s government. I find it slightly bizarre that the member is questioning the ability of the minister to do so when his government did it in consecutive years. I gave consideration to the effects of COVID on the WACA, given that it had faced challenges, and also the oncoming significant redevelopment of the WACA, and I thought it was appropriate to provide that exemption. That exemption is for only this financial year and if there are any further requests, I will give them consideration at the time. I had a meeting with the mayor and the chief executive officer on homeless issues and I did flag it there as well that I had made that decision.

## WESTERN AUSTRALIAN CRICKET ASSOCIATION — LOCAL GOVERNMENT RATES

**623. Mr R.S. LOVE to the Minister for Local Government:**

I have a supplementary question. Does the minister consider it fair for mums and dads in small business and residents in the City of Perth to pick up the bill, or will the state government assist the City of Perth in offsetting the cost of this decision?

**Mr J.N. CAREY replied:**

I want to be very clear that the redevelopment of the WACA, which is part of the Perth City Deal, is of incredible benefit to the ratepayers of Perth. I know that because I am the local member for Perth and there was an incredible passion and energy from local residents in relation to the redevelopment. I note that the total value of the exemption is around \$77 000, which is a very small percentage of the city's budget. I am very confident that the ratepayers in Perth, whom I engage with regularly—in fact, two weekends ago I had a coffee catch-up that was attended by over 40 residents, who engaged with me on a range of issues. Our government is in touch with the CBD community —

**Mr M. McGowan:** Like the National Party.

**Mr J.N. CAREY:** Yes, just like members of the National Party who live in my electorate. I actually think they get my —

**Mr R.S. Love:** There are a whole lot of business in Perth that have been impacted by COVID and whole range of other issues, including all the —

**Mr J.N. CAREY:** This is extraordinary. The member's government did it for successive years and that was okay. There is one rule for the National Party and the Liberal Party, and one rule for other governments. Why did his previous government do it for successive years?

**Mr R.S. Love:** I am asking you why you made the decision.

**Mr J.N. CAREY:** No. I am asking the member why is it—this is the born-to-rule mentality of the National Party and the Leader of the Opposition; it is a born-to-rule mentality.

**Mr R.S. Love interjected.**

**The SPEAKER:** Order, please, members!

**Mr J.N. CAREY:** There is a born-to-rule mentality with the National Party. We see it in the way that they conduct themselves in the chamber, particularly the Leader of the Opposition. I want to be very clear on this. Their government did it over successive years—successive years—and yet the member says that is fine: “We can do that. That's all right.”

**Ms A. Sanderson:** They're allowed.

**Mr J.N. CAREY:** They are allowed to.

**Mr R.S. Love interjected.**

**The SPEAKER:** Minister, I think you are drawing way too many interjections and I would love to give another member the opportunity to ask a question very soon.

**Mr J.N. CAREY:** Clearly, the member for Moore is very passionate because it is an issue so close to his heart and because he lives so close to the city, or his colleagues do. The reality is this. I considered the impacts of COVID on the WACA and the redevelopment of the WACA and I believe that the redevelopment of the WACA, as part of the \$1.7 billion Perth City Deal, will provide significant benefits to ratepayers and that this exemption was justified.

#### WOMEN'S AND BABIES' HOSPITAL

#### 624. **Mrs R.M.J. CLARKE to the Minister for Health:**

I refer to the McGowan Labor government's record investment into Western Australia's health system, including the delivery of new and upgraded hospital infrastructure.

- (1) Can the minister update the house on the work underway in planning for the new women's and babies' hospital?
- (2) Can the minister outline to the house how the community can provide feedback into the process to ensure that the hospital truly delivers patient-centred care?

#### **Ms A. SANDERSON replied:**

I thank the member for her question. I know that she is also passionate about delivering patient-centred care, particularly in the area of women's health.

- (1)–(2) The new women's and babies' hospital presents us with a fantastic opportunity. It is already the result of the good financial management of this government that we are able to put aside \$1.8 billion towards this project to replace the ageing but much loved King Edward Memorial Hospital for women and newborns in this state. It presents us with a unique opportunity to rethink how we deliver maternity care in Western Australia. It is much more than just a hospital. It is also an opportunity to rethink that and it is a very symbolic and important opportunity for women and the people who work in women's health care and maternity care to really engage in this process.

Western Australia has some of the highest rates of intervention in childbirth in the country. In fact, even by international standards those intervention rates are high. Rates of postnatal depression are rising and

some studies report that as many as one in three women report significant trauma from a number of those birth interventions. We want women to have the birth that they want, and we want them to be able to deliver safely. We have a once-in-a-generation opportunity to engage with the women who have used the maternity services and who will use our new women's hospital and ask them what they want to see change or stay the same. We know that childbirth is a unique experience for women. Generally, women do not get to do it many times in their life and we want that experience to be as good as it possibly can be for all women in Western Australia, so we need to hear from women in WA.

Yesterday, I launched the expressions of interest process for community members so that they can be involved in consumer focus groups that will inform the various elements of the women's and newborns' hospital. When it comes to this hospital, women are the most important part of this process and will be the patients who use it. Since yesterday, we have already received more than 350 expressions of interest. That is fantastic. People who want to apply can do so via the new women's and babies' hospital website. The application takes 10 minutes and EOIs will close on 11 November. Participants will be short-listed and contacted after that date. The focus groups will take place in November and December this year. This will not be the only way that people can have their say on the women's project. People will be able to engage through a range of mechanisms, forums and processes. We want to hear how the design and fit-out elements can improve patient and family experiences and how we can make the new hospital appropriately accessible to everyone. We want to know about disability access, the naming of wards, what the public and religious spaces in the hospital will look like, what the landscaping will look like and what sort of sustainability initiatives we need to see in this hospital.

It is a priority for me to ensure patient-centred care at the heart of this new women's and newborns' hospital and the McGowan government is very committed to maternity services in WA. I am a strong advocate for birth choices and for expanding birth choices for Western Australian women and I am very excited, as Minister for Health, to be part of this stage of this project.

#### INTENSIVE FAMILY SUPPORT TEAM — CARNARVON

##### **625. Ms M. BEARD to the Minister for Child Protection:**

I refer to the minister's announcement in August that the government would deliver an intensive family support team in Carnarvon, which aims to help children remain safely at home with their parents.

- (1) How many of the promised positions have been filled?
- (2) If the answer to (1) is none, when might these be filled?
- (3) Will the minister fund a service to provide a safe space for children who cannot stay at home safely?

##### **Ms S.F. McGURK replied:**

- (1)–(3) I thank the member for the question and for her interest in this area. I was not in the chamber for her inaugural speech, but I intend to go back and have a listen because one of the challenges that we all have either in policy areas or in our portfolio is when we see a need to draw focus and attention to areas of need, but then not to talk those areas down so much that it becomes a self-fulfilling prophecy. That is my concern about somewhere like Carnarvon, where I visited recently—sorry, I was in Geraldton recently. But it was not that long ago that I saw some really great things occurring in that community. I am sure that the member sees them, too. I understand that there are challenges there.

In the budget, we announced that an extra \$36 million would be dedicated to new child protection positions. As part of that announcement, I was pleased, as the member said, that an intensive family support team would be set up, comprising, on recollection, about six child protection workers and a team leader. It was something of that order. Those positions have been advertised and they are now in the process of being filled. Those workers will all be locally based and, as the name implies, they will start to work intensively with families who either have children in the child protection system or are working to avoid children coming into the child protection system. Sadly, we know that a lot of the antisocial behaviour that we see in communities can often be led back to those same households. If we can address some of those issues proactively in child protection, we are likely dealing with a whole lot of other issues such as kids getting back to school, stability in tenancies, perhaps other overcrowding issues in the household et cetera.

I am very pleased with some of the work that has been done in child protection in the Department of Communities. During my visit to Geraldton that I was talking about before, one of the things that we realised during the COVID-19 pandemic was that we were able to separate some of the children and young people in residential care into smaller cohorts of houses. We did that for safety reasons during COVID. We also realised that there was a lot of settling of some of the young people's behaviour. We have now prioritised a number of new residential care homes throughout regional WA, which I know the member will be pleased to hear. I was there to open two of three new residential care homes in Geraldton. They have been staffed. I think we will see some great outcomes with those young people in those homes.

That is the sort of investment and reform we are seeing in child protection. We are seeing some good outcomes, but there are challenges in that system. The nature of families coming to our attention in child protection is that they have challenges. That is the nature of them coming to the attention of the Department of Communities, particularly in relation to child protection.

If I remember correctly, the last part of the member's question was about safe places for children after hours. I am sure the police in that area and in the member's electorate are aware of this, but if they cannot find somewhere safe to take those children after hours, there is a crisis line. Child protection workers are available on call after hours to assist in that regard. That is for members of the community or first responders such as the police.

#### INTENSIVE FAMILY SUPPORT TEAM — CARNARVON

**626. Ms M. BEARD to the Minister for Child Protection:**

I have a supplementary question. Will the minister fund a safe space for children, even if it is a transitional package, prior to the intensive family support team being embedded to keep the children who are at serious risk on the streets at night safe?

**Ms S.F. McGURK replied:**

The member should think through the logic of her question. We have announced the funding for intensive family support and we have advertised for those positions, which will be located in Carnarvon. By the time we get an alternative service up, those positions will be filled. We are prioritising on getting skilled, degree-qualified child protection workers on the ground who are able to do that difficult work of engaging with families. As I have reported before to this house, I think the Department of Communities and the WA community should be really proud of some of the work that is happening in that area of child protection. For two consecutive years now, we have seen reductions in the number of children coming into care, including Aboriginal children, as well as the total number. That is a good thing. We need to keep those kids safe.

I have referred to this so-called safe space. If children are at risk, to other people or to themselves, after hours, the police have an opportunity to take them. If they cannot find a responsible adult to take control of those kids, for want of a better expression, they can ring the crisis line. Child protection workers are available on call locally to take care of those children.

**The SPEAKER:** I give the call to the member for Warren–Blackwood with the last question as a reward for actually getting up and seeking the call properly.

#### SOCIAL HOUSING — MODULAR BUILD PROGRAM — REGIONS

**627. Ms E.J. KELSBIE to the Minister for Housing:**

I refer to the McGowan Labor government's significant investment in delivering more social housing across Western Australia, particularly in the regions. Can the minister update the house on the modular build program and outline how this program is helping deliver new housing as fast as possible across our regions?

**Mr J.N. CAREY replied:**

I thank the member for her question.

It is very clear that all states across Australia are facing significant housing pressures. A direct result of the COVID-19 pandemic is that a number of factors have coincided, creating the demand for more housing in Western Australia. As a state government, despite the very heated construction market, we have been going out of our way to not only use every lever we can, but also think outside the box. We understand that in the current market, it can take 12 to 18 months to deliver a double-brick home. That is the reality we face in Western Australia.

We are investing \$2.4 billion over the next four years in housing and homelessness programs, but there has been a greater focus on and energy in alternative construction methods. To date, as a result of adopting those methods, we have added 743 social homes, with 900 under contract or construction. In this challenging market, we have found that these alternative methods are certainly working. We are using timber frame construction. It is not a novelty on the east coast but it is here. We are finding that we are able to knock out social homes four months from the concrete pour. We are also using other types of prefab homes to create smaller homes and units in the metropolitan area.

We have also created a modular build program. That will deliver 200 homes, with the majority in regional Western Australia. Why that works and why it is faster is because we can build much of it onsite, but obviously transport it to a regional community where the last elements are completed. We are finding that it has a quicker turnaround time. I am pleased to say that, to date, we now have 73 modular homes under contract, and they are starting to be delivered out the door. We have had five delivered to South Hedland, we have had four delivered to Tom Price and I am glad to say that we have some under contract and they will be going to Manjimup.

This shows that our government recognises that we face the toughest construction market in decades, that we are shifting and moving to adapt to the market and that our timber frame and modular programs are delivering to accelerate social housing delivery in Western Australia.

**CHAMBER DECORUM***Statement by Speaker*

**THE SPEAKER (Mrs M.H. Roberts)** [2.58 pm]: Members, I might just give you a little reminder that to seek the call—this applies to members who have been here for not only a short time, but also longer than 10 years—when you are seeking the call, you actually have to seek the call; it is not sufficient just to stand in your spot. If you want to be recognised by the Speaker, the Deputy Speaker or the Acting Speaker, you actually have to seek the call by saying, “Madam Speaker”, “Mr Deputy Speaker”, “Mr Acting Speaker” or “Madam Acting Speaker”. That is how you get the call. I just advise you that you may be ignored if all you do is stand in your spot. Quite a number of members are doing that.

The other bit of gentle advice I will give you is about when you pass between the person on their feet and the Speaker. Imagine a straight line; if you cross that magic straight line, you need to seek permission to walk across it. Some members go to the extreme: someone might be on their feet, so they will come through the back door and they will seek my permission to go to their seat on the opposite side of the chamber. You do not need to do that; you only need to do that if you cross that imaginary line between the person sitting in this chair and the person speaking on their feet.

**FAIR TRADING AMENDMENT BILL 2021***Second Reading*

Resumed from an earlier stage of the sitting.

**MS L.L. BAKER (Maylands)** [3.00 pm]: I will resume where I left off before lunch. I am sure members will be interested to hear what I am going to say next. The Fair Trading Amendment Bill tries to harmonise with and make a far easier passage for federal changes to consumer law. The bill will allow us streamline what WA is doing in consumer law with the federal law.

I pause to say that before I stood, the member for Swan Hills reminded me that we shared a position on the Economic Regulation Authority’s consumer group for some time.

**Ms J.J. Shaw:** It was the consumer consultative committee.

**Ms L.L. BAKER:** It was the consumer consultative committee. I should never forget that; it has a long title. That was in another of our previous incarnations.

This bill covers three areas. I spoke before the break about complementary medicines, in particular, my interest in Indigenous intellectual property as it might impact on the potential for economic benefit for our Indigenous community in coming years. We need to regulate around this to support how Indigenous intellectual property is used, particularly in medicines and other consumer goods. This bill also covers consumer guarantees. The example provided relates to “lemon” contracts whereby someone goes out and buys a car or a white good and finds it has multiple problems. The protections afforded them have not been particularly rigorous, but this will enable us to move forward to protect consumers far more rigorously. There will be civil law remedies, fines and the like, if somebody enters a contract and finds they have bought a lemon—a car or something similar. Earlier, the member for Mirrabooka mentioned the Shonky Awards and a very shonky washer–dryer that took a six-and-a-half-hour cycle to dry one load of clothing. This bill will enable that to be covered under a consumer guarantee. The bill also deals with unfair contract terms. For example, a rental agreement that puts undue pressure on the person renting a property and perhaps locks them into unfair and unreasonable commitments if the contract is broken and they have to move out or something fails. They are three of the issues that this legislation will cover.

I turn to a few other things under consumer law that are particularly relevant and that my constituency is interested in. Something that came to mind were issues that arose before the puppy farming legislation was passed. There was a long lead time during which we discussed with the community why backyard breeders and bad breeding of dogs was abhorrent. Some of the issues that came to the fore was that dogs and companion animals—indeed all animals—are classified as goods and services under Australian Consumer Law. That might sound okay on one level, but a problem was brought to our attention during research on the puppy farming legislation. When somebody goes to a pet shop, buys a puppy and takes it home and then finds out that that puppy has parvovirus or some other deadly disease and the puppy is either permanently disabled or dies, they will seek recompense from the pet shop. Basically, their option is to take back what they consider to be a new family member and ask for a new one. That simply does not ring true when people are talking about their family pet. Work has been done in most developing countries to take animals out of consumer law under the category of goods and to recognise that they are sentient creatures and should be given far better consideration, particularly when the animal that has been purchased has been found to be very sick. What kind of recompense can they seek? Under law at the moment, it is mainly financial or exchanging the pet. It does not recognise that, effectively, this is the loss of a family member.

The other thing that comes to mind with consumer law, given the interests I have been developing over the last 10 years, is food labelling and how consumer law has been revolutionised around this, particularly in America,

Turkey, Singapore, New Zealand. Australia is slowly coming into line with this. I refer in particular to a Senate inquiry on labelling and the definitions of meat and other animal products. The Senate inquiry released its report in 2021, under the previous federal government. I think the inquiry was chaired by a National Party senator. The report made a number of points that I want to refer to in my speech today. An article on the report stated —

- Demand for centre-of-plate protein growing worldwide as our global populations grow.
- This demand cannot be met by traditional protein production alone, thus diversifying protein production with sustainable alternatives will be required.
- This presents an untapped opportunity for countries that move swiftly to capture market share in alternative proteins, and Australia has the agricultural capacity, commercial appetite, infrastructure, and research know-how to seize it.

The CSIRO indicated that a \$70 billion export market is at stake here if we jump on this market trend and help our agriculture sector diversify into these areas. The evidence presented underscored economic and agricultural opportunities in this area. Consumers in Australia are savvy about this and becoming more savvy about it. We have had a rapid take-up of flexitarian diets. I talked in this house before about that. People do not want to eat as much red meat as they have previously and they alternate their diet with more plant-based options.

The opportunities for Australia was quantified in research presented to the inquiry from the Australian Farm Institute, AgriFutures, CSIRO, Food Innovation Australia Ltd and others that project new protein industries will generate billions of dollars in additional economic value by 2030, creating thousands and thousands of jobs. This includes job growth in regional areas, new infrastructure investments, new revenue streams for Australian farmers and value-adding of crops they grow.

One example of an activity of this kind of diversification that is happening in America is a colleague of mine in California who is currently in negotiations with a dairy farmer who has had to face going out of business. They have a similar situation to the market capture and ceilings that are in place by third parties as the dairy industry faces here. The market in California in the dairy industry is in a bit of a crisis for the same reasons ours is. My friend has gone to this farmer who is facing having to sell his generational farm. He has already had to get rid of 200 head of cattle. He was not happy about that, as you can imagine, as these farmers spend a lot of time with their animals. He was not at all happy to have to get rid of those cows. He has 50 head of cattle left. My friend produces plant-based dairy products and serves most of the American market and exports. I think she is one of the top 50 businesswomen in America at the moment. She has offered to transition his dairy farm to provide the biomass product that she will need in her business for the next 50 years. In doing so, it will ensure that the farmer and his children have sustainable generational security in their farm. In addition, she happens to have an animal rescue ranch called Rancho Compassion and has offered to give his remaining 50 cattle a home for life. I hope to see that kind of activity that both responds to the very strong consumer demand for plant-based alternatives coming out of America and other countries and recognises the incredible role the agricultural sector will play in helping us to meet the crises in food security we will face.

It is difficult to talk about food security in Australia because we have so much land and so much food. It is really hard for people to even imagine that in 2050 someone living in America who orders a steak will have to pay \$US250. This is in 2050; that is not far away. It is hard for Australians to get their heads around what is coming, but it is coming and we need to help our agricultural sector to get on board and capitalise as well as it can for what is coming.

The lack of evidence demonstrating any concern about consumer confusion over labelling was very evident in submissions to the Senate inquiry. The report states —

In considering the current state of plant-based product labelling in Australia, the Inquiry committee heard from the Australian Competition & Consumer Commission ... Australian Food and Grocery Council ... Australian Farm Institute and Woolworths, which each reiterating there was no substantive evidence of widespread consumer confusion caused by current labelling practices.

That is labelling in the plant-based food industry. The report continues —

The Inquiry committee also heard that a cross-sector, industry-led working group by the Minister for Agriculture previously reviewed this issue, recommending in March 2021 that voluntary guidelines for labelling ...

I should also say that the inquiry resulted in a split decision. Somewhat befuddlingly after all the evidence provided to the contrary that there was no confusion about food labelling—there was no problem and nothing to see here—the report was released with a dissenting report. The committee’s report said that we should change food labelling to make it harder for plant-based foods to get onto the shelves without significant change. The report went on to state —

In a split decision, the dissenting report supports the recommendation for voluntary guidelines as called for in the submissions of the Australian Dairy Industry Council, WA Farmers, Australian Food and Grocery Council and others. The dissenting report also offers relevant and specific proactive policies for new sectors like plant protein to help reach Australian agriculture’s goal of a \$100bn food and fibre sector by 2030.



I will pick up on that topic in this house later but consumer issues, consumers' voices and their contribution to markets, and consumer protection should be of paramount importance to any legislative body, particularly the Western Australian Parliament. I am highly supportive of the bill because it will bring in some really significant improvements across the board for small business and consumers, and create a far clearer system for everyone.

Before I sit down, I would like to congratulate my colleague the member for Swan Hills for bringing this bill to the house and wish her great success in getting it through Parliament.

**MR C.J. TALLENTIRE (Thornlie)** [3.14 pm]: I, too, am very pleased to rise to speak on the Fair Trading Amendment Bill 2021. The bill presents several amendments to consumer protection law that are extremely valuable and extremely useful. I especially want to focus on country-of-origin labelling, the need for further work on consumer protection under the Building Services (Registration) Act and the right to repair measures in this legislation.

Given my agricultural background, right to repair measures are dear to me. I know the member for Roe would share my interest. I have heard stories of farmers whose very expensive agricultural equipment, such as John Deere tractors, harvesters or whatever, often worth \$800 000 or more, breaks down—it might be only a software problem but quite often a mechanical problem—and the only way they can get that expensive piece of machinery currently stationary in a paddock moving again is by engaging a John Deere-accredited mechanic to repair it, which is sometimes impossible because a mechanic might not be freely available. It means that the farmer is beholden to that company and has no right in the marketplace to find someone to repair their machinery at a reasonable price. Many efforts have been made to get around that situation. People can download software available through various torrent systems to hack into the John Deere system. We should keep in mind that John Deere is probably the second-biggest tractor producer globally. I think the biggest company is Belarus. It is based in Minsk but has factories around the world. The Illinois-based John Deere company really does have a reputation for this.

I recently visited Thornlie TAFE and talked to the heavy diesel mechanics students. Students in their training and staff in designing the curriculum face this proprietary stuff. Staff rely on teaching the fundamentals of diesel mechanics and hope that if students specialise or sign up to be John Deere, New Holland, Massey Ferguson or whatever employees, they will be able to develop their careers around that. Again, it is very uncomfortable to think that once people have done their basic training through our TAFE system, they will be beholden to particular brands. Caterpillar is another company that is quite notorious for doing this in the mining sector, although I believe the Caterpillar tractors with the big tracks are quite popular on some broadacre farms.

The issue of hacking the software of agricultural machinery producers is very interesting. It takes me back to the mid-1990s and my days in the Muresk Institute computer lab. We would listen to lectures from a very nice man named Bert Beardmore about using Windows 6 systems. Nowadays, I suppose the Muresk computer lab is helping students to learn how to hack things like the John Deere system. That is where we are with this right to repair movement. In some ways, the agricultural sector is leading the charge on right to repair, and it is a good thing that it has because we want a right to repair in whole a lot of areas.

On the weekend, I was talking to one of my constituents who wants to establish a repair cafe. I daresay they could well encounter the same difficulty obtaining parts for basic consumer appliances, from kettles to vacuum cleaners and whitegoods, and will have to deal with consumers' concerns about voiding warranties simply because they are trying to do basic repairs rather than take an appliance to the manufacturer. Consumers are no longer accepting of the built-in obsolescence that accompanies so many consumer goods—buying an appliance and thinking it will only last a couple of years. People want to be able to repair. I really admire that initiative, and I can see a nice synergy between the Men's Shed movement and the repair cafe concept.

That is at a very small consumer scale, but this legislation goes much more to the Australian Consumer Law protections for agricultural equipment to ensure that people can obtain third-party access to repair supplies, buy equipment when they need it and get their farm machinery up and running, especially in an industry that is so time critical. We are just about to head into harvest now. One can easily imagine farmers with a thousand hectares—in many cases far more than that—to harvest. If rain is forecast for a couple of days, their priority will be to get as much of the crop in as possible before it gets the rain on it and before it sprouts. The value of the grain can drop quite dramatically once it becomes rain affected. There are all sorts of reasons why farmers would want to ensure that their equipment is working at its absolute optimum, and if there is the inevitable breakdown, that it is fixed as quickly as possible.

This is really important stuff. It is vital that we assist the whole movement, and I think it will pave the way. We are already seeing some great initiatives. I know the European Union is looking to standardise things like phone chargers so that we do not have to get a new charger every time we buy a new device, leading to the crazy situation of having a drawer full of old chargers and not knowing which charger went with which device. It is consumerism gone mad, but not by consumer choice; it is forced upon us by thoughtless manufacturing. With better design and with good legislation, such as the EU is bringing in, we can have standardisation of charging systems and charging devices so that we can buy a charger and know that it will work across a range of devices and over successive generations of devices. That is something that is very welcome. No doubt, with the EU being a market of 450 million people, this will have ramifications right around the world and manufacturers will see that they need to fall in line and standardise things.

On the issue of the right to repair, people have said, “John Deere is a massive multinational company, a very powerful company. What can little Australia do to stand up to it?” Actually, we can do quite a lot. If a company wants to sell goods here, it is bound by Australian consumer protection law. We need to make sure that the various intricacies of our consumer protection law, from the fair trading legislation here in WA right through to the federal legislation, are all nicely in sync. If this is not done, we can be sure that a company like John Deere will seek to exploit any loopholes. We have to make sure it is all organised and properly done.

I think it is important to ensure that the right to repair extends down to things like the capacity to do the diagnostics on a machine, as well. It is very important that we maintain our machinery. We all understand the need to have our vehicles serviced frequently. Given there is so much electronic circuitry in modern cars but also in agricultural equipment, it is important that the diagnostic work can be done, and not just by a proprietary brand. It needs to be able to be done by a technician who has perhaps been trained on other equipment and is familiar with a range of different brands.

I will raise a further point on this, one that will be of interest to anyone who has had experience with modern agriculture, especially broadacre agriculture, since the advent of precision farming. Farmers plot out in great detail the various physical attributes of their paddocks, from soil type and proximity to groundwater right through to the superphosphate history of the soil and the precise locations within the paddock. Farmers gather data on a particular brand of equipment. If they want to trade in their equipment—perhaps they have had a good harvest and want to buy an even better piece of equipment—they might buy another brand. The question is: can they transfer all the data they have gathered on their old Massey Ferguson system across to their wonderful new New Holland system? That transferability has been a problem for many. If someone has gone to the trouble of plotting their paddocks, with detailed precision farming, it is not fair that they should have to start from scratch and lose the benefit of all that acquired knowledge about the property, and they face a great cost in doing that. This is a very interesting area, and I am very pleased to see how this legislation will facilitate the right-to-repair movement in Australia, and in Western Australia in particular.

I want to touch on the other areas that I mentioned. I think the need for country-of-origin labelling is very important. We currently have increasingly strong country-of-origin labelling on a whole range of products, including fish products, but there is an exemption for pre-prepared foods, especially foods that are served in cafes, restaurants and takeaways. I know the Western Australian Fishing Industry Council is keen to work on this so that there is full transparency—so that restaurant and cafe customers can be certain where the fish product in their meal has come from and there is no getting around it because of the exemption for pre-prepared food. I will perhaps seek clarification on this, but I am not sure whether that exemption also applies to Lite n’ Easy and other sorts of pre-prepared meals, which I know are popular with some people. I have not managed to check whether that exemption applies there.

Finally, I want to turn to the registration of people like painters and plumbers in the various trades. My constituent Alan Whitley was telling me just last night about his concerns. He is in his 70s now. He has a lifetime of experience in the various trades, especially painting and carpentry. He is a real craftsman and tradesman and is very proud of the quality work he does. He was lamenting the lack of training and experience of the inspectors from the Department of Mines, Industry Regulation and Safety. Alan suggested that they do not have the same level of training—or, in fact, any real qualification in painting contracting—that he has, yet they are inspecting defective work. I could be wrong; perhaps there has been a misunderstanding, but the information I have is that jobs over \$1 000 require painting contractor registration. The problem is that there are many operators in the field who have not had good training but who are getting the contracts because they are able to undercut those people who have very extensive experience.

That is simply unfair. It is unfair on not just those tradespeople who are really proud of their skills and want to do the best job by consumers, but also the poor householder who ends up hiring people who do defective work. The way I see it, there is too much poor-quality work going on in the building industry. It is wonderful to say that the industry is going gangbusters and we are churning out loads of properties and house and land packages because the building industry is as flat out as members can possibly imagine, but there is far too much defective work going on. That is why we have to check that the quality of inspection work is up to scratch.

I have a lot of people with a trade qualification in my electorate who are very proud of their work but who are upset by the amount of undercutting and poor-quality work that is going on. As I hear about some of these things, I am expecting a wave of concerns from people who have bought properties and found out after being in the property for 12 months that the paint is peeling off because the painter who was paid the full rate did not know the right way to prime the surface, or what the right combination or methods for varnishing were—all of that sort of stuff. It is very technical work and people have to be properly trained in it. If we do not watch out, we will find that we will have a wave of complaints from people who are suffering from defective work, which means extra expenses because they have to get the work redone. Hopefully, it is just matter of getting the work redone. I have heard that sometimes the footings were not properly done and so there were serious structural problems with the person’s home. The home is likely to be a person’s biggest asset at a cost of \$500 000 or so, yet there is a serious crack in the wall because the footings were not properly done. That is a real concern of mine. For good consumer practice, it is essential that we are right on top of those matters.

I commend this legislation. It is a very positive step forward in a really important area. We need to do all we can to make sure that Australian and Western Australian Consumer Law is as strong as possible. I commend the bill to the house.

**MS J.J. SHAW (Swan Hills — Parliamentary Secretary)** [3.32 pm] — in reply: I begin by thanking all members for their contributions to this debate today. It has been very interesting for me because it is the first time I have had carriage of a bill through Parliament. I do not always sit for the entire debate on a particular bill, but I have for this one. It has been incredible listening to the diversity of views and the very interesting questions that members raised.

Before I address the questions that have been specifically raised by members in the second reading debate, I want to take a moment to thank the officers from Consumer Protection for their work on this matter. They have been fantastic in the way they briefed me and particularly good to me as a newbie in all this. We first started looking at these issues in 2017. It has been a very long process. I would like to acknowledge Robyn Peterson, Peter Willings and Karine Broux for their fantastic work on this. Thank you very much.

It might be handy for me to first of all address the issues raised by the member for Roe. Assuming that I adequately satisfy his concerns in this phase, hopefully we can move swiftly through the other steps of the bill. I would like to thank the opposition for its support of the bill. The member noted that in 2018 when the original Fair Trading Act amendments were put forward, the issue about the sovereignty of Parliament came up. The government and opposition agreed to carve out those parts from the bill to allow the rest of the amendments to proceed and agreed to work through the issue of the sovereignty of Parliament, particularly through the Standing Committee on Uniform Legislation and Statutes Review and also with the upper house to develop the disallowance mechanism.

I will also briefly acknowledge the member for North West Central, who I understand is now the new shadow Minister for Commerce. She was in the chamber listening to the debate. I congratulate her on her election and appointment to that role. No doubt she will have a great deal of interest in how the amendments we pass today move forward.

The member for Roe concentrated on the disallowance procedure. He raised an issue about the time lines and asked about future Parliaments considering changes in a timely manner. He also asked what would happen during the caretaker period. The amendments at proposed section 19B(3) are for a disallowance period to continue to run from one term of Parliament to the next to ensure that a break due to Parliament being prorogued will not prevent the amendments being dealt with in a timely manner. This same adoption provision has been used in the Legal Profession Uniform Law Application Bill, which was passed in March. It is intended to be in other uniform legislation schemes unless there is a specific reason to depart from that. Parliamentary Counsel is now working with the relevant agencies to develop a process for the identification and tabling of commonwealth amendments to ensure they are tabled as quickly as possible. The member also said we needed to make sure that our internal processes were up to scratch.

We are continuing to proactively raise any issues that are specific to Western Australia. There is a mechanism for Western Australia to raise its concerns. The commonwealth Treasury convenes a policy network in which Western Australia participates and issues are negotiated. The intergovernmental agreement itself outlines the process for changes to the Australian Consumer Law. The Minister for Commerce is given notice of proposed amendments, so we would expect to have a significant amount of warning about any impending amendments. Prior to amending the ACL, the commonwealth must consult with the states and territories and provide them with an opportunity to vote. All changes must be supported by at least four jurisdictions, including three states, but in all practicality, no changes have been made that have not been unanimous. This has been a very collaborative and consensus-based process to date, and we certainly hope that continues.

The next question the member asked was about the plan to communicate with small businesses in Western Australia about the changes that are being made now, particularly those changes that will pick up the post-2018 commonwealth reforms. Consumer Protection has been working with the Small Business Development Corporation throughout the process of drafting and the passage of this bill. Consumer Protection is very supportive and will continue to work with SBDC to ensure that small businesses are provided with adequate support. The immediate impact on small businesses will be quite limited, as the three bills that will be automatically incorporated will not impact significantly on local industry, but we will monitor the potential amendments and ensure that education and awareness campaigns are undertaken for consumers and businesses, as required. We can use a range of options to do that, including media, social media, information campaigns and educational materials. Consumer Protection regional officers are available to liaise directly with small businesses in regional areas, which is obviously of great interest to the member.

All the substantive amendments to the Australian Consumer Law are subject to a rigorous consultation process that is made public. That consultation is usually led by commonwealth Treasury in accordance with regulatory impact assessment requirements. Western Australia will be involved in and consulted on the preparation of the list of stakeholders who will be directly notified of the consultation.

The next issue the member raised was agricultural machinery. Obviously, the member for Thornlie also made a very interesting contribution on that matter. We acknowledge that high-value goods are typically agricultural products. The member for Roe noted that the equipment is expensive and the software is very complex. It is a significant issue when that type of machinery breaks down. I imagine that is particularly the case in the middle of the harvesting period

when the last thing anyone wants is an interruption, especially when the weather window might be quite tight, and you have to just get on with it and do the job. As the member noted, the commonwealth Productivity Commission has been looking into this matter and issued a report on 29 October 2021, acknowledging the significant barriers on some products and specifically addressing the right-to-repair issue. That certainly is front of mind for the commonwealth government. The consumer guarantees under the Australian Consumer Law will apply to farm machinery if it is valued at less than \$100 000. That limit was increased from \$40 000 in July 2021. One of the reasons for that increase was a recognition of the fact that the lower limit did not adequately protect purchases of small business equipment, and that review considered farm machinery in particular. As the member noted, the issue of right to repair is currently under consideration by the commonwealth. The commonwealth Productivity Commission's report has recommended that a repair supplies obligation be introduced for agricultural machinery.

The member also raised the issue of unfair contract terms. Although there are limits to the application of consumer guarantees, agricultural businesses will benefit from the proposed amendments to unfair contract term provisions that are included in the bill currently before the commonwealth Parliament. If that bill passes through the commonwealth Parliament, it will become the first amendment bill to be incorporated under the new adoption mechanism. It will expand the coverage of unfair contract term protections to a broad range of businesses, including farming businesses, and will provide improved mechanisms for enforcement. An additional set of amendments that are currently being considered by the working groups that are expected to be released for public consultation next year will also address the issue raised by the member of ensuring that manufacturers meet their obligations to indemnify traders in situations in which consumer guarantees do not apply. One option under consideration in particular is the introduction of penalties for failure to comply with those obligations.

The member raised scams, and that was also raised by the member for Cockburn. Consumer Protection provides information and guidance to consumers on identifying and dealing with scams. In 2002, Consumer Protection was the first consumer protection agency in Australia to introduce online information to assist with the identification and reporting of scams. That website has now been upgraded and there is an ongoing process of improvement to make sure that it is relevant and useful for people. It now gets about 10 000 visits every month. As pointed out during the debate, many scams rely on banking, email or telephone services. Unfortunately, those are beyond the legislative control of the state.

However, importantly, the consumer affairs ministers and intergovernmental forums that administer the ACL meet regularly with the commonwealth minister and the Australian Competition and Consumer Commission to discuss consumer issues more broadly, and this is certainly one of those issues. Countering scams has been identified by the new commonwealth minister as a priority issue and was discussed at the most recent ministers' meeting in September. The Minister for Commerce will be working with other ministers to further initiatives in this area. I would encourage all members to raise awareness of the work of Consumer Protection. The member for Cockburn mentioned that he runs forums. I have run consumer protection forums in my own electorate. They have been incredibly well attended, particularly by seniors. Again, I tip my hat to the great work that Consumer Protection does in this space. It has always been very willing to make itself available to members, so I strongly encourage all members to avail themselves of the services of CP.

The member noted in his closing comments that we had adopted most of the recommendations of the Joint Standing Committee on Delegated Legislation. I want to labour this point because it goes to the issue of parliamentary sovereignty. We absolutely accepted the intent of the recommendations. We agree that parliamentary sovereignty is a very important issue. We believe that the drafting that we adopted in place of the recommended drafting will actually give much greater effect to the will of the Parliament and allow it to more effectively exercise its sovereignty, because it will allow reference to any committee considered appropriate by the Parliament, given the narrow remit of the delegated legislation committee. The member for Churchlands also raised that in her comments, and I will come to those.

I also want to briefly talk about the repeal of section 36, because I know that the member received briefings on that. I thank the member for his very kind comments about Julie Armstrong. I think that she has done a wonderful job, providing support to all members and answering their questions through all this, so I thank the member for his kind comments. I know it is something that the member has raised even with me in the corridor this morning. This section in particular deals with unsolicited calling—that is, door-to-door sales and telephone canvassing where the selling is not the place of business. When the national law scheme was introduced in 2010, the permitted calling hours for unsolicited selling in Western Australia were different from those proposed in the ACL. We wanted to maintain that difference. In WA, people were allowed to call between 9.00 am and 8.00 pm. For the rest of Australia, it was only 9.00 am to 6.00 pm. Section 36 allowed us to be special while further consideration was given to the issue. However, in 2014, following consultation, our hours were changed by regulation to be consistent with the ACL. As a result, there is now no need for that special provision. The Parliamentary Counsel's Office recommended that we repeal the section and the regulations made under that section for the sake of clarity.

I thank the opposition for its support for the bill. I hope that my responses have given it the clarity that it seeks and adequately appease any concerns that members opposite might have. I am very happy to go into consideration in detail if they would like; it is 3.45 pm on the last sitting day, but I am happy to do that if they would like.

There were a couple of questions raised by government members and I will briefly address those. The member for Riverton raised some issues on fishing industry labelling. The commonwealth government is looking at that issue. It made a policy commitment and it is discussing fish labelling with the states. That will come through the intergovernmental process. The member for Thornlie also raised that issue. He talked about Lite n' Easy and pre-packaged meals. My understanding is that the labelling laws refer to supermarket labelling, so not necessarily to that particular issue, but, as I say, the commonwealth policy is under development, and we will see how that develops over time.

The member also raised issues about the medical industry and the substantial transformation process of labelling. He talked about the fact that transparency will increase and consumers will now be able to make informed choices. This issue will be addressed when we pick up the commonwealth changes that have been made since 2018, so I want to acknowledge that issue.

I thank the member for Churchlands for her contribution. I think she gave a great overview of the breadth of the national consumer protection scheme. She raised the issue of the ongoing monitoring of commonwealth amendments, and I think that is a very important matter to raise, because, obviously, those amendments need to come before the Parliament in an appropriate time frame. Consumer Protection is working with the Parliamentary Counsel's Office on a process to identify amendments as and when they arise across an ever-increasing number of bills. The mechanism in this bill is now likely to be the vehicle through which we adopt uniform schemes across a range of portfolios. It is not going to be the job of Consumer Protection to narrowly look at this; we are going to have to keep our eye on this across government. The Parliamentary Counsel's Office will be responsible for identifying and tabling those amendments as and when they arise, so within government we are currently working through how we will make sure we are on top of it when those changes are made. We are already notified when the federal government makes information standards or regulation changes under the ACL. Those changes have to be published within 28 days of creation by the commonwealth and then be republished in Western Australia. We do that as a matter of course and we have not missed one yet, so the team has a good hit rate on that front.

I want to acknowledge the member for Churchlands' membership of the Joint Standing Committee on Delegated Legislation and thank her for the outline of the committee's remit. You learn a lot in these processes! As the member noted, that committee's remit is very much to look at whether the amendment is within power, that there is no unintended effect on individuals' rights and interests, and that there is an effective mechanism for the review of administrative decisions, among other things. It is not to consider wider policy issues. Those wider policy issues are beyond the remit of the delegated legislation committee. It may be that it is more useful for the Parliament to refer those matters to other committees if there is an issue that we are uncomfortable with and if either house wants to trigger a motion to disallow. This was actually part of the upper house committee recommendations that we modified to provide Parliament with that flexibility and to give fuller effect to the Parliament's will.

The member also raised the implications of disallowance and said that we would need new legislation. I want to make it crystal clear that it is for that particular issue within that particular amendment. It does not mean that we throw the baby out with the bathwater and lose this very elegant solution to adopting uniform legislation. I thank the member for her contribution; it was very helpful.

I thank the other members for their contributions. A few general policy issues were mentioned as part of the debate. The members for Cockburn, Riverton and Mount Lawley all emphasised the importance of developing a framework that provides businesses and consumers with certainty. All of them noted that we have potentially challenging economic headwinds ahead and that we need to give confidence to people in these uncertain times. The member for Mount Lawley, in particular, recognised the fantastic economic circumstances that we find ourselves in and that as a government we need to do all we can to preserve that and acknowledge that this legislation will be a core pillar of that.

The member for Mirrabooka made a fantastic contribution outlining the history of the consumer protection movement. I found that really interesting, and enjoyed all the attention she gave to the Shonky Awards. The member for Maylands discussed the classification of dogs as goods and opportunities associated with alternative proteins. The member for Thornlie talked about builders' registration processes and quality of work issues. Those are broader policy issues that perhaps do not fit within the remit of this bill; nonetheless, they are very important and it was interesting to listen to members' views on those matters.

I thank all members for their contribution. It was highlighted during the debate that the purpose of this bill is to improve the operation of consumer law in Western Australia by providing a mechanism to update the contents of the Australian Consumer Law as it applies in this state to provide for consistency with the national consumer law going forward. The amendments will enable all businesses and consumers to better understand their rights and obligations and enjoy the full range of protections provided under the national law. The bill will update the ACL as it applies in WA to incorporate the amendments made to the commonwealth legislation between October 2018 and 1 June 2021. It will reduce the lag between future amendments being made to the ACL as it applies in all other states and those amendments being made to the ACL as it applies in WA. Importantly, the mechanism incorporated in this bill is intended to ensure that our state consumer protection provisions align with the national regime, but

will respect the sovereignty of this Parliament. These changes will make a substantial difference to the people of WA, as will all future amendments to the national regime. I thank members for their support of the bill and commend it to the house.

Question put and passed.

Bill read a second time.

[Leave granted to proceed forthwith to third reading.]

*Third Reading*

**MS J.J. SHAW (Swan Hills — Parliamentary Secretary)** [3.52 pm]: I move —

That the bill be now read a third time.

**MR P.J. RUNDLE (Roe)** [3.52 pm]: I will wind up debate by saying thanks to the parliamentary secretary, the member for Swan Hills, for her comprehensive answers to all my questions on the Fair Trading Amendment Bill 2021. As I said, the opposition will support the legislation, but I wanted just a couple of questions answered, and she has done that well and truly. I thank her advisers and the team who have helped out with the legislation. It is important to recognise for small businesses how important it is. As the parliamentary secretary said, she will communicate the effects of the legislation when it goes through and, as I emphasised before, the right to repair, which will hopefully flow through once the Productivity Commission reports. It will be a breakthrough for the agricultural sector when that eventually works its way through.

I echo the parliamentary secretary's comments to welcome our new member for North West Central and shadow Minister for Commerce, as it is my first opportunity to do so. I am sure that she looks forward to new legislation coming through at some stage.

**Dr A.D. Buti:** What an improvement!

**Mr P.J. RUNDLE:** There is no doubt that she will be an improvement and I am sure she will miss doorknocking the streets of Exmouth and Carnarvon while she is contributing to commerce legislation. I will wind it up to give time for the acting Leader of the House, who has managed to make it through his first week as Leader of the House. It might give him time to run home to Armadale. There is still about two and a half hours before darkness sets in!

The opposition is very supportive of the legislation.

**MS J.J. SHAW (Swan Hills — Parliamentary Secretary)** [3.55 pm] — in reply: I close by acknowledging that this is a first for the member for Armadale and me this week. We have had to ride shotgun with each other. I thank the member for Armadale for that, and I thank all members for their support of the bill.

Question put and passed.

Bill read a third time and passed.

**HEALTH AND DISABILITY SERVICES (COMPLAINTS) AMENDMENT BILL 2021**

*Returned*

Bill returned from the Council with amendments.

*House adjourned at 3.56 pm*

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**QUESTIONS ON NOTICE**

Questions and answers are as supplied to Hansard.

**TRANSPORT — HEAVY HAULAGE BYPASS — TOODYAY****556. Mr R.S. Love to the Minister for Transport:**

I refer to the recent closure of the Co-operative Bulk Handling grain receival site at Bolgart and the expected increased heavy vehicle traffic along the RAV 4 freight route that passes through Toodyay town, noting this routes inclusion in AgLime Route 1 as referenced in '*Roads 2040, Regional Strategies for Significant Local Government Roads (Wheatbelt North)*', and I ask:

- (a) Are you aware of the constrained nature of the heavy haulage route in the town of Toodyay which includes Hamersley St, Fiennes St, Clinton St and Anzac Avenue;
- (b) What planning if any has been progressed by Main Roads WA on the development of a heavy haulage bypass for Toodyay;
- (c) If yes to (b), have any costings been developed;
- (d) What funding, if any, has been allocated for the bypass;
- (e) What is the timeframe associated with this project; and
- (f) If your government has decided to not build a Toodyay heavy haulage bypass, what alternatives, if any, have you considered?

**Ms R. Saffioti replied:**

- (a)–(f) Main Roads worked with the Shire of Toodyay, the asset owner, to upgrade the current route in June 2019. Given low incident statistics, low traffic numbers, investment in the Aglime Route 2, the significant construction cost, and previous planning that determined it was not viable, Main Roads has not revisited the previous planning for a bypass of Toodyay.
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