

Hon Robin Chapple; Hon Alannah MacTiernan; Hon Peter Collier; Hon Jacqui Boydell; Hon Rick Mazza; Hon Robin Scott; Hon Colin Tincknell

---

**RAILWAY AND PORT (THE PILBARA INFRASTRUCTURE PTY LTD)  
AGREEMENT AMENDMENT BILL 2018**

*Second Reading*

Resumed from an earlier stage of the sitting.

**HON ROBIN CHAPPLE (Mining and Pastoral)** [5.10 pm]: Earlier I referred to the location of the rail line. I have a map here that shows the alignment of the railway line around Spear Hill. For those members who can see the map, Spear Hill is here. Unfortunately, the rail line will pass through all these sites, whereas the corridor is two kilometres wide. If the rail line was to go the other side of the corridor, it would miss all those sites. It would be a very simple thing to do.

**The PRESIDENT:** Member, I am going to interrupt you for a moment. I was distracted and have only just been made aware that you are using a prop. You have been around long enough to know that using props in this place is not always smiled upon.

**Hon ROBIN CHAPPLE:** I was not aware, Madam President.

**The PRESIDENT:** It makes it very difficult for Hansard if you are just simply pointing to a map. I hope you provide a detailed explanation of what you are talking about and probably not use a map like that in the future.

**Hon ROBIN CHAPPLE:** Thank you, Madam President; I take your advice.

The map that I have not shown indicates that there is a two-kilometre infrastructure corridor for rail around what is referred to as Spear Hill. The rail line will hug the edge of Spear Hill where all the sites are located. The other side of that two-kilometre corridor has some sites on it, but not very many, and they are certainly not directly related to Spear Hill.

One wonders why we cannot amend the decision to pass through there. Interestingly, on 11 April 2018, Fortescue Metals Group wrote to the Environmental Protection Authority about assessment 2129, which is yet to be released, and asked that the alignment be modified on the basis of a couple of other issues. I will refer to those. It proposed to reduce the impacted area to 3 690 hectares of native vegetation within the 57 000-hectare development envelope and also change part of the assessment. That letter states that there is a significant level of public concern in relation to this proposal, including recent media attention in relation to the Spear Hill Indigenous heritage area; however, the proposed changes to the development envelope do not increase the potential impacts of any known heritage sites. But it does not decrease them either. It also determined—I admit I have not marked this—that it is avoiding some areas with pastoral or other interests. It seems that Fortescue is able to amend the proposal to miss certain development, yet it is not doing so when it comes to the specific heritage areas.

**Hon Alannah MacTiernan:** Can I seek clarification? When you put up that prop, you were describing the route. Were you indicating that if you went on one side of the route, actually within the designated corridor, you could still do what you wanted to do within the designated corridor?

**Hon ROBIN CHAPPLE:** Yes. Thank you, minister, because the corridor is approximately two kilometres wide and hugs the boundary of Spear Hill on one side where the sites are, and that is where the rail line is going. The other side, according to the topography on the Fortescue Metals map, is a valley. There will be construction constraints on both sides. I have built railway lines for BHP, so there are those constraints, but in my view they are not of any major significance. It would not even lengthen the rail line because it goes down one side and cuts another corner, so the net change to the rail line would be negligible. I do not understand why it is proposed to build the rail line on the side closest to Spear Hill when there is an option of going along the other side. Having said that, clearly amendments have been made to the alignment for the EPA assessment 2129. It is clear that it can do that for other purposes; I do not see why it cannot do that for heritage-related matters.

In summation, we do not have a problem with the state agreement act if it is for the stated purpose because that corridor cannot be set up under the Land Administration Act. However, I hope that given the points I have raised here today that the government, FMG and others will work collaboratively with the Eastern Guruma people on this matter. When the minister got her briefing note from the Aboriginal Cultural Material Committee via the registrar, did the registrar mislead the ACMC? Did the registrar mislead the minister? Why did the registrar choose not to include any of the points affecting the Aboriginal people in her advice to the minister? This is the Aboriginal heritage department. It is my view that the registrar of Aboriginal and other heritage sites should represent Aboriginal interests and not the interests of third parties. I understand clearly that there is an economic need to get projects up and running, and I have no problem with that, but I do not think it should ever be done at the expense of culture when there are other options.

In that regard, because of the nature of this matter, I will seek to refer this bill to a committee on the basis of the information I have supplied today. It does not need to be a long-running committee.

Hon Robin Chapple; Hon Alannah MacTiernan; Hon Peter Collier; Hon Jacqui Boyde; Hon Rick Mazza; Hon Robin Scott; Hon Colin Tincknell

---

*Discharge of Order and Referral to Standing Committee on Legislation — Motion*

**HON ROBIN CHAPPLE (Mining and Pastoral)** [5.19 pm] — without notice: I move —

- (1) That the Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Amendment Bill 2018 be discharged and referred to the Standing Committee on Legislation for consideration and report by no later than 30 August 2018; and
- (2) the committee has the power to inquire into and report on the policy of the bill.

**The ACTING PRESIDENT (Hon Dr Steve Thomas):** The question therefore, members, is that the motion be agreed. Hon Robin Chapple, will you speak to the amendment?

**Hon ROBIN CHAPPLE:** Yes. I say 30 August because we know there is a provision within the bill before us, under clause 1(4) of proposed schedule 3, that states —

If by 30 September 2018 this Agreement has not been ratified by an Act of the Parliament of Western Australia then, unless the parties to this Agreement otherwise agree, this Agreement terminates ...

There are two points. Firstly, if we do it by 30 August, we will be sitting and we can come to a deliberation as a result of that and still meet the 30 September deadline. The other point is that we know that state agreements contain many provisions like this, but it is agreement by parties, and parties always agree. It is not in the interests of the government or of Fortescue Metals Group to not agree should they not reach the 30 September date.

Having said that, I move the motion without notice standing in my name and I commend the motion to the house. I think we can actually unpack a lot of the problems and do so in a manner that can enable the legislation to still achieve the 30 September 2018 deadline and fix up, on behalf of the Wintawari Guruma Aboriginal Corporation, many of the issues before us.

**HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development)** [5.21 pm]: I want to indicate that the government will not be supporting this motion. I understand the strength of feeling of Hon Robin Chapple and I think he has outlined a very, very significant issue for us today, but I do not believe that this is the sort of issue that could in fact be dealt with by a committee. I think the member does not recognise that there are deliberations before the Supreme Court at the moment. We recognise that Minister Wyatt is deeply conscious that the section 18 provisions within the Aboriginal Heritage Act are not ideal. Indeed, no-one in this Parliament could have greater commitment to this than does our very first Indigenous Minister for Aboriginal Affairs. His whole life has been a very passionate pursuit of the advancement of Aboriginal people and recognition of their culture. It is immensely important that we have a person like that representing the Aboriginal community in Western Australia.

As the members knows, a review of that process is underway. There is also a live court action before the Supreme Court, looking at the adequacies of the process that has led to this decision. In addition to that, there is still a lot of work to be done to determine the final outline of the route. I understand that Hon Robin Chapple has suggested that this has been finally determined. I do not believe that that is the case, and that is certainly not —

**Hon Robin Chapple:** There is a document before the EPA that outlines —

**Hon ALANNAH MacTIERNAN:** That is right, but there is still a whole raft of approvals required before there can be a final decision. Indeed, I have received advice from the minister's office that in any event, additional section 18 notices will need to be submitted to cover the route of the railway. The purpose of the section 18 notice at the moment is for Solomon Hub and infrastructure phase 6 extending mining operations and infrastructure in the Frederick area of the Fortescue–Solomon project, including but not limited to mining infrastructure such as roads, power and water. Approval has not been granted for the purpose of the railway.

**Hon Nick Goiran:** Will you table that document?

**Hon ALANNAH MacTIERNAN:** Table that document?

**Hon Nick Goiran:** You've been reading from a document.

**Hon ALANNAH MacTIERNAN:** It is not a document; it is a text message I received because I was obviously taking advice while I was listening to the member. This was the advice I received, and I am quite happy to submit what I have said. No doubt it will be recorded in *Hansard*, but that was the advice I received from an adviser in the minister's office. I think this is not an issue. There is clearly lots and lots of work to be done before the final route of this railway line is set, but this is not something that could be meaningfully done by a parliamentary committee. There have been many times when I have been prepared to refer legislation to committees; I can see that there is value in having a committee examine legislation. Indeed, members will recall that I was happy for the Animal Welfare Amendment Bill to go to the Standing Committee on Legislation to examine the issues. But I do

Hon Robin Chapple; Hon Alannah MacTiernan; Hon Peter Collier; Hon Jacqui Boydell; Hon Rick Mazza; Hon Robin Scott; Hon Colin Tincknell

---

not believe determining the route of a railway line in a mining application is something that can be meaningfully done by a parliamentary committee. The government will not support this referral to the Standing Committee on Legislation.

**HON PETER COLLIER (North Metropolitan — Leader of the Opposition)** [5.26 pm]: This has come out of the blue a bit for me. I was not actually aware that Hon Robin Chapple intended to do this. As I said in my contribution, I have some sympathy for some of the concerns he has with the route of the rail line, and I have listened quite intently to his contribution thus far. Having said that, I am not convinced that this bill will be in any way benefited by being sent to a committee. I remain concerned about some of the issues that the member has raised, but I think that, if anything, we can deal with them at least thoroughly during Committee of the Whole, if we go into committee. We are supportive of the bill and we do not want to delay it any longer. The Liberal Party will not be supporting the bill's referral to the committee.

**HON JACQUI BOYDELL (Mining and Pastoral — Deputy Leader of the Nationals WA)** [5.27 pm]: I, too, rise to indicate that the National Party will not support referral. I think some of the issues the member highlighted in depth during his contribution today can be addressed and discussed during Committee of the Whole. I concur with what other members have outlined so far. When I speak on the bill, I will highlight some concerns I also have, but I do not believe there is any credible way referring this bill to the Standing Committee on Legislation will answer any of the concerns we have. The National Party will not support referral.

**HON RICK MAZZA (Agricultural)** [5.28 pm]: I rise to indicate that the crossbench will also not support the bill's referral to the committee. I think it is important that this piece of legislation continues through and I am not convinced that we need to delay it by having it referred to the committee.

*Division*

Question put and a division taken, the Acting President (Hon Dr Steve Thomas) casting his vote with the noes, with the following result —

Ayes (4)

Hon Robin Chapple

Hon Tim Clifford

Hon Diane Evers

Hon Alison Xamon (*Teller*)

Noes (28)

Hon Ken Baston

Hon Donna Faragher

Hon Kyle McGinn

Hon Aaron Stonehouse

Hon Jacqui Boydell

Hon Adele Farina

Hon Michael Mischin

Hon Matthew Swinbourn

Hon Alanna Clohesy

Hon Nick Goiran

Hon Simon O'Brien

Hon Dr Steve Thomas

Hon Peter Collier

Hon Laurie Graham

Hon Samantha Rowe

Hon Colin Tincknell

Hon Stephen Dawson

Hon Colin Holt

Hon Robin Scott

Hon Darren West

Hon Colin de Grussa

Hon Alannah MacTiernan

Hon Tjorn Sibma

Hon Pierre Yang

Hon Sue Ellery

Hon Rick Mazza

Hon Charles Smith

Hon Martin Pritchard (*Teller*)

Question thus negatived.

*Second Reading Resumed*

**HON ROBIN SCOTT (Mining and Pastoral)** [5.34 pm]: I will add a few positive points to the debate on the Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Amendment Bill 2018. When the original legislation was drafted in 2004–05, the state agreement did not contemplate the existence of native title lands, which meant that Fortescue was unable to use the TPI state agreement to secure the licence it needed to conduct early investigations for future and proposed railway development. Fortescue is currently conducting a feasibility study on its next mine, the Eliwana project, which is worth between \$1 billion and \$1.5 billion. During construction the project will employ 1 900 people, and while in production, there will be 580 people employed. The state has proposed and Fortescue has agreed to a number of amendments to ensure that the TPI state agreement is consistent with other more recent state agreements and variations.

Fortescue is a great success story for the state. In fewer than 15 years, since July 2003, over discussions at the kitchen table of Mr Andrew Forrest, Fortescue has become the fourth biggest iron ore exporter in Australia. Fortescue operations require a workforce of more than 4 000 people and its half-year financial results, which were released in February, highlight its contributions to the community, state and nation. In the first six months, it contributed \$461 million in taxes and royalties, with a net profit of \$873 million. Native title compensation in the Pilbara is more than \$65 million. Fortescue employs 64 apprentices with a 98 per cent success and completion rate. Seventy-one per cent of its apprentices are Indigenous, and 14 per cent are women.

Andrew Forrest and Fortescue would never destroy, damage or injure any Indigenous sites. His track record is excellent. He has done more for Indigenous people than any other individual. I hope that the government will not

Hon Robin Chapple; Hon Alannah MacTiernan; Hon Peter Collier; Hon Jacqui Boydell; Hon Rick Mazza; Hon Robin Scott; Hon Colin Tincknell

---

hinder his progress. We have heard talk about trees, caves and rumbles. All those things are still under negotiation. Nothing has been put down as a fixed decision. There is still plenty of time for decisions to be made, and I really hope that Mr Forrest and Fortescue get an opportunity to put their case forward without any interference from the Environmental Protection Authority or any other department.

On behalf of the crossbench, I commend the bill to the house.

**HON JACQUI BOYDELL (Mining and Pastoral — Deputy Leader of the Nationals WA)** [5.37 pm]: It has been an interesting debate so far in the house and members have quite rightly raised issues of concern for the community, the Wintawari Guruma Aboriginal Corporation and FMG. It is a significant project for the state and it will provide opportunities for Eastern Guruma and the Wintawari Guruma Aboriginal Corporation for Aboriginal people in terms of employment in construction and, hopefully, ongoing jobs.

I rise on behalf of the National Party to indicate our support for the Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Amendment Bill 2018. It is an exceptionally significant bill for the Mining and Pastoral Region in particular and the state as a whole. The debate in the house in the last couple of hours, the issues raised by members and the process that we have tried to follow with this bill over the last few months indicate the complexities surrounding construction and mining operations and balancing the needs and rights of traditional owners in Western Australia, which is the right thing to do. Organisations and companies should do that and the government should play a part. FMG plays a very significant role in the dealings it has with the traditional owners. It has a long history of that in Western Australia and, indeed, in speaking with it over the last few weeks, I have absolutely no concerns about its very genuine desire to continue to work with the Eastern Guruma people and the Wintawari Guruma Aboriginal Corporation. I have no doubt that that will continue to happen. Conversations still need to be had and assessments still need to be done as we work our way through the complexities of where the rail line should be in relation to Spear Hill. FMG has given me no indication that it is not open to those conversations and negotiations—indeed, it is in its interests to do so.

In its own words, FMG has a very good working relationship with the Eastern Guruma people and Wintawari Guruma Aboriginal Corporation that has lasted over some 10 years now, and will continue. I sought and had a briefing on the bill from the Department of Jobs, Tourism, Science and Innovation. It was very helpful on the aspects of the bill it covered, but it became pretty clear that the complexities around the native title arrangements and the disgruntled nature of Eastern Guruma people and Wintawari Guruma Aboriginal Corporation around section 16 of the Aboriginal Heritage Act and the section 18 authority that has been issued to FMG is where all the sensitivities lie. The Department of Jobs, Tourism, Science and Innovation had no oversight, or no sight, of what those issues were, which I have to say I found a little concerning, given that it is the department with oversight of this bill. These issues have been reported in the media, and the department must have known that the minister, in having to respond to these issues, would have to understand the issues raised. What was difficult for me as a member for Mining and Pastoral Region was that in preparation for the debate in this house, I sought a briefing from the Department of Aboriginal Affairs some nearly four weeks ago that I have not been able to get. I am glad Hon Robin Chapple was able to do that. I have not been able to get the department to agree to that—not for want of trying—which I was quite disappointed about.

**Hon Peter Collier:** They would not agree to the briefing or you could not agree on a time?

**Hon JACQUI BOYDELL:** I could not get a briefing.

**Hon Alannah MacTiernan:** You got a briefing on the bill from JTSL.

**Hon JACQUI BOYDELL:** I did that.

**Hon Alannah MacTiernan:** Yes, but you wanted an additional briefing from —

**Hon JACQUI BOYDELL:** I wanted a briefing from the Department of Aboriginal Affairs—to understand.

**Hon Peter Collier:** You should be able to get it; that is a no-brainer.

**Hon JACQUI BOYDELL:** Yes.

I know the Leader of the House —

**Hon Sue Ellery:** I appreciate there were some difficulties for that particular policy area and that the department was not driving the bill, but it could have been more helpful than it was.

**Hon JACQUI BOYDELL:** Yes, I thank the Leader of the House.

**Hon Sue Ellery:** We made that —

**Hon JACQUI BOYDELL:** I know that was done on my behalf and I appreciate that.

Hon Robin Chapple; Hon Alannah MacTiernan; Hon Peter Collier; Hon Jacqui Boyde; Hon Rick Mazza; Hon Robin Scott; Hon Colin Tincknell

---

I know there are sensitivities around the Supreme Court and all of those actions going on—I get that—but I required some assistance to understand these issues so we did not get to the point we got to today. That was my intention. I contacted the Leader of the House and, indeed, the Deputy Leader of the House on Friday last week to ask for their assistance in getting a briefing, but I was offered it when debate commenced today, and at that point it is too late. But I have done a fair bit of research myself. I met with the Wintawari Guruma Aboriginal Corporation and I have met with FMG. I think there are some complexities to this issue and there are expectations on all sides—FMG, Wintawari Guruma Aboriginal Corporation and the Eastern Guruma people—that they believe the government has not met, and we have seen that issue spill into the media. That has been unfortunate. The federal government has been asked to intervene and the Supreme Court is now involved in this case. I hope that process will take its course, but understanding what has gone on is probably a little bit complex. I look forward to the minister in reply to the second reading debate or in the Committee of the Whole, if we get to that point, addressing some of those issues.

I just want to put on record my understanding of the relationship between Wintawari Guruma Aboriginal Corporation, the Eastern Guruma people and FMG, and how we have come to this situation today. It has been suggested that there has been no working relationship or input from the Eastern Guruma people in the process of this surveying, which was very extensive. There have been detailed archaeological and ethnographic heritage surveys done over the last 10 years, so that is a significant investment. It involved FMG, independent researchers and traditional owners from the area. For the public to understand, from its conversations with me, FMG's position is to continue to try to work with the traditional owners because they have a joint interest in this project going forward, as does the state. I absolutely support this bill going through, and the project itself. There are always complexities and sensitivities around these types of issues. I just want to put on the record some of the processes that have been undertaken in the past 10 years, so there is some understanding of the depth of the involvement of Eastern Guruma and FMG. We just need to understand that this has not come from a conversation over six or 12 months; it has been extensive over a 10-year period.

**Hon Robin Chapple:** Back in 2009, they established an agreement.

**Hon JACQUI BOYDELL:** Yes.

**Hon Robin Chapple:** They have a good working relationship.

**Hon JACQUI BOYDELL:** They have a very good working relationship, and there is intent on both sides for that to continue; I have no doubt about that. In fact, the survey at Spear Hill on Hamersley Station has been ongoing, as I said, for the last 10 years. It is significant to FMG and it is significant to the traditional owners. FMG has employed a private consultant to carry out that work and the traditional owners have contributed and been part of that process, as they should be. The survey that has been conducted over the last 10 years has, FMG believes, found the best route to allow a rail line design to deliver some balance in protecting the heritage sites while allowing the rail line to progress. Can the rail corridor go around one side of the hill or not? I suggest that during the 10 years of this process that all those avenues have been looked at, because it is in everyone's interest to allow the most appropriate rail corridor that can be found in balancing the heritage sites and the interests of the TO group as well as construction costs to FMG, and for that to be considered.

**Hon Robin Chapple** interjected.

**Hon JACQUI BOYDELL:** As I say, it has been considered over a period of 10 years. I do not think this house is about to suggest that it will not support a bill that has had a significant amount of work done on it. The evidence was provided to government and the minister determined to issue a section 18 authorisation.

**Hon Robin Chapple** interjected.

**Hon JACQUI BOYDELL:** I am not going to get into whether the information was sufficient. It is the minister's and the Aboriginal Cultural Material Committee's job to determine whether they think they have sufficient information. They assessed the information before them and a section 18 authorisation was issued, and FMG, rightly, has that section 18 authorisation. We can understand FMG's perspective that it has invested an enormous amount in resources, funding and negotiations with the Eastern Guruma people and Wintawari Guruma Aboriginal Corporation over a 10-year period, and FMG has in its belief met the requirements. The minister and the APMC have determined section 18 authorisation was appropriate. The Wintawari Guruma Aboriginal Corporation has the right—this is where it causes complexity—to believe that, as a section 16 notice had been issued, further negotiation and surveys would be done on that site and that the section 18 notice should not have been issued. That is a matter for the minister and I am sure that the minister representing him in this place will address that issue during the second reading debate. That is where the sensitivities have arisen. That has been unfortunate, because this is a fantastic project for the state. Western Australia is certainly very lucky to have organisations like Fortescue Metals Group that can invest in Western Australia. We want them to continue to do that and to meet

Hon Robin Chapple; Hon Alannah MacTiernan; Hon Peter Collier; Hon Jacqui Boyde; Hon Rick Mazza; Hon Robin Scott; Hon Colin Tincknell

---

their obligations to traditional owners. I know that FMG respects that. Indeed, I have asked the organisation that directly. Its intention is to continue to work with the Eastern Guruma people. Ninety per cent of its operations are on Eastern Guruma land. There is no way known, given that it is a very responsible corporate citizen, that it would allow those relationships to fall over. I believe with genuine faith that those working relationships will continue. It is a great thing. It is fantastic for the state and, indeed, Aboriginal people to take advantage of this operation.

I want to talk about local participation plans, because they are of definite interest to me. It is a great thing to be incorporated in the state agreement. This bill seeks to amend a state agreement to reflect modern circumstances. It is amazing that we can adjust this state agreement with seemingly no sovereign risk attached. The government suggests that it is okay to change this state agreement, but it cannot change other state agreements because there is sovereign risk attached. I do not agree—I have said this many times in the past, as members will know—that BHP and Rio Tinto cannot allow the state to enter into negotiation to change their state agreements. We can change this agreement for FMG, and I am happy about that because it reflects modern practices. That is a good thing for the people of Western Australia. The National Party has long been supportive of modernising state agreements. The reason we need to do that is to determine the aspirations that the government wants to be incorporated in a state agreement for a new project. The government should be able to do that. It is a welcome thing. It is great that we are doing this today.

This amendment bill is about the Eliwana project, which is about 100 kilometres from Tom Price. It will be a significant iron ore-producing mine and will have a life span of 24 years.

**Hon Robin Chapple** interjected.

**Hon JACQUI BOYDELL:** Yes.

My only issue is that there seems to be no oversight of the requirements of those local participation plans. Although there is an expectation that local participation plans will be included in the state agreement, there is no visibility over what that will mean. I think that is a problem. The government should have some oversight of whether the requirements of the state agreement are being met. Those figures should be tabled in Parliament or made available in an annual report. I would like that to be addressed as we move forward. I do not know whether FMG will take that on as part of its annual reporting. There needs to be some way that the government or the public can see some accountability for its aspirations for local participation plans in the state agreement. Everyone talks about local participation. I think we all agree that there should be local participation, but how is it measured if there is no oversight? I think that will be a bit of an ongoing problem that I would like to be addressed.

I will refer to an article, as did Hon Robin Chapple, that appeared in *The West Australian* of 15 March about some comments made by the Minister for Aboriginal Affairs, Mr Wyatt. People were quite taken aback by his comments reported in that article. People have asked me what I thought had happened and, in fact, whether he had had a bit of a brain snap. I said that we all have that at particular times and that I am sure the minister will be able to work through some of the section 18 and section 16 issues that have been presented to the Department of Planning, Lands and Heritage. Not only people in the Pilbara, but also the Wintawari Guruma Aboriginal Corporation and FMG, have made comments to me about that. I note the minister's apology. He will be a key part of ensuring that those relationships move into the future, because that has undermined the project a little bit in the Pilbara.

In closing, I again reiterate the National Party's support for the bill. I look forward to the contribution of the Minister for Regional Development about some of the issues that have been raised. I congratulate FMG for working with Wintawari Guruma, the Eastern Guruma people and, indeed, the traditional owners to get the project this far over a 10-year period. There has been a definite degree of respect in that relationship and, indeed, commitment by both those parties, along with the government, to ensure that we have a balance between protecting our heritage sites and investing in the mining industry. Members who represent the Mining and Pastoral Region, government members and opposition members need to ensure that we are getting the best deal that we possible can out of our state agreements for the assets that we mine in our state. We are lucky to do that. Thank you for the opportunity to contribute to the bill and I look forward to further debate.

**HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development)** [5.58 pm] — in reply: I thank all members for their contributions to the Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Amendment Bill 2018. We have had a very critical discussion today about the important role of mining in Western Australia in providing jobs and opportunities for our community. We all know that for around 125 years, this state's economy has been very firmly built on the basis of the mining industry. At the same time, on the other side, we have an inherent tension with the protection of those sites that have been part of the occupation of this land for the last 65 000 years. This conflict is, in a way, almost inevitable. Some assumptions have been made that billions of Aboriginal people have occupied this land over the last 65 000 years or more. Of course, everywhere on this continent there are remnants, traces and vestiges of that occupation.

Hon Robin Chapple; Hon Alannah MacTiernan; Hon Peter Collier; Hon Jacqui Boyde; Hon Rick Mazza; Hon Robin Scott; Hon Colin Tincknell

---

*Sitting suspended from 6.00 to 7.30 pm*

**Hon ALANNAH MacTIERNAN:** I said before the break that in many respects the debate we have had tonight on the Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Amendment Bill 2018 represents some of the most fundamental tensions that exist in our state; that is, how can we accommodate the economic aspirations of the broader community while at the same time paying respect and recognising the value of Aboriginal cultural heritage? Most members who contributed to today's debate recognised the fundamentals of that tension. There is understanding that in an economic sense the ability for us to provide for the financial wellbeing of our community has been so much underpinned by mining, yet at the same time there are the challenges of doing that without unduly or improperly interfering with the cultural heritage of Aboriginal people. There has been a lot of very recent reflection on the nature of Aboriginal occupation of this continent, and the emerging view and evidence is that this was probably a more intensively settled continent than we have previously acknowledged, and that when we calculate how many people may have lived here before the arrival of Europeans, the number could be in the billions, apparently—I cannot independently verify that—because of the sheer longevity of that occupation and more recent calculations on the number of people who inhabited it.

Across our state there are a lot of traces of Aboriginal occupation. The question is how we get that proper accommodation between the two, while recognising—as a number of members, particularly Hon Jacqui Boyde and Hon Robin Chapple, said—that much of the Aboriginal opportunity out in those remote areas also relies on opportunities in mining. I am very pleased to see that our friends in the Greens recognise that, because sometimes when I am out in the bush I am not sure it is. Not everyone wants to be a ranger, and the opportunities that mining offers for people to live on country with economic self-sufficiency are really important.

But it is a challenge. Hon Peter Collier also raised the issue of whether the determination of where the rail lines should go had been correctly done, and whether we had sufficiently taken into account the cultural heritage of the Aboriginal community while recognising the work the Eastern Guruma is doing by having it more intensively surveyed and understood. I recognise that in the very long and detailed exposition by Hon Robin Chapple some issues were raised about the degree to which the nature and intensity of this development and the value of these cultural heritage sites were recognised. This debate was important. Many members have spoken with the Eastern Guruma, while at the same time recognising the incredible operation that Fortescue Metals Group is. I was very pleased to witness the emergence of FMG when we were in government last. I worked closely with Andrew Forrest in what many people might have early on thought was a somewhat quixotic attempt to break the duopoly and become the third force in iron ore, which I think was the catchphrase at the time. We were proud to be part of a government that backed that and saw that enterprise come to pass. I was recently with the FMG leadership and went to a whole raft of sites. I was really impressed with the number of Aboriginal people who were working in the exploration camps on the mine sites, and the Aboriginal people who were really proud of the work they were doing. Recently I was at Karijini with the Premier and the Minister for Aboriginal Affairs. We walked into one event where there was a tableful of women in hi-vis who work for FMG. Some really positive work has been done by Andrew and Nicola Forrest, and we absolutely recognise that.

But we also recognise that there are the understandably very powerfully held views of the Eastern Guruma—indeed many Aboriginal people across the state. They have expressed concern about whether those things that are very precious and sacred to them and give meaning to lives are being properly recognised. We have our extraordinary first Indigenous Minister for Aboriginal Affairs. I said in an earlier part of this debate that it is just so important to have an Aboriginal person of that stature take on that role. That, in itself, is transformative. Minister Wyatt is absolutely aware of the problems with the Aboriginal Heritage Act and, as we all know, is in the process of very actively reassessing that legislation to ensure that it provides much more content and opportunity to get these decisions right.

Sometimes legislation may be under the authority of one government department but it may reflect and have been informed by the work of another department, and that other department does not necessarily have the same investment in preparing and briefing members. As the Leader of the House has said, we apologise to Hon Jacqui Boyde because she was unable to receive as good a briefing. She is not necessarily Robinson Crusoe in that regard, but we are getting there.

The matter is before the courts. There will be a determination on whether those processes have been properly undertaken and whether the section 18 processes have been adequate. The minister is meeting shortly with the Eastern Guruma people to acknowledge and try to sort through this matter. It is in the interests of all parties for us to make an accommodation. I am sure that Fortescue Metals Group absolutely wants to work with the Eastern Guruma people. Here we see the role of members of Parliament going out there, talking to both sides in this controversy, and bringing this matter to the attention of the house and the decision-makers. That is what democracy is about. We really appreciate that. We note, as I said, the advice that we gave earlier and we understand that a lot of other processes need to take place before the route is finally settled.

Hon Robin Chapple; Hon Alannah MacTiernan; Hon Peter Collier; Hon Jacqui Boydell; Hon Rick Mazza; Hon Robin Scott; Hon Colin Tincknell

---

I cannot pretend to be an expert in this area, but we also note the advice that the section 18 approval that has been given is not an approval for the route of the railway. Therefore, there is the opportunity for other section 18 applications. All of us understand that this project will be of great benefit for the state. I acknowledge that Hon Robin Scott set out the employment that will be generated by the mine's expansion. We will see more of this and we need to be properly prepared for it. As more and more mines are depleted, it is necessary for the companies—FMG, Rio Tinto and BHP—to move onto the next resource to keep up that level of activity. I am confident that there is sufficient goodwill. The work that members on both sides of the chamber have been doing will lend itself to really serious work being done to get this matter settled. We want to accommodate FMG's needs, but at the same time recognise that those sites are of very special significance to the Eastern Guruma people.

Hon Peter Collier and Hon Jacqui Boydell raised some questions about the local participation plan. I am sure Hon Peter Collier is fully aware of the history of these plans and his point is rhetorical. I believe in 2010 the then opposition raised issues about the Roy Hill agreement and sought to have some local participation plans inserted into that agreement. The Premier of the day said no and that he would not do that, but that he would give an undertaking to consider it subsequently. In 2011, the participation plans policy was inserted. I understand from our friends in the Department of Jobs, Tourism, Science and Innovation that it became policy in 2011 and has been implemented in virtually all the new agreements and the variations to state agreements since that time.

Hon Jacqui Boydell asked some good questions about how rigorous and enforceable this process is. It was based on commonwealth legislation that was introduced, I think, by commonwealth Labor. There is a requirement to split those plans, and the practice has been to negotiate on whether those plans are adequate. The department receives reports and assesses whether an adequate level of contracts has been awarded to local content. Obviously, there are some inadequacies in these provisions, as there are with a lot of local content provisions. In particular, we know about the syndrome of which the member would be well aware whereby Queensland companies come over and open a PO box in Karratha and then call themselves a Western Australian company. I am not sure whether there has been a great deal of interrogation of what these participation plans introduced in 2011 are achieving, but I will say a number of things. Although the Western Australian Jobs Act 2017 has not improved these provisions, the state government procurement processes and structures that we have set up through that act in both the Regional Development Commissions and within DJTISI provide a much more rigorous and focused approach. People are tasked to equip people to go out and successfully tender for that work, and then to monitor and report on performance. I hope that over time we will see a similar strengthening of these local participation plans within the resources sector. We have set up our own local procurement model. Once that is working, I personally will be strongly advocating to bring to bear some of those principles, expertise and forensic enforcement in these local participation plans.

At this early stage, we are just working with the existing policy, but I think that the member has raised some good points—no doubt she raised them during the last term of government as well—about the need for ensuring these things are not only sets of words on paper, but that they mean something and change behaviour. I think that the big players have a greater realisation that they have to work more earnestly if they are to continue to have their community licence, and that there has to be a greater real commitment to local content.

We note, for example, Rio Tinto's new procurement process, which offers some real opportunities. I am very pleased when we look at the work that has been done, and that we encouraged to happen, across the gas producers—Woodside, Chevron and others—to have a coordinated process of shutdowns so that we can actually have a shutdown workforce. Now that we have 12 trains, that provides us with that critical mass in order to have locally based and permanent shutdown crews that can do the annual, three-yearly and five-yearly shutdowns required on each LNG train. We are very serious about this. We would not pretend that there is not more work to do in this space—there is—but I think the companies are really understanding that there has to be a lot of effort put into that. I think we will resolve those issues with Eastern Guruma to a reasonable extent. As I said, there is always an inherent tension between those aspirations and there has to be give and take on both sides. Maybe the process to date has not been ideal, but I am confident that the Minister for Aboriginal Affairs is very keen to drive a good outcome here. I thank members for taking this debate seriously and making their contributions. I think that they will contribute to us getting a satisfactory outcome at the end. I commend the bill to the house.

Question put and passed.

Bill read a second time.

*Committee*

The Deputy Chair of Committees (Hon Dr Steve Thomas) in the chair; Hon Alannah MacTiernan (Minister for Regional Development) in charge of the bill.

**Clause 1: Short title —**



Hon Robin Chapple; Hon Alannah MacTiernan; Hon Peter Collier; Hon Jacqui Boyde; Hon Rick Mazza; Hon Robin Scott; Hon Colin Tincknell

---

**Hon PETER COLLIER:** I do not want to hold up the chamber with this bill any longer than is necessary, I just felt that my issue with the actual location of the rail line was not addressed. As I understand it, judging from the information that was provided at length by Hon Robin Chapple, the location of the rail line is quite specific. The response that I received from the minister in her second reading summary and the comments from the Premier indicate otherwise. I will repeat the comments of the Premier in the other place. He stated —

All this is done prior to native title, or an Indigenous land use agreement, being granted. FMG needs to work out the exact area the railway will need to use before it seeks native title and those discussions commence. There will be fairly unobtrusive and minor impacts on the land, or investigation of the land, in working out where to build the route, which will need to be carried out prior to other approvals being granted to build the railway.

If the minister can just clarify that, I reckon we will all be in furious agreement.

**Hon ALANNAH MacTIERNAN:** There is no doubt that TPI has a preferred route; it has a route that it is proposing. A corridor is part of the agreement, and within that corridor is a route that is preferred by TPI. However, that route, as I understand it, has not been agreed to. This is going to be, as I understand it now, subject to negotiation, taking into account the various concerns that we have from the Eastern Guruma and what issues might arise from the Environmental Protection Authority assessment. Although it is absolutely the case that a preferred route has been designed and put forward by TPI, that does not mean that that particular route has in fact been agreed to. That has to be subject to these subsequent processes. In this legislation—this variation agreement—we are enshrining the corridor, not the actual route within that corridor.

**Hon PETER COLLIER:** Yes, that is what I thought it was. Now that I have that down, clarified and in *Hansard*, I am comfortable with that. I am not sure that will satisfy Hon Robin Chapple, but that is all I wanted, so thank you.

**Hon ROBIN CHAPPLE:** The prop I used earlier, which I was roundly criticised for, and rightly so, by the President, is Fortescue Metals Group's own map, and that is the problem. I am more than happy to table that, if that is possible, and then the minister and her advisers can look at it.

**The DEPUTY CHAIR:** You would seek leave to table that document?

**Hon ROBIN CHAPPLE:** Yes.

Leave granted. [See paper 1334.]

**Hon ROBIN CHAPPLE:** Although I thank the minister for her answer—I think it will be of great comfort to the Eastern Guruma—and I do not want to go through the bill clause by clause in committee, I and others want to sort out a few things. One of the things that has cropped up historically is access across the rail line. We saw previously that Roy Hill had to spend an extra \$120 million going around a previous FMG rail line because it was not allowed to cross it. I note that there is an insertion of a provision regarding crossings for livestock, roads, railways, conveyers, pipelines and other utilities, which is similar to section 15(3) in the Railway (BBI Rail Aus Pty Ltd) Agreement Act 2017. I would like to get a clear, unequivocal clarification from the minister that TPI and Fortescue can do nothing to stop a competitor crossing their rail line.

**Hon ALANNAH MacTIERNAN:** I thank the member for the question. I know this problem well, having been involved with one of the big two and interceding on the part of Fortescue Metals Group to try to get some reasonable activity and then subsequently intervening on behalf of smaller players with FMG. This has been a longstanding problem in the Pilbara. I understand that this clause has been introduced in order to deal with that problem and to stop the behaviour that we have seen over the last 30 years. Obviously, it must not unduly prejudice the activities of the company under the agreement. There is plenty of scope for the lawyers to get involved in that caveat. We are trying to set the standard here. We are trying to communicate that the government, society and the Western Australian community does not expect these companies to behave as feudal warlords and there needs to be a measure of cooperation to allow people who might be competitors to have reasonable access.

This provision has been introduced in recognition of the member's concern. Is it a magic bullet? Will it stop all problematic behaviour in that regard? Possibly not because we have to take into account the undue prejudice of a business. I think it puts the state on firmer ground during negotiations on this point.

**Hon ROBIN CHAPPLE:** I understand that there is good intent behind this. Again, going back in history, as the minister has indicated, is there any ability for TPI or FMG to classify this as a conveyor belt?

**Hon ALANNAH MacTIERNAN:** While I am seeking advice on this, can the member refresh my memory on the significance of classifying it as a conveyor belt?

Hon Robin Chapple; Hon Alannah MacTiernan; Hon Peter Collier; Hon Jacqui Boyde; Hon Rick Mazza; Hon Robin Scott; Hon Colin Tincknell

---

**Hon ROBIN CHAPPLE:** Years ago when FMG was trying to access BHP's rail line, it went to the Federal Court of Australia. The state agreement act of the day provided that FMG or other parties could access BHP's rail line. BHP argued in the Federal Court that its rail line was a conveyor belt. As such, that had an effect on the deliberations. In the end, the argument was that BHP could not guarantee access because of its requirement to use the rail line. This was the same case when it came to Jimblebar under Hancock. A similar scenario was run out in that period. I want to know that it is a rail line and it will always be a rail line and nothing else.

**Hon ALANNAH MacTIERNAN:** I think the definition in the legislation will certainly lead to that conclusion. It is important to understand that this clause is about crossing over; it is not about access. The cases that the member referred to were about third party access to existing rail infrastructure. They are different things. No matter how carefully we craft legislation, it is true that we are dealing with some very large sums of money and people will inevitably employ all sorts of creative legal minds to find ways to describe black as white. Our job is to try to keep one step ahead and deal with those problems. We are specifically dealing with the access across, not the access to. We have included conveyors, railways and pipelines, so have put the whole shebang in there, and hopefully that will help address this.

**Hon JACQUI BOYDELL:** For the record and for the chamber to understand, I refer to the minister's comments around the rail corridor that is being agreed to under section 18 at the moment. There might be a conversation or negotiations to maybe move the rail line. Can the minister explain what that next step would be, given that there is now a determined section 18 approval and corridor? The likely impact of going back to the beginning and relocating that rail is the cost of construction jobs and the cost to FMG. How will that be negotiated in that next step?

**Hon ALANNAH MacTIERNAN:** I understand that this agreement relates to a corridor. As Hon Robin Chapple has said, it is about two kilometres wide. What has been approved and what the section 18 approvals have been about and what this is about is a broad investigation corridor. It is not locked in stone. If we are talking about a corridor that is two kilometres wide and we are talking about how we might move around some of those cultural sites, obviously if we have two kilometres, there is space for this to be negotiated. This approval is for an investigation site; it is an acknowledgement that we want this new site. Part of the process has to be that the company is entitled to go in and walk over and give some access to the land over this two-kilometre investigation corridor so it can do the detailed work that it needs to do to design a railway line. At the same time, work is being done and the case is being put by the Eastern Guruma about where they believe it should be. Work is being done by the Environmental Protection Authority. We do not have a specific rail line alignment approved as part of this. The ultimate rail line that the company wishes to put forward will follow this investigation and the other approvals that it is required to receive. I think the company absolutely understands that it is probably in its best interests to work with the Eastern Guruma to try to come to a negotiated outcome. The work that members in this place have been doing to bring both sides of the debate alive is really important to bring people together to provide a resolution.

**Hon COLIN TINCKNELL:** I wish to get a point clarified. When companies want to clear some land, there is usually a process, like the minister mentioned, of walking on land. There are monitors present and usually an anthropologist and an archaeologist. As they walk over the land, they will either identify any new sites or bear in mind any other sites that have been identified previously, which would be on the register. Is that how the minister understands the process?

**Hon ALANNAH MacTIERNAN:** There has been a section 18 approval with respect to the corridor. The advice that we are getting—I think we are getting into some complex legal territory here—is that in respect of the railway line, some additional section 18 requirements are being made on the final determination. What we have here is also a very practical problem. Either side could use a lot of legal processes that would see this matter protracted. This is a very broad agreement, which is almost like an agreement in principle that FMG can put a railway line somewhere, subject to agreement about where exactly it is. Outside this agreement there needs to be a lot of good dialogue between FMG and Eastern Guruma to try to come up with a landing, because it is in the interests of both parties for there to be an accommodation. Not every chapter and verse of that will be sorted by this legislation today. This is just a broad framework. We will then have a lot of work to do to bring the two parties together to find an outcome.

**Hon PETER COLLIER:** Now I am confused again. I am sorry. I thought we were all right there. I want some clarification from the minister. Did the minister say that a section 18 approval had already been granted for the corridor? Is that what the minister just said?

**Hon Robin Chapple:** That's correct.

**Hon PETER COLLIER:** Yes, I am sure that is what the minister said. And then further section 18 approvals would be required. Why? That does not make sense to me.

Hon Robin Chapple; Hon Alannah MacTiernan; Hon Peter Collier; Hon Jacqui Boydell; Hon Rick Mazza; Hon Robin Scott; Hon Colin Tincknell

---

**Hon ALANNAH MacTIERNAN:** As I understand it, and I think I mentioned this before, there is approval for mining operations within the corridor and some of the sites dealt with by the section 18 approval. There has not been a specific section 18 approval for the rail line that will finally be determined, but once a rail line is defined, it may well be that some parts of that alignment will not be covered by the section 18 approvals that have already been given for mining infrastructure.

**Hon ROBIN CHAPPLE:** I hate to try to teach people about the Aboriginal Heritage Act and I am sure that Hon Peter Collier, as former minister, knows this, but once a section 18 clearance has been granted—in this case over the 50 sites in the corridor—the proponent, whoever it may be, can do with the sites whatever he or she sees fit. The section 18 clearance has been granted. A section 16 clearance, which sometimes gets confused with a section 18 clearance, is the ability to investigate a site, do a dig, establish dates and what is there. The proponent is not allowed to move or damage or desecrate the site. There are two components of the section 18 clearance. Unfortunately, I have handed my papers in to Hansard, but I have the section 18 permissions that were granted at the same time as the section 16 clearances were granted, which is ridiculous. Those 50 sites may or may not be impacted or destroyed, but they all have the capability of being impacted or destroyed because the section 18 clearance exists over them. I think Hon Colin Tincknell, who has been working in this area, would agree with that, as would the former minister.

**Hon ALANNAH MacTIERNAN:** This is a complex area but we are not confusing this with section 16. We understand that section 16 is an entirely different thing. We are dealing with a very grey area—that is, what exactly the section 18 clearance gives the entitlement to do. As I read before, some of the advice that we are getting through is that for mining purposes it does not necessarily give clearance for a rail line if the rail line is ultimately to be determined. A company cannot just say that it has a section 18 clearance for this particular site, but it is not going to build a rail line on it or that it is just going to dig it up for the sake of it.

**Hon Robin Chapple:** It's for the whole corridor they've got clearance.

**Hon ALANNAH MacTIERNAN:** That is right. I have to rely on the advice of other ministers and our advisers here. As we understand it, it is possible that it may well be that additional section 18 clearances will be required for the railway line. Regardless of whether they will be required, the only way we can move forward with this project is to get this agreement in place and get the parties negotiating together. I reiterate that the advice that I am being given—I am relying on the advice that I have been given—is that the actual rail line is not enshrined in this legislation. All we have is an investigation corridor. There has to be an agreement between the parties to get that rail line. I am sure all the matters that have been raised here today will be considered, but if we do not get to this base, we will not get to the next base. If members want to support this project, the only way forward is to support this piece of legislation, knowing that a lot of further negotiation needs to be done to get agreement on this rail line.

**Hon JACQUI BOYDELL:** I concur with the minister that the issue is complex. There is no doubt about that. Given that there has been indication from members of the chamber that we support this legislation, I do not think we need to over-analyse it during this phase of debate. I may dispute with Hon Robin Chapple the section of corridor he is talking about. Our job is to come to an agreement on the legislation. I think we are relatively happy with that, recognising that there may be some further issues. FMG has repeatedly said that it is more than willing to have open conversations with Eastern Guruma. It works together with Eastern Guruma on a daily basis, so that will happen. I understand that the issue is complex and I support this legislation. There is some way to go on working through the issues that have been highlighted, but there is no doubt that a section 18 clearance has been issued for that corridor to FMG.

**Clause put and passed.**

**Clauses 2 to 6 put and passed.**

**Clause 7: Schedule 3 inserted —**

**Hon ROBIN CHAPPLE:** In my view the local participation plan sets out some good initiatives but I want to know how it will be empowered; and, if it is not complied with, what will happen? It is really important to my constituents and to those of Hon Jacqui Boydell that there is local employment. It is diminishing all the time. I like the intent of the provision; I just need to know how it can be enforced.

**Hon ALANNAH MacTIERNAN:** I do not know whether the member was away on urgent parliamentary business, but I have responded to this issue because it was raised in the second reading debate. I explained that this policy was introduced in 2011 after concern was raised by the then opposition in 2010 about the need to do this and to ramp up local participation. My understanding is that there is a requirement to produce a plan. The plan is then reviewed by the department. Negotiation goes on and I am advised that, to date, they have come to a negotiated outcome on the content of the plan in every agreement. The company is then required to report against that and to detail, for example, which companies are contracted, including the address and location of those

Hon Robin Chapple; Hon Alannah MacTiernan; Hon Peter Collier; Hon Jacqui Boyde; Hon Rick Mazza; Hon Robin Scott; Hon Colin Tincknell

---

companies. That is part of the process; and, if the department is unhappy with that, it will go back to the company. We are talking here about awarding contracts; they are required to set out a negotiated agreement, which might be, for example, that 80 per cent of a particular type of contract must go to local employers. Is this a perfect system? I suspect it is not.

As I said, the government has been focusing on, in the first instance, the \$27 billion worth of work that is the state government's annual local procurement. Our focus under the Western Australian Jobs Act has been to get our own house in order by giving more content and grunt to these local participation plans and having them entrenched into the procurement contracts with units that monitor performance, which means we are able to be more forensic about which company claims to be getting the job or whether, as I said before, it is a company from Queensland that has just opened a post office box in Port Hedland or Karratha. The development of a whole piece of infrastructure within both the Department of Jobs, Tourism, Science and Innovation and the regional development commissions is designed to build local capability to alert local businesses to these opportunities to maximise their ability to participate. Will we deliver all that in these resource participation plans? We probably will not. Will there be more work to do? There will undoubtedly be, but at this point we are working on our local procurement. There are only so many resources in government to achieve things. We are now focusing on getting our state government procurement house in order. Then I think that we can turn our mind to ensuring that this is not just a veneer. From my dealings with the companies, there is a growing realisation that their community licence requires them to be more engaged in this process and to be more genuinely involved in delivering local content.

**Hon ROBIN CHAPPLE:** Will there be any parliamentary or public reporting of the competency or effectiveness of a local participation plan, or is it only between the company and the government? If it is merely between the company and the government, we as parliamentarians need to know, and the public needs to know, the effectiveness of local participation plans.

**Hon ALANNAH MacTIERNAN:** At this stage, this is not a public arrangement, but I take that on board. As I said, we are implementing a policy that has been in place since 2011. I have no doubt that the member raised these issues under the framework of a previous government. At this stage, we have not developed a more sophisticated structure for this but, in the future when we have the resources and have sorted out our own state government procurement, we would certainly be interested in having a look at how we can deliver a bit more grunt on this. Given the centrality of Premier McGowan's commitment to enforcing local content, I am sure we will find that the Department of Jobs, Tourism, Science and Innovation, which is the relevant department, is now much more focused on this. The capabilities that are being developed by JTSI in order to deliver on our state government procurement agenda will have a consequential impact on this.

**Hon ROBIN CHAPPLE:** I can quite clearly gain from that that nothing requires the company—in this case, the Pilbara Infrastructure Pty Ltd or Fortescue Metals Group—to report publicly about the effectiveness of their local participation plans so we, as the public or members of Parliament, will not know whether any jobs have been established out of this policy; is that correct?

**Hon ALANNAH MacTIERNAN:** I am sure that people on the ground will be able to see it. As I said, we are not pretending that this is necessarily the bee's knees, but this provision is putting in place an existing policy. . We have been in government for a little over a year. We are not able to absolutely change everything within the space of one year. Is there an argument for more transparency? There possibly is, but we have not got there yet. I think it is very evident that the companies have a heightened awareness of the need for local procurement. I certainly think that FMG has been a little bit more engaged in this area than some of the other companies have traditionally been. I think the fact that it is a local Western Australian company, not part of an international bureaucracy, has perhaps made it a little easier for it to be a bit more flexible and creative about some of its local engagement. At this stage in the process, we are certainly not ready to develop a whole new change in this policy. We have to get one thing right in the first instance, and that is our work on state government procurement. That is what we have been working on. When we have our own house in order, we will start looking further afield.

**Hon JACQUI BOYDELL:** I do not want to harp on this issue, minister, but the legislation sets out what is required by the minister and the government under the local participation plan. I do not think anyone has any issue with that. I wholeheartedly take on board what the minister has said. However, I would welcome a commitment from the minister to provide a review process in the legislation so that the public can be assured that this is being delivered on.

**Hon ALANNAH MacTIERNAN:** All I can say is that the member will have seen that it is central to the Premier and this government that we maximise local content and build our economy. There is not a lot of money around. Therefore, we are absolutely mindful of the need to drive every advantage. The work that is being done along with the Premier with the Pilbara collaboration is central in trying to drive this. As the member knows, this government's commitment to local manufacturing and local industry is extremely strong, and that drives us to a very large extent as a party.

Hon Robin Chapple; Hon Alannah MacTiernan; Hon Peter Collier; Hon Jacqui Boydell; Hon Rick Mazza; Hon Robin Scott; Hon Colin Tincknell

---

**Clause put and passed.**

**Title put and passed.**

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

Bill read a third time, on motion by **Hon Alannah MacTiernan (Minister for Regional Development)**, and passed.