

ARTS AND CULTURE TRUST BILL 2021

Second Reading

Resumed from 5 August.

MS S.E. WINTON (Wanneroo — Parliamentary Secretary) [4.11 pm]: I rise to make a contribution to the second reading debate on the Arts and Culture Trust Bill 2021. Members, despite some people's perception of me, I am not at all an extroverted person; in fact, I am rather shy, particularly when it comes to performing in front of an audience. I am sad to say that, unlike many other members who have made a contribution to the debate on this bill in recounting their own creative endeavours in years gone past—the members for Kingsley and Belmont come to mind—I certainly do not have anything to contribute in that regard. I cannot dance, I cannot sing, and I certainly cannot paint.

As good as some members in this place are, the most accomplished by way of public performance skills is surely our very own Minister for Culture and the Arts, the member for Mandurah, David Templeman. New members are most definitely in for a treat at the end of the year on the last sitting day, when our minister will, hopefully, again summarise 2021 in song for us. Incredible pressure must be on the minister to trump last year's performance of *Hallelujah*, which went viral.

Mr D.A. Templeman: It went to the top 10!

Ms S.E. WINTON: It went to the top 10! Of course, although our Minister for Culture and the Arts is himself an accomplished performer, his real talents come in his championing—I mean this most sincerely—of the arts and creative industries in this state. It is very much through his leadership and passion that the McGowan Labor government is investing more than ever before to support our creative community and to put arts and culture back front and centre on the agenda.

I will quickly highlight this bill. The Arts and Culture Trust Bill 2021 is a reform initiative to improve the governance of the state's arts and cultural assets. The new Arts and Culture Trust will be a contemporary statutory authority and will have broader powers than the Perth Theatre Trust. This bill passed through this place in the last Parliament, of course, and is another example of a bill that did not quite make it through the Legislative Council in the fortieth Parliament. I congratulate the minister for bringing it back to this place so soon in our forty-first Parliament.

During the election campaign, the McGowan Labor government announced that we would invest \$100 million to build a state-of-the-art film studio and screen production facility at Victoria Quay in Fremantle. This facility is the critical piece of infrastructure that is needed to take WA's film industry to the next level. The commitment includes an additional \$20 million for a screen production attraction fund that will potentially create 2 800 new and ongoing jobs in the film production and hospitality industry. It is a very exciting development.

I note that the bill has been amended from the previous bill to give effect to the State Solicitor's Office advice concerning the proposal that the state will require legislative authority to establish, own and operate the screen production facility business.

I take this opportunity to share with members two of the extraordinary things that happen in Wanneroo that contribute to the arts sector. Wanneroo is quite a vibrant and buzzing little local arts community. The first thing I want to mention is, of course, our beloved local theatre, the Limelight Theatre, which is located right in the heart of Wanneroo. This theatre is managed and operated by Wanneroo Repertory Inc, a not-for-profit organisation. The Limelight Theatre is in its forty-eighth year this year, having been first established in 1973. The theatre is governed by a 10-member executive committee that is elected by the repertory membership. Volunteers for all aspects of the operation, including production, front of house, theatre maintenance, properties, membership services and financial control, are all drawn from the repertory's membership. I want to take this moment to outline to the house the current executive committee, including the wonderful president, Shelley McGinn; vice president, Karen Murray; secretary, Richard Tudge; Treasurer, Mike Gibbs; maintenance manager, Julie Clark; social media, Kathleen Del Casale; technical manager, Paul King; publicity and marketing, Sandra Powell; volunteer coordinator and front of house, R.J. Smolders; social media, Ashlee Torrens; committee tech, Gordon Park; bookings and membership, Patrick McGinn; wardrobe, Joan Braskic; props, Lorraine Jones; newsletter, Ian Jones; and, of course, the dozens and dozens of wonderful volunteers who help make Limelight Theatre such a fantastic part of Wanneroo.

Each year, the Limelight Theatre presents six major productions. These are very well attended not only locally by people from Wanneroo, the City of Joondalup and, more broadly, the northern suburbs, but also by people coming from far and wide, including south of the river, to attend the very successful productions. I want to also take the opportunity, in case the minister is interested, to mention the performances that are on the schedule for 2022. We—not "we", I do not dare suggest that I am part of the wonderful work that Limelight Theatre does; I like supporting it, but I am certainly not going to take any credit for the wonderful work it does. My favourite upcoming production—

Extract from Hansard

[ASSEMBLY — Tuesday, 10 August 2021]

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I thought the minister might be interested in this one—is *The Woman Who Cooked Her Husband*. That sounds an interesting production.

Mr D.A. Templeman: A tasteful production!

Ms S.E. WINTON: A tasteful one! Others are *Equally Divided*, *Dusty*, *The Full Monty*, *Pack of Lies* and *42nd Street*.

Mr D.A. Templeman: I won't audition for *The Full Monty*!

Ms S.E. WINTON: Well, the minister has been there before.

Mr D.A. Templeman: A couple of times!

Ms S.E. WINTON: The minister has been on the boards on the stage of the Limelight Theatre. It was only for a photo, but I reckon, if the minister is up for it, I could have a chat with the people at the Limelight Theatre to see whether he could get a cameo performance in *The Full Monty*. I would like to see that! I will see what I can do for you, minister!

The minister knows that in 2017 I was able to deliver \$93 000 to Limelight Theatre to purchase new stage curtains and upgrade its foyer furniture as part of my election commitments, and the minister helped to announce that at the wonderful theatre. Prior to the election in 2021, I was happy to be able to achieve a \$25 000 commitment to replace drapes, tiles in five bathrooms, backstage lighting and a prop ladder. I look forward to seeing those further upgrades to a fabulous local theatre that is doing fantastic work, and I urge people who want to see those productions that are being planned and will be performed later this year to get online as soon as they can, because the tickets do not last very long. Our ongoing commitment to and support of local theatre companies like Limelight Theatre is indicative of the support and priority that the McGowan government is giving to the arts, with unprecedented investment in a range of areas from the grassroots level right through to the new \$100 million state-of-the-art facility in Fremantle that I mentioned.

I would like to take a couple of moments to talk a little bit about the current president of Limelight Theatre, Shelley McGinn, and my connection with her. Members know that prior to the election we made a lot of phone calls to reach out to the residents of our communities to introduce ourselves and have a chat to gauge what people's issues were in the local community and to get our finger on the pulse. I certainly did that back in 2016. I was making a bunch of calls when a lady who answered the phone introduced herself as Shelley McGinn. I introduced myself as Sabine Winton and we had a lovely chat about Wanneroo. She is a long-term local. As we were chatting, I explained to her that I was a former student of Wanneroo Secondary College. When I said that to her, she said that was lovely and that she was a former teacher at Wanneroo Secondary College. There was silence on the line as we both connected the dots and I said, "Hang on a sec, did you used to be called Shelley Brown?" She said, "Hang on a sec, did you used to be call Sabine Fenn?" I said yes, and it turns out that Shelley McGinn was Shelley Brown, who was my year 9 English teacher back in 1979, whom I had not heard of since then. Of course, I went home that night and rifled through my old report cards to make sure that her impression of me back in those days matched the impression I was trying to build with her as the potential member for Wanneroo. I am delighted that it was. Since that time, I have had a wonderful relationship with her. As well as being the president and a life member of Limelight Theatre, she is a former treasurer and a current committee member of the Wanneroo Sports and Social Club, convener of the Wanneroo Online Community Engagement Network, and an EdConnect volunteer at Spring Hill Primary School and Wanneroo Secondary College. For a retired teacher, she is the kind of person I aspire to be. She stays connected to her community and gives back so selflessly and in such a fantastic way, whether it be with students, with the local social club or through her work over a significant time with her first passion, Limelight Theatre.

I have some memories of attending Wanneroo Secondary College, and particularly drama. I was no star. It was not really my forte, but I remember one particular drama production that I was part of called the *Seven Deadly Sins*. I had to do a bit of googling in preparation for this today. The seven deadly sins are lust, gluttony, greed, sloth, wrath, envy and pride. As much as I try to reminisce and recollect, I cannot quite remember which of the seven I had to represent. Looking back now, I reckon maybe wrath would have suited me. There is a fair bit of sloth that comes in occasionally when we are in lockdown, and certainly occasionally I will accept that there is a little bit of lust that goes on! Maybe I need to go back to the school to go through the archives and see some of the old photographs and records of that production. I would be very interested to see which of those seven deadly sins I had to represent. I am sure that I did not do a very good job at the time.

Building and supporting our arts—I am talking in particular about performing arts as a theme throughout my speech—really starts in our schools. Wanneroo Secondary College has always had strong arts programs over the years, since I left back in 1982. In fact, Wanneroo Secondary College has a specialist performing arts program. This program specifically relates to dance, drama and instrumental and vocal music, with a strong focus on performance opportunities within the college, in the local community and nationally and internationally. It certainly is a highly sought after program and is widely known as the best specialist program of its type for students in the northern suburbs, and it has had much success.

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In July, it held a dance showcase called *Iridescent* at the Quinns Baptist College auditorium, which involved dancers from the years 7–10 SPA Dancers group as well as the years 11 and 12 ATAR and general dancers.

Of course, the success is really quite incredible when I think about it, given the current facilities. What was cutting edge nearly 40 years ago when I was a student performing the *Seven Deadly Sins* certainly is not good enough for the programs that the school offers now, but they are the current facilities under which the school operates. The same tiny stage on which I strutted my stuff very badly is exactly the same facility that the school has to work with, despite the fact that it runs this most awesome specialist program. I am really delighted that as part of the election commitments, we are investing \$5 million for a state-of-the-art performing arts facility. That work is well underway and will allow the school to take its very popular and highly regarded performing arts program to the next level.

The brief to guide the architect includes a theatre with 250 retractable seats, a music and drama studio, green rooms, a bio box, a general learning area, a storeroom, a staff office and landscaping. Certainly, if I had some of those bells-and-whistles facilities available to me, who knows, I may have done better in my year 9 drama classes! But seriously, that school having its own purpose-built performing arts facility that can seat 250 guests to watch the performances will mean that the performers will not have to traipse to Quinns Rocks or other places to hold their functions. Work is well underway in the sense that the planning work is being done and construction is starting in October 2021, which is a couple of months away. We anticipate that the project will be completed in October 2022. This follows on from my 2017 election commitment, which has now been fully delivered; the school now also has a brand new state-of-the-art gymnasium, which means the school is able to do even better work in not just the general sports programs it runs, but also the highly regarded specialist sports programs.

I mentioned that Wanneroo Secondary College's performing arts program has a very strong focus on providing performance opportunities for the students not only at the college, but also out in the local community. That is nowhere better on display than the current performances this week. Last night was the opening night of a romantic comedy called *Crazy for You* performed by the year 10 specialist performing arts students. The nice segue from where I started speaking about Limelight Theatre is that that production is being held at Limelight Theatre. Hopefully, if I can get a leave pass out of here tomorrow night—hint, hint minister—I would love to see tomorrow night's performance!

I would like to give a special shout-out to Mr Matt Bell, who runs the entire specialist program at Wanneroo Secondary College. In particular, I thank the teachers who are involved in the year 10 production of *Crazy for You*, Mr John McPherson and Mrs Alysha Cheetham-Taylor. I wish all the best to all the students who are performing and participating in the various roles that are required to put on a production like this. I know that they will do a fantastic job.

[Member's time extended.]

Ms S.E. WINTON: Before I finish, I quickly want to move on to primary schools, as I always try to do whenever I get the opportunity. I am very proud of my local primary schools for encouraging, supporting and giving children the opportunity to strut their stuff in performances, productions and all sorts of things. In particular, I want to highlight Tapping Primary School, which is doing quite incredible stuff. Prior to the 2017 election, Cheryl Peak, the performing arts specialist at the school, advocated really strongly to me, saying that the undercover area was not large enough to house the entire school population for assemblies, nor was it ever contemplated that the space might be useful to perform productions. As a result, I was really happy to advocate and get funding of \$450 000, which resulted in a significant extension of the undercover area so that the entire school community of some 750 students can now participate in and be part of school assemblies. It has also given the school great scope because it does not need to spend lots of money offsite to host its yearly productions; it can hold them at the school. In 2018, it performed *Madagascar* in that new space; in 2020, it performed *Lion King*, and I am very much looking forward to its next production.

Finally, I want to highlight another local primary school that is doing fantastic things in the arts. I particularly want to highlight the Speak Out awards, which are coordinated by teacher Linda Gower. East Wanneroo Primary School has been hosting its annual Speak Out awards every year for a long period. It has been my great honour to be invited to be part of that process. The program essentially challenges and asks every single child in that school, from pre-primary all the way to year 6, to prepare and then perform a speech to their peers. Every single child in pre-primary has a go at getting up in front of their peers to speak. It is a highlight of the school calendar for all those students. Every single child does it. A school assembly is held, at which the winners are announced. The winner of each year gets to make a speech. Every year I attend, I am quite amazed by the quality and the standard of the work of these young people and their courage to get up and speak publicly in front of their peers. The standard gets higher and higher each year. The kids put expectations on themselves to do better each year. This year, the pre-primary, year 1 and year 2 winners are looking forward to next year to see whether they can back it up and be the year winner the following year. It is the most incredible program to be involved in. I commend not only Linda Gower, who coordinates it, but also every single classroom teacher who invests the time within their classroom to support the students to be involved in that program. I want to give a shout-out to the 2021 winners: in pre-primary, Zayna Loungani; in year 1, Flynn Eldridge; in year 2, Zayna's brother, Ruhaan Loungani; in year 3, Eleana Tsitiridou; in year 4, joint winners Sophie Rose and Chevelle Jones; in year 5, Llewellyn Daykin; and in year 6, Sol Richardson.

I think Llewellyn has won it every year so far. He is quietly determined to pull out all stops in year 6. I look forward to his efforts next year.

I absolutely love being the member for Wanneroo. It is a thriving school-based creative environment, whether that be music, dance or the performing arts. I love being the member for Wanneroo as we have such a wonderful local arts scene, as I described before, including the wonderful Limelight Theatre. Lastly, I am absolutely very proud to be a member of the McGowan Labor government, which continues to value and invest significantly and without precedent in our arts sector. It has been fantastic to have the Minister for Culture and the Arts leading that charge on behalf of the McGowan government. I look forward to the next three years of much more.

MS D.G. D'ANNA (Kimberley) [4.35 pm]: I rise to speak on the Arts and Culture Trust Bill 2021. My electorate of the Kimberley contributes significant cultural, social and economic benefits to the state. A lot of amazing productions are held in the Kimberley every year, and there is the potential for so much more. When people think of productions in the Kimberley, they think of the wonderful *Bran Nue Dae*, a coming-of-age musical set in the 1960s, which was first written, produced and performed by talent from the Kimberley in 1990. Although the musical is at the apex of Kimberley performing arts talent, it is only one of the Kimberley's many successes in the performing arts. I was a boarding student down here in Perth when the production first came down. I was a 13-year-old kid from a small town who came down to watch people that I knew—my uncles, musicians and locals. Other school members and students from everywhere else came down to the Octagon Theatre to watch the show. I knew these songs and the people performing. I remember the pride I felt, thinking, “That’s my uncle”, “That mob is from Broome”, and, “That mob is from Fitzroy.” People were dancing and everyone was enjoying it. This was repeated. The production was so great. It was also felt by my children when it was revamped and then made into a movie.

The Kimberley supports a lot of screen activity that drives the industry, with outstanding works such as *Mystery Road* being filmed in the region a few years ago. Who can forget the flurry of Nicole Kidman and Hugh Jackman in Wyndham and Kununurra for the filming of *Australia*?

I welcome the McGowan government's election commitment of \$20 million for a screen production attraction fund and \$100 million to build a state-of-the-art studio production facility in Fremantle. This is a great commitment that I hope will support screen productions and performers from the Kimberley.

The Kimberley has many rich cultures across the region, from Broome to Kununurra. Indigenous people are inherent storytellers. We share our stories in many ways—orally, in film, in dance, in the theatre and in paintings. I do not have any of those skills, by the way! We are generous in sharing our stories with the world, but we need the support of facilities to do so in a culturally safe environment. Businesses such as Goolarri Media Enterprises are very important for telling these stories. Goolarri is a Broome-based multidimensional multimedia organisation that provides a unique, innovative and professional Indigenous service in all forms of media and communications to a wide multicultural audience in a culturally accepted way. Goolarri currently delivers television, radio and web-based media production and broadcasting, filmmaking, live performance productions and events and training in the performing arts and media, reaching out to mainstream audiences, as well as the Indigenous community throughout the Kimberley and beyond by using partner networks. Goolarri is 100 per cent owned by the Broome Aboriginal Media Association Aboriginal Corporation. Staging performing arts shows in the regions can be cost prohibitive for regional and remote artists as they often need to bring crew, sets and other equipment from Perth, and the small numbers of people who attend do not make it cost effective.

There are initiatives that help underwrite tour costs, which are great for the regions, but often it is about bringing a show from Perth out to the regions and they do not assist with staging home-grown shows. The Arts and Culture Trust Bill will establish the Arts and Culture Trust, which will have broad powers and flexibility to manage, care for and develop cultural assets for future generations. The Arts and Culture Trust will be a body that can not only manage theatres but also other cultural assets around the state that are entrusted to its care. It is exciting that the trust will provide help with managing venues in the regions in a more cost-effective way to help out emerging artists. The trust will have powers to manage all kinds of arts and cultural venues, including outdoor spaces. This body will have the capacity to optimise the potential of the assets it controls, creating flow-on benefits for local businesses. That will include state-owned assets assigned to the trust and, potentially, any privately owned assets that enter into partnership with it.

The trust will also have a greater power to engage in business arrangements that will help grow the local capacity of Kimberley-based organisations and performances. The state government supports many key arts and cultural projects in the Kimberley electorate. This includes funding for the Aboriginal arts commissioning fund to support senior cultural practitioners, including Tommy May and Tom Lawford's project to share the stories of Aboriginal trade networks through the development of a large-scale work embodied in the form of the Rainbow Serpent's belly—the Kimberley Aboriginal Law and Culture Centre's *Sovereign Systems* project. The Waringarri Arts Aboriginal Corporation's *Kimberley Art Centres Alliance x New York City* project gained funding through the Aboriginal arts commissioning fund to support the commissioning of 10 artists to create significant new work for international exhibitions with a focus on New York. Theatre Kimberley was allocated grant funding through the Creative

Communities COVID-19 Recovery Program, which will support two artists-in-residence to create connections with the Broome community through rollerskating and beatboxing workshops.

Grant funding through the Arts 15k-plus program for *Splash Test Dummies* in Broome is a collaboration with Sandfly Circus, artists and Kimberley locals. Funding will allow Theatre Kimberley to work with Broome-born artists Crystal Stacey and Rowan Thomas and Theatre Kimberley's Broome-based production team to create an exciting and engaging performance, rich with mentorships and learning opportunities. The Kimberley Stolen Generation Aboriginal Corporation Stompem Ground festival also has grant funding through the Arts 15k-plus program. Stompem Ground is a weekend of contemporary and traditional Aboriginal music, dance, culture, workshops, contact and experience that brings together the best cultural and contemporary performances for a music and culture festival to celebrate the spirit of Aboriginal peoples across the Kimberley.

Throughout my entire life, I have been privileged to see some great productions in the Kimberley. I mentioned *Bran Nue Dae*, which is the most memorable, as well as the Sandfly Circus. I have witnessed my sisters on the *Mystery Road* back scenes, fighting to try to get in front of the camera. Another incredible organisation in the Kimberley is Marrugeku, which is dedicated to Indigenous and non-Indigenous Australians working together to create new dance languages. It is working to build bridges and break down walls between urban and remote dance communities. Marrugeku creates many amazing opportunities for people across the Kimberley region to express their stories and culture through dance, allowing them to not only perform in the region but also travel across the country to perform for other audiences, too. Unfortunately, its 25-year celebration was recently cancelled due to the COVID-19 pandemic, but I look forward to attending the rescheduled event later in the year.

Recently, as the new member for Kimberley, I attended the 2021 Mowanjum culture and arts festival. This was hosted by the Mowanjum Art and Culture Centre. It celebrates the vibrant culture of three local tribes: the Ngarinyin, Worrorra and Wunambal peoples. It is one of Australia's longest-running festivals of Indigenous culture, having begun in 1997. It has become a roaring success, attracting visitors from all over Western Australia. Traditional song and dance, also known as junba, is a focal point for the festival, serving several important roles for the tribes, also educating and sharing their pride. As well as a form of storytelling, it is good for social and emotional wellbeing. This strengthens connections to country, as well as intergenerational bonds. In the lead-up to the festival, all the people in the tribes help young people to prepare totems and costumes and practise junba with them.

I am excited for the future of the arts in the Kimberley and I look forward to attending many more local performances in my electorate, as well as supporting people from our Kimberley region sharing with people everywhere else in the state and nation. I commend the bill to the house.

DR D.J. HONEY (Cottesloe — Leader of the Liberal Party) [4.45 pm]: I rise as the lead speaker for the opposition on the Arts and Culture Trust Bill 2021. The member for Vasse would normally be the lead speaker on this bill, but, as members may have heard, she has to deal with a serious health issue in her family so she cannot be in Parliament. I will soldier on. Hon Peter Collier is our shadow spokesperson in the other place. I will go through a little bit of analysis and discussion of the bill. I indicate at the outset that we support the bill. I might also say to members, in case they are worried about their health, that I had my second AstraZeneca COVID vaccination yesterday, so I am feeling somewhat less than average today. Anyway, I will soldier on.

The Arts and Culture Trust Bill 2021 will rename the Perth Theatre Trust as the Arts and Culture Trust while expanding its functions and responsibilities for art and cultural venues beyond the theatres. The trust will be the new government arts entity, managed by a board and accountable to the Minister for Culture and the Arts, the government and Parliament. The most iconic theatres, such as His Majesty's Theatre, are managed by the Perth Theatre Trust under the Perth Theatre Trust Act 1979. Over the years, various reviews have proposed to reform the trust to allow it to operate beyond its narrow role as a theatre manager. This bill will obviously achieve some of the outcomes of those various considerations. This bill will place more artistic and cultural venues under the control of the new trust, including the Perth Cultural Centre. The trust will have much broader responsibilities and powers, with more flexibility to manage our cultural assets. New responsibilities will include management of state-owned assets assigned to the trust and, potentially, any privately owned assets that enter a partnership with it. The trust board will consist of nine members, compared with the current eight, thus ensuring that there can be a majority position. The board members will be expected to have specific skills and experience that relate to the trust's operations.

Obviously, historically, the Perth Theatre Trust was focused mainly on Perth venues, hence most of its board members tended to be people with a central Perth-focus. We just heard from the member for Kimberley that, clearly, the scope of this bill will be much broader than simply metropolitan Perth. That is because the trust will have a statewide responsibility and broader membership. The bill will also expand the definition of an event, production or performance beyond immediate events to include performances that can be enjoyed at a later date, such as via streaming. The provision allows the trust to establish, own and operate the proposed \$100 million screen production facility, which I assume will be in Fremantle. It all seems fairly routine, although increased centralised control over government facilities may not always be the best way to do things. We need to be careful that bureaucracies

do not become unresponsive to voices from further away, such as those in the regions, and even, can I say, from the suburbs of Perth.

I am going to try to be reasonably focused, but there are several parts of the bill that I want to discuss and I will cover them in the consideration in detail stage. Those are the declaration of places to be venues, declaring groups as resident companies, ministerial oversight of commercial contracts and permission for people to use trust property. Obviously, that last one was quite controversial a few weeks ago when a specific group was prevented from using the Albany Entertainment Centre.

Under part 1, clause 4, page 5, the minister may declare places to be venues. It is claimed that the current regime does not easily facilitate short-term events and opportunities. This clause will grant the minister the power to declare a place to be a venue used, or intended to be used, wholly or partly for cultural or artistic purposes. That is quite a broad power. I am interested to see whether there is any qualification on that power because as it sits, it does not appear that there are any restraints to what can be declared a venue. As it reads, the Minister for Culture and the Arts can impinge upon any property or piece of land for the purpose of accommodating an artistic event. The question is: is it really the government's intent to empower the minister with such unprecedented power over essentially the whole state and every property therein? The essence of that is: does that go to private property as well as public property? It is not clear whether that is the case. The bill does not seem to provide any constraints on the minister in declaring a privately owned or leased property to be a venue. We assume that the minister would not simply collectivise someone's private property for the purpose of an artistic event without agreement of the property owner. Obviously, we know that the Minister for Culture and the Arts is a well-meaning minister who would try to do things in a cooperative way, but it may be that a future minister is not so kindly disposed and might seek to exercise broader power if that is possible, particularly over private land. Obviously we on this side of the house do not want to see the compulsory exercise of state power over private property for artistic purposes. Clearly, if a private property owner does not wish for their property to be used for that purpose, we would hope that that is the case. As I said, it would be good if the minister could enlighten me as to whether the minister's powers extend to private properties as well as public properties.

The same goes for local government property or land that the minister wants to declare a venue. There is nothing specific in the bill about consultation with local government or local community representatives to ensure that a minister's proposed declarations do not create local problems. Furthermore, if a declaration is opposed by the local community, what is the process by which the community can have its views heard? I am not sure whether that is possible or whether that is needed, and, as I said, I genuinely seek clarification about that. Does the bill need amendment to specify that the power applies only to state government-owned leased property or land or is it implicit in the bill? If the state government should want to use private or local government property or land, there must be a requirement that the minister gains agreement from the property owner or holder. As I have said, it would be good if the minister could clarify that and make it clear that the minister's powers apply only to state-owned land or facilities and that any place not owned or controlled by the state government cannot be declared a venue unless with the agreement of the owner or the leaseholder of the place.

Clause 4(2) on page 5 refers to the declaration of a place to be a venue for a period specified in the declaration. Again, without any qualification in this clause, the concern is how long that period will go for. Obviously, it would be of concern if a declaration could go for extended periods and prevent other uses of the land. That question comes back to whether, in fact, this covers private venues as well as government venues. The question is: should there be a limit on the period or a compulsory review after a period of time? Obviously, if it is for three or six months or something like that, that is fine, but if it is longer, maybe we need a review process. I note that the minister can change a declaration.

Clause 5(1) states that the minister may declare arts organisations to be resident companies. The bill will allow the minister to declare a state-funded arts organisation to be a resident company for the purposes of the bill, which will provide greater clarity and certainty for performing groups. The concern about this clause is whether there is a requirement for consultation with the groups or bodies already using a facility. Again, I do not make this assertion about the current minister, but a future minister may want to make friends with lots of organisations and may start to assign organisations to facilities that simply do not have the capacity to cope or that are incompatible with the groups that are using the facility. Is there a requirement for consultation with the groups that already utilise a facility before other groups come in and use that facility?

Part 2 of the bill deals with the establishment of the new Arts and Culture Trust and its functions and powers, including the ability to enter into commercial arrangements. The bill enables the trust to enter into commercial arrangements to stipulate commercial and tourism hubs. It is envisaged that the trust will attract activities and events to enliven the Perth Cultural Centre and residential cultural institutions, including the Art Gallery of Western Australia, the State Library of Western Australia, the Western Australian Museum Boola Bardip and other facilities. The trust will need ministerial approval to exercise its powers to acquire or dispose of real property, to enter into contracts for the management of a venue and for ticketing services.

Part 2, clause 12, on page 11, refers to the general restrictions on the trust's powers. It states that approval will be needed from the minister before it can deal with real or personal property, as empowered by clause 11(3)(a) on page 9. Ministerial approval will also be required in the exercise of powers to enter into venue management arrangements given under part 2, clause 11(3)(d), on page 9. We obviously welcome the ministerial oversight; it is critically important and it will make sure that the minister will be held accountable for their decisions. There is a concern that this approach is not consistent throughout the bill. Although we recognise the role of the trust and like bodies, at the end of the day, the minister is the person who will always be accountable for what occurs on government property, entities and the like.

Part 2, clause 13, on page 12, deals with the requirement for approval to participate in business arrangements. The trust is empowered by part 2, clause 11(3)(f), to participate in business arrangements, including acquisition and disposal of interests in an arrangement. This is referred to on page 9. Clause 13 requires that such arrangements be approved by both the minister and the Treasurer. Again, that is very welcome because it will ensure robust ministerial control and, importantly, accountability. However, clause 13(2), page 12, states that the Treasurer can exempt trusts from these requirements. The concern here is that this may be a way for a minister to defer accountability. If the minister defers authority to a subservient body, ultimately the minister can say, "I can't be held accountable for the decisions that were made by that body because they had the power and I had no say in that matter." We would prefer that, ultimately, the minister has authority and control over matters. It is worthwhile looking at that. I am not going to suggest any amendments in this place. I will leave any discussion of that to my lead in the other place. I am not foreshadowing amendments; I am just saying that these matters have been raised, and I am very interested in the minister's response. The question is whether that exemption should be there at all or whether it should be limited? The opposition is concerned that perhaps it could be a way for government to distance itself from decisions it knows will be made. A similar situation exists in clause 14(1), on page 12, concerning ministerial approval required for the trust to provide ticketing services for a non-trust venue. Again, ministerial oversight is welcome but there is a provision for the minister to exempt the trust from this requirement. For the same reasons, it would be interesting to know what the minister sees as the scope of that provision. Obviously, again, the concern is that important decisions will be made that are at some distance from the minister.

Part 5, clause 70, "General regulations", on page 36, refers to the regulations being made for various aspects of venue management. I will say that this section brings back memories of what happened recently with a group being banned from using the Albany Entertainment Centre. Clause 70 list examples of matters that will be subject to regulations. There are two matters that could be particularly sensitive. The first is clause 70(2)(b), which states —

the use and hiring out of Trust venues or any part of a Trust venue;

The second is clause 70(2)(g), which states —

the admission of persons, vehicles and animals to Trust venues;

These are sensitive matters and it concerns the opposition. We understand that there can be extremes, but banning the Australian Christian Lobby from the Albany Entertainment Centre was of enormous concern to a range of people. Members in this place may have different views about that group, and some people may have the view that they do not like or care about some of its views, but it is critically important in our society that we have as much tolerance as possible for groups with different views.

Ms C.M. Rowe: Member, they don't espouse tolerance themselves.

Dr D.J. HONEY: Pardon?

Ms C.M. Rowe: The group that you're referring to do not espouse tolerance themselves.

Dr D.J. HONEY: I guess, member, that is the issue; is it not? In a democracy, the member has the right to criticise but not to silence groups. My concern with this power is that we are seeing a narrowing of the opportunity for groups to use function venues. I support robust debate. There are people who I vehemently disagree with. There are people in this chamber who I vehemently disagree with, but, boy, do I respect and champion their right to have and state their opinions. People in this place say quite egregious things to me. I might not like it, but I respect that in this chamber people can say those things. Equally, members from time to time may not like things I say.

Ms H.M. Beazley: Never!

Dr D.J. HONEY: I know it is hard to believe, member, but I have heard that view expressed occasionally.

It is important that public venues are there. I appreciate that there are extremes in everything and that we need some capacity to have control over this. My concern is that there are differences that are not extreme in the views of the broader community, but because we have a particular view, we say, "We don't ever want to hear that. We don't want anyone to ever say that in a forum." As I say, I champion the right of everyone here and in the community to criticise people when they do not agree with them in a respectful way and the like, but I am concerned this legislation is a mechanism that will stifle public debate, and that is highly egregious. I will use the example of climate change—

this is not my view. On the issue of climate change, a significant percentage of the Australian population does not think that climate change is real —

Ms C.M. Rowe: They'd be wrong.

Dr D.J. HONEY: Hear me out, member.

The member might not agree with them, she may think they are misguided, but it would be egregious to say that they could not express those views. Equally, I am sure there would be a cavalcade of criticism from the media, from members opposite and others, and the community can form its own view. But I think it is dangerous for society when we start narrowing views, because that can become more extreme. I will say that I am a keen believer that the climate is changing but I am extremely dubious about some statements made by people around certain aspects of that debate.

Ms C.M. Rowe: Member, did you see the report that came out yesterday?

Dr D.J. HONEY: I am, in fact, very aware of it, member. It sounded quite alarming. As the member would know, during the previous election campaign, I was at the forefront of a visionary policy to move the government to zero carbon emissions and to catalyse the transition of our economy away from fossil fuels. The member can guess where I stand on all of this but, equally, I respect that very good people I know—fine people—do not share those views, and I would not seek to stop them expressing their view in a public forum, even though I think it is wrong and I may well use my opportunity to speak in a public forum to criticise them.

I know it is irksome but I worry that in public debate now things that are irksome suddenly become offensive, are banned and people are not allowed to say them. I do not think that helps. I appreciate there are extremes of everything. It is probably best not to give very extreme examples, but members can imagine what they may be. My concern about public debate is that the definition of what is an extreme view is actually what is irritating, irksome or, as members suggested earlier, something that may be wrong. I think it is a power that should be used very wisely and very sparsely in our community, and as much as possible we should let those debates occur. On university campuses when I was a student and on campuses now—for example, the University of Western Australia—there are people who are anarchists. There are people who have some quite offensive views to the Jewish community on campus. I profoundly disagree with those groups and in no way support the views that they espouse, but I think when we go down this path of banning groups, it drives debate underground and it does not help. As I said, I appreciate there are extremes and we need some capacity here to have some controls, but it should be an extreme, not for things that we just find irritating or irksome.

Mr D.T. Punch: How extreme is extreme?

Dr D.J. HONEY: Pardon?

Mr D.T. Punch: How extreme is extreme?

Dr D.J. HONEY: It really is a matter for assessment, is it not, member for Bunbury? For example, with the group that was banned from the Albany Entertainment Centre, I do not share its views on many things. Half of Australia's population is Christian, and have a range of Christian views. Clearly, some of the group's views offend people. I have not examined in detail the group's statements. But we should call out those things that people regard as extreme. We should criticise them. On debates around the LGBTQIA+ community and so on, the broader community find that what people thought was acceptable 20 years ago is not acceptable now, and that debate is out there. I think it is healthy when we have that debate. It helps to normalise people's views and recognises that the world has moved on from a world they knew years and years ago.

In any case, on that, minister, I will end my contribution. We on this side of the chamber support the bill. We see it as a culmination of an important effort to modernise the role of the Perth Theatre Trust and to make it more contemporary. Thank you.

MR D.A. TEMPLEMAN (Mandurah — Minister for Culture and the Arts) [5.09 pm] — in reply: I thank all members who have contributed to the second reading debate of the Arts and Culture Trust Bill 2021. It is very important to have the opportunity to debate the importance of culture and the arts to the Western Australian community and, indeed, the story of us as Western Australians. I am very proud and pleased that a number of members took the opportunity during the second reading debate on the bill to outline their strong support for the cultural industries, their local community arts organisations, artisans and artists, and why we need to continue to have a vibrant, robust creative community. It is always pleasing to hear members of Parliament highlight their own experiences in the arts. Many contributors today and on previous days highlighted the impact that the arts has had on them as children, in education and in the broader community.

It has always been my view, of course, that the arts is a great enabler. It is also an important contributor to our economy and essentially tells the stories of us. The arts, in all its genres, has done that for centuries if not thousands of years, particularly with our First Nations people. I am particularly proud to have heard the contribution of the

member for Kimberley who outlined the importance of culture and the arts to the broader communities across the Kimberley. Other members talked about the richness within their own communities, be they in the metropolitan area or regional Western Australia. It is important for all of us to understand that the arts is not just about seeing a great dance or hearing or participating in a great song; the arts is much deeper than that. It is my firm view that all of us, in terms of our own characters, are shaped by the influences of culture and practice, and the arts more broadly.

It is pleasing that this bill has evoked in many members in this place an appreciation of what the arts does for their communities. We must also be very mindful, as I am sure members are, that many people in our community draw their incomes and livelihoods from the arts. Many of them supplement their livelihoods and incomes through artistic practice. Many of them, of course, have been doing it particularly hard during the COVID-19 pandemic, including many in the entertainment industry, the performing arts industry, the visual arts, dance genres and those who also provide the equipment, backup, sound engineering et cetera. It is important to acknowledge that during this interesting period over the past 18 months or so since COVID struck this country, that, as we speak, Western Australia is one of the few state or territory jurisdictions where we can have 100 per cent attendance at our performance venues, where we can move freely in festivals and events, and where we can participate in culture and the arts activities. We should feel privileged that not only we can do that, but also we have been able to do that, particularly in more recent times, more freely in many respects than is the case in any other place in our nation. The livelihoods, situation and circumstances of many people of all ages involved in the arts in Victoria, New South Wales and Queensland have been decimated. They are not able to practise in many respects their craft and art. In Western Australia, the impact was swift. When the COVID-19 pandemic hit, venues, spaces and places, museums, libraries and cultural places where creatives do their magnificent work were closed and impacted. As we know, many of the institutions and industries that were impacted first will be the ones that will be impacted again when there are lockdowns and in terms of sustaining themselves coming out of that situation.

To members of Parliament who have made a contribution—to all of you—I thank you sincerely. But there are some things that I want you to do on behalf of your communities. I want you to encourage the broader community in whatever seat to continue to reach out to those creative people in their communities—that is, musicians who perform in live music venues, and community theatre people who, as a number of members highlighted, have been making a tremendous cultural contribution to the community for many, many decades. We need you to reach out to them and support them. Go to their shows and activities, involve yourself in their events and encourage others to do so. When a local gallery is having an exhibition of a local artist, go there, as I know many people do. Encourage people to purchase their work and celebrate their creativity. When there are events that bring people together that celebrate the unique stories of Western Australia, share that. Share it on social media and in any other way that members can. This underpins that we and the community value those people who are part of our creative people. There are many, many thousands of them.

I have to say that we should not value and talk about only those who create the work and produce the magic. Only last week the Premier in question time highlighted that it is important to remind people that, in fact, there is a vastly greater participation rate in cultural and artistic endeavours—this is not an attack on my very good friend the Minister for Sport and Recreation—than in sport. There is no doubt that sport is important, but attendance at culture and the arts events continue to outnumber attendance at or engagement in sporting venues. People in Western Australia are in love with some of the codes that exist, and they are important, but so, too, are our cultural and artistic performances, activities and events. That is one reason I am unashamedly very pleased that I have both the tourism portfolio and the culture and arts portfolio. If we are to tell our stories to the world—tell it well and tell unique stories like those embedded in our First Nations people, for example—they deserve to be shared with the rest of the world. They are unique. That is something that all of us in Western Australia and Australia more broadly can be proud of. Not only we are home to the oldest living culture on the planet, but also that culture is embedded with magnificent, special and unique stories. Those stories need to be told and our First Nations people are very eager to share them. That is unique to us in Australia, so why would we not do everything possible to support our First Nations people and all our creatives to tell their unique stories to the world? When we are able to welcome back visitors from overseas and interstate in the future, I think they will be the stories that they will seek. They will seek to engage with and participate in those stories. Western Australia is so well placed to do that because not only have we been fortunate enough to have a Premier, government and Western Australian community that has been focused on keeping people safe, but also this period has allowed us some time to hone those stories and their uniqueness. I am very, very positive about the future. When people visit Western Australia in the future, they will be enticed here to see not just great sporting events at the stadium, but also the world-class storytelling of our Indigenous and First Nations people. They will see world-class dancers, writers, performers and visual artists with work on display. They will also see and hear those unique Western Australian stories. They will hear them in all parts of Western Australia. They will hear them in the regional communities of Western Australia and, of course, in the suburbs and the spaces and places around the CBD and our institutions that the Perth Theatre Trust currently has carriage of.

All members of Parliament can play a key role in supporting our cultural industries. That is why I am very proud that the McGowan government has made the \$100 million commitment for sound and screen infrastructure for the

screen industry, along with a \$20 million commitment that will involve enticement and investment in our industry. We already have a great story in the screen industry in Western Australia. I and the member for Warren–Blackwood and, I am sure, the member for Bunbury and other members in the south west will look forward with great anticipation in the next few weeks to CinefestOZ, which is magnificent. It is now probably the premier regional screen festival here in Western Australia. It will be celebrated through great support by the government and other entities, such as local governments. It will celebrate the fact that Western Australia has huge potential in the screen industry. We will see this government's \$100 000 prize offered to the best film, along with the ongoing commitment to support CinefestOZ. It helps add to the picture of a burgeoning screen industry in Western Australia. The commitment of \$100 million for infrastructure and the \$20 million for film incentives help to complete the picture and to set ourselves up to be a place where not only great blockbusters have the potential to be filmed, but also great stories in our regional communities can continue to be filmed. The member for Kimberley highlighted that the first two series of *Mystery Road* were filmed in the Kimberley. The third series, which has just been announced, will be filmed in Kalgoorlie, so the member for Kalgoorlie and the communities in the goldfields will be beneficiaries of that. This is all about the picture of how we position our culture and arts in the future.

This bill is a critical part of that, because it will enable a number of things. I will address some of the important questions that the member for Cottesloe asked. I will go through them and if we want to tease some more out in consideration in detail, I am happy to do that. This bill is essentially a reform bill that seeks to improve the governance structures of our arts and culture facilities or assets. As members are aware, the Perth Theatre Trust, as it currently exists, is a trust with authority over our state assets, including, of course, a number of our state performing arts centres. That includes those in the regions such as the Goldfields Arts Centre in Kalgoorlie and the Albany Entertainment Centre. The trust also has authority over His Majesty's Theatre, the Perth Concert Hall and other venues in the CBD. The new trust will have powers to manage all kinds of arts and cultural venues, including outdoor spaces such as the Perth Cultural Centre, and this is an important concept. The Perth Cultural Centre has had huge investment in it, with the opening of Boola Bardip, our new Museum, on 21 November 2020, my birthday. Of course, the new Museum is part of a number of cultural institutions within the Perth Cultural Centre. The element of this bill that allows spaces and places to be included gives great opportunity.

The member for Cottesloe highlighted issues with clause 4 of this bill and the declaration of places. The thinking behind this is quite simple. By allowing through agreement a place or a space to be declared means that the pursuit of a cultural or artistic nature can take place there. An example of an event that would have been made much more seamless, albeit it was still very successful, was *Highway to Hell*, which the member for Bicton highlighted in her contribution to the second reading debate. If this legislation had been in place, the Perth Theatre Trust, as the organising or auspicing entity, could have sought through agreement to declare nine kilometres of Canning Highway as a space for an artistic endeavour, in this case for the Perth Festival event *Highway to Hell*. It would have allowed for that place to be designated a cultural or artistic venue for a period, and the arrangements to ensure the successful delivery of that event would have been able to take place. As we know in the case of *Highway to Hell*, the alternative way to do that is through a whole range of arrangements, memorandums of understanding and agreements with a whole range of parties. In my view, this bill would have allowed that process to be much smoother.

I need to highlight something, and I think it is one of the points that the member for Cottesloe raised about clause 4. There are a couple of important things that go to transparency. The minister would need to publish the intent to declare any place to be a venue in the *Government Gazette*, and the declaration would be in effect for the period specified in it. The reason it would not go for a determined time is that all cultural events are different. For example, from memory, *Highway to Hell* was held on 1 March 2020. Preparation would have been required on the Canning Highway, including venues along the way for the concert infrastructure, so the declared period would have been the couple of days needed to enable that space to be set up and the time of the event taking place on the Sunday. The time period will vary, because we might have situations in the future in which Langley Park, for example, might be utilised for a Perth Festival or Fringe World Festival event of a grand scale. Again, through agreement, that would be negotiated for a period of days, or possibly even for a couple of weeks, depending upon the event and the extent of the event.

I need to highlight that the minister of the day would be able to issue only temporary declarations, not declarations of a permanent nature. The minister would be able to issue only temporary declarations that would have effect for a defined period to enable that event to take place. The declaration issued by the minister must be published in the *Government Gazette*. It is important to note that, in clause 3, which I think the member highlighted, there is a definition of “venue”, which is —

- (a) a place declared under section 4(1) to be a venue used, or intended to be used, wholly or partly for cultural or artistic purposes; or
- (b) any other place used, or intended to be used, wholly or partly for cultural or artistic purposes.

“Place” is defined as —

... any land, building or structure (whether permanent or temporary) or any part of any land, building or structure;

The motivation for the expansion of the definition to include “land” stems from the limitations that the government and the Perth Theatre Trust have faced in the past when wanting to utilise public spaces. The example I gave was the Perth Cultural Centre, where, in the past, because of the definitions in the current act, there have been restrictions on what has been able to be carried out. We want the Perth Cultural Centre to be an active space, and we want to ensure that those institutions that have a footprint on the Perth Cultural Centre—the Western Australian Museum Boola Bardip, the State Library of Western Australia, the Art Gallery of Western Australia, the Perth Institute of Contemporary Arts and the State Theatre Centre of WA—have the capacity not only to be collaborative, but also for the spaces within and outside of those venues to be fully activated. That is why the definition has been expanded.

I think this is an important point. This was a good question. The member had a concern whether a future minister could simply say, “I’m taking that”, and decree. I assure members that the minister cannot impose this power. A place can be declared a venue only if the venue is used or will be used for cultural or artistic purposes and with the agreement of all parties involved. That is a very important point. I think that the member raised a good concern.

Dr D.J. Honey: If the minister doesn’t mind a question by way of interjection, just for the benefit of my colleagues in the upper house, where does that derive from in the bill, or is that sort of a statutory interpretation, if you like?

Mr D.A. TEMPLEMAN: I am sure that my advisers are listening to that. I will get a note from them to answer the member’s question.

Dr D.J. Honey: Thank you.

Mr D.A. TEMPLEMAN: I want to assure the member that that is a key consideration. He also mentioned clause 5, which particularly refers to the declaration of an arts organisation to be a resident company. This clause allows the minister of the day to declare an arts organisation to be a resident company for the purposes of the act. Clause 5(1) provides the criteria that an organisation must meet to be declared a resident company. Specifically, to fulfil the requirements, for the minister to declare an arts organisation a resident company, the arts organisation must satisfy the minister that the organisation conducts activities at one or more trust venues and that it receives funding from a state government department, agency or instrumentality. Some organisations are already regarded as resident companies and could be declared, including the Black Swan State Theatre Company of WA; the Barking Gecko Theatre; Co3 Contemporary Dance, which is a dance company, of course; the West Australian Ballet; the West Australian Opera; and Yirra Yaakin Theatre Company. Essentially, this clause provides that an organisation must be a government-funded entity or receive government funding, and it will allow the organisation to be given some status because of that declaration. I am happy to go through it in a little bit more detail as we come to that.

The member for Cottesloe also mentioned clause 14, which specifically relates to—I am just turning to that—the ticketing services for activities not at trust venues. This clause provides that the trust cannot provide ticketing services for any activity outside a trust venue without the approval of the minister, so there is a ministerial approval requirement there. Clause 14(1) provides that the minister must approve the trust providing ticketing services for any activity outside of trust venues. Clause 14(2) and (3) provides that the minister may, in writing, exempt ticketing services for any activity or class of activities from the need for ministerial approval. An exemption can be unconditional or subject to conditions specified in the notice. Any notice issued by the minister may be revoked or amended by the minister at any time by sending written notice to the trust.

Clause 14(4) provides the minister with the power to give directions to the trust regarding how ticketing services may be provided. This ensures a layer of transparency with ticketing services; of course, that is through ultimate approval by the minister.

I want to highlight that a number of members talked about the importance of this bill and, essentially, the amendment that relates to the government’s screen production facility. I mentioned this earlier. This is very exciting and very important. This will be a game changer for the screen industry in Western Australia. This bill will essentially expand the use of trust venues and trust property to include production activity or any other activities of an artistic, recreational or educational nature, and include a definition of “production activity”. It is an enabling element of this bill. This is very important, because when the screen facility is constructed and the model of operation is finalised and determined, this legislation will enable that screen facility to operate. Of course, we are very keen for that screen facility to deliver to a whole range of screen industry outcomes—post-production, pre-production, smaller and larger scale production, production and filming—and that is one of the reasons that any build for screen facilities will include one, two or three sound stages and high-level production and technical resources on site. It is important to note that this screen facility is significant because it will complete the jigsaw. Some fantastic films, series and documentaries have been filmed in Western Australia. One of those series is *Outback Truckers*, as I think one member highlighted to us. It is a very successful streamed enterprise made in regional WA. We have these great entities that are filmed in the regions and in and around Perth, but we do not currently have the facilities for any major film activity that is required in a film share. With this initiative, we will have those facilities. It will complete that picture and also

mean that post-production work, the creation of opportunities for digital screen technology, the ongoing development of virtual reality and other digital enterprises can be further encouraged. We want that to be seen as a creative hub, essentially, which, of course, not only provides and delivers outcomes for screen filming, but also nurtures and encourages activities in all the other genres including gaming, which is huge. Western Australia already has a number of independent and small entities that are delivering gaming and VR products to the world. We want to see more of that created and shared both creatively and economically throughout the world. An important component of this bill is that support for the establishment of our film infrastructure.

I might leave it there. I am sure that the member for Cottesloe may seek some clarification during the consideration in detail stage. Once again, I thank all the members. Some 15 or so members made a contribution to this bill through their comments, and I thank them because that was very enlightening for me and it gives me great faith that the arts are held in great esteem by so many members in this place. They will be great advocates and champions for the arts as they move about and celebrate the unique stories in the communities and the unique people who tell them.

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

Consideration in Detail

Clauses 1 and 2 put and passed.

Clause 3: Terms used —

Dr D.J. HONEY: The minister talked about the definition of “venue”, which is at line 22 on page 4 of the bill. The question I asked earlier was whether some clarity could be provided on a venue being either public or private. Also, in the minister’s second reading reply, he mentioned that there would be some negotiation. Clearly, the state should have, and will have, control over public land. My question was whether that control would also apply to private land or a private venue if it were a venue for the arts. I might say that although the minister referred to “venue”, I do not see in the definition of venue—I stand corrected, minister, as I stand here in my slightly post-injection haze; I see that the bill refers to a place used wholly or partly for cultural or artistic purposes. To get to the point, does that cover venues on private as well as public land, or is it somehow implicit in the bill that it covers only public land?

Mr D.A. TEMPLEMAN: First of all, the only time a private venue could be declared by the minister is with the agreement of the private landowner, but it is possible that in the future the Perth Theatre Trust might identify private land for an event to be overseen by the trust. However, that would have to be agreed to by the owner. If the owner said no, it could not be done. That is the issue around the private aspect.

The other elements, of course, relate to land, spaces or places vested in local government or that are overseen by government and other entities—for example, Main Roads in the case of *Highway to Hell*—but, again, agreement would be required. The key aspect is agreement. The definition of “venue” in this clause allows a place to be declared as a venue for an artistic pursuit. However, it is very specific and very clear about the need for that to be done through agreement. I could not go to the member’s house and say that I will declare his house and land will be used for a hip-hop festival.

Dr D.J. Honey: If you tidied up my garden, minister, it would be a big help!

Mr D.A. TEMPLEMAN: If the member agreed, it would be an interesting hip-hop festival! I have not been to the member’s house. I do not know whether the accommodation would allow for it.

I also need to highlight that this aspect of the clause is the same as is currently found in the Perth Theatre Trust Act at section 3(2), which states —

The Minister may from time to time declare by notice published in the *Government Gazette* any building or structure constructed or adapted or to be constructed or adapted and used or to be used for the public presentation of one or more of the performing arts to be a theatre for the purposes of this Act.

Dr D.J. HONEY: I thank the minister for that. Again, this is for the information of my colleagues in the upper house so that they do not go through the same line of inquiry and debate. The minister said it has to be done by negotiation, but I am still not clear where that is. I know that is logically what would happen, but where is it actually required? Is it in this bill, does the power derive from another act, or is it an accepted statutory construction? I am intrigued.

Mr D.A. TEMPLEMAN: I refer the member to section 3(2) of the Land Administration Act. We are simply extending that aspect to land.

Dr D.J. HONEY: I did not want to labour the point. That is useful information.

Clause put and passed.

Clause 4: Minister may declare places to be venues —

Dr D.J. HONEY: We have now covered the question of public and private land. Clause 4(2) states —

A declaration under this section may be expressed to have effect for a period specified in the declaration. Does the minister think it would be better to state “must be expressed to have effect for a period specified in the declaration”? That time period may be indefinite. It may be two or three months. I fully understand the point that the minister made about different events. For example, *Highway to Hell* may last for a week. Other events may go for months or even years. I would have thought that making it time-bound would give a deal of certainty to everyone.

Mr D.A. TEMPLEMAN: That is a good question. I need to highlight that the current act does not have any requirement to set out a specified period. This bill essentially does. As I said, being too prescriptive would not allow the flexibility that would be required of a future event. It is important to consider that in 2026, we will acknowledge—it is still to be determined how—the bicentenary of Albany, followed by the bicentenary of the state in 2029. As we journey towards and beyond those dates, I envisage that a range of opportunities will be considered for celebration, commemoration and acknowledgement. They may be held for only a short time, be perhaps a one-off event, or be festival-based and go for several days. For example, some of the Perth Theatre Trust events can go on for two to three weeks. I do not want to constrain the capacity of events.

The important fact is that there is a commitment to determine a period. The artistic nature of an event or entity will determine how long the period of the declaration needs to be. It would be remiss of me to interfere in the creative juices of our creative people who come up with some magnificent ideas. For example, the previous government had the highly successful *The Giants* event, which was part of the Perth Festival. If this legislation had been in place at that time, with the capacity to declare in that case, the government would probably have declared several major sections of Perth CBD as the festival event, which would have resulted in a much more seamless collaboration capacity. I want to see more of those sorts of things happen. We have addressed the fact that there needs to be a specified period, but we have not determined exactly what it is because it is up to our creatives to essentially request that.

Dr D.J. HONEY: I understand that. I clearly understood the minister’s point when he said that events will run for different periods. Subclause (2) states —

A declaration under this section may be expressed to have effect for a period specified in the declaration.

The minister indicated that the period will be variable. Would it not be better if a period were always specified—not that it is the same amount of time but only that a period is specified? Perhaps the word “must” rather than “may” should be used. It comes down to certainty. Everyone involved should clearly know what period of time the designation covers. I was really saying that “must” could be used. That would not alter the intent of the subclause but would say that we should do this all the time, as opposed to leaving it to someone’s discretion.

I turn to the question of consultation, particularly for local communities and local government. For example, when a place is declared, such as the rugby playing fields in Cottesloe, will there be any requirement for consultation on public land to be used?

Mr D.A. TEMPLEMAN: The key word in the bill is “intent”. The ultimate declaration by the minister of a place would obviously include a process that the minister has arrived at that, having satisfied a consultation process. That is how the clause relates to “intent”. There are safeguards in the bill about the elements of agreement, which are embedded. The minister of the day would arrive at the proclamation, if you like, of the intent to declare a place at the end of the process of consultation. The provision in the existing act is the same, so we are not doing anything different.

Clause put and passed.

Clause 5: Minister may declare arts organisations to be resident companies —

Dr D.J. HONEY: I have a question along similar lines, to which the minister may provide a very quick answer. I appreciate that the minister may not often declare arts organisations to be resident companies. If groups are forced together and there is some incompatibility or otherwise, would that consultation requirement also go to this clause when an organisation is declared to be a resident company, whether it is His Majesty’s Theatre or some other venue? Can the minister simply say, “Look, I don’t care, I’ve got the power and you’re all going to work together in here”, or will there be some consultation? I expect that bodies currently use all of those venues as their particular residences, if you like.

Mr D.A. TEMPLEMAN: It is important to highlight that declaring a resident company does not refer to a venue. There is the capacity to declare a company a resident company. The clause does not refer to a venue. It is not saying, “I am declaring you a resident company at His Majesty’s Theatre.” They are separate; they are not one and the same.

Why is this clause needed? This clause recognises that publicly funded arts organisations are critical to the performing arts sector. It is important for the minister of the day to publicly recognise such an entity, and this underpins their importance to the sector. Specifically, state-funded resident companies use the trust venues that are publicly owned

or leased as their principal place of performance. That exists now. Essentially, the principal place of performance for the Black Swan State Theatre Company of WA is the State Theatre Centre. It regularly holds productions. I went to one recently at His Majesty's. There are performances at other venues around the state, when and if one of the state theatre company's productions is touring. Essentially, that is why this element is needed. I highlighted in my second reading response examples of some of our existing companies that essentially are already regarded as resident companies, including the West Australian Ballet, the West Australian Opera, the Black Swan State Theatre Company and Barking Gecko Theatre. It is important to understand that it is about the capacity to declare a resident company. It does not refer to a venue. In fact, to be a resident company, the organisation already needs to be an existing user of a trust venue. I refer the member to clause 5(1) of part 1.

Sitting suspended from 6.00 to 7.00 pm

Dr D.J. HONEY: The minister was just warming to completing his answer to my query on clause 5.

Mr D.A. TEMPLEMAN: In concluding my comments, declaring a resident company does not refer to a venue. Ultimately, a declaration protects companies from future government decisions that may wish to put commercial interests ahead of state-funded arts organisations. This is important because we need to be reminded that the primary purpose of venues such as His Majesty's Theatre, the Perth Concert Hall and others is arts and culture.

Dr D.J. HONEY: That is fine. The next clause I want to talk on is clause 11, "Trust's powers".

Clause put and passed.

Clauses 6 to 10 put and passed.

Clause 11: Trust's powers —

Dr D.J. HONEY: Subclause (3) states —

The Trust may, for the purposes of performing any of its functions, do all or any of the following —

It lists a range of things that the trust can do. What ministerial oversight will exist over the trust on those matters, and what limit will there be on the trust in those transactions? My concern is whether the trust could enter into arrangements which ultimately bind the state and lead to financial stress because of the magnitude of the arrangement. At what point will the minister intercede to make sure the trust does not go too far or do things that the government would not approve of?

Mr D.A. TEMPLEMAN: It is a good question, and I thank the member. As the member highlighted, this clause talks about the powers of the trust. Although clause 11 outlines those powers, clause 12 talks about the general restrictions on the trust's powers. I refer the member to clause 12(3), which states —

The Trust must not exercise the following powers without the Minister's written approval —

That obviously relates to disposal of property et cetera, which will allay the member's concern.

Dr D.J. HONEY: It does, minister.

Clause put and passed.

Clause 12 put and passed.

Clause 13: Requirement for approval to participate in business arrangements —

Dr D.J. HONEY: Subclause (2) states —

The Treasurer may, by written notice given to the Trust, exempt any business arrangement, or class of business arrangement, from the operation of subsection (1) —

Which says that the minister has to approve those things —

either unconditionally or on conditions specified in the notice.

I wonder whether there is a risk with those arrangements and that the trust will be able to do things because the minister has exempted it from ministerial control; or is the minister satisfied the minister will always have the ability to exercise control over the trust?

Mr D.A. TEMPLEMAN: Again, it is a good question. I refer the member to the current act, the Perth Theatre Trust Act, which, of course, will carry over in this bill. Section 16(3) states —

The Trust must not exercise a power conferred by subsection (2)(da) in relation to a business arrangement unless the terms and conditions of that business arrangement are terms and conditions approved by the Minister and the Treasurer in respect of —

- (a) that business arrangement; or
- (b) business arrangements of that class; or

(c) business arrangements generally.

Again, the oversight is prescribed.

Dr D.J. HONEY: In relation to that, does the minister think there should be some time aspect so that arrangement is reviewed? Clause 13(2) exempts the trust. Should that be time bound in some way or are we adequately protected?

Mr D.A. TEMPLEMAN: It is important to highlight that, essentially, it is the Treasurer who gives approval, and there is a process, obviously, for any business case that might be presented. That oversight provision essentially lies with the Treasurer.

Clause put and passed.

Clauses 14 to 69 put and passed.

Clause 70: General regulations —

Dr D.J. HONEY: Minister, this is perhaps a general comment in relation to the comment I made in my contribution to the second reading debate. It is around how we make sure that we do not end up stifling public debate, whether or not we find it irksome. I appreciate that there are extremes in everything and, typically, we do not want to see those extremes, but whether or not we find the normal set of views in the community irksome, we do not want to overly restrict them. It may be hard for the minister to give a specific answer on that, but I am interested in his view.

Mr D.A. TEMPLEMAN: I thank the member for the question. The important aspect is that under section 16(1)(d) of the Perth Theatre Trust Act, there is a requirement to recommend to the minister policies for the letting and operation of trust facilities and spaces. With the Australian Christian Lobby issue, the policy is currently under review, and for good reason. It needs to be a robust policy that reflects the values of the organisation and the primary purpose of our state-run venues. They have always primarily focused on events of an artistic and cultural nature. The trust made the decision to rescind the non-approval of the application by the ACL to hire the venue in Albany. It rescinded that decision and, consequently, it decided to set a course for review of the policy. Ultimately, any policy will be subject to approval by the minister of the day. However, this is an interesting case because the member for Cottesloe has already referred to circumstances in which there may be consideration for venue hire to not be allowed.

The first important aspect to consider is the purpose of our state-run entities. It is embedded in the act that they are places of cultural and artistic endeavour. That is one important element of consideration. Secondly, the arts, in its own history, pushes boundaries and explores a range of issues. That is an important aspect of the arts more broadly. The arts is a place where ideas and issues are explored and, in many respects, become controversial. It is the very nature of exploring human endeavour and ideas. We know that there have been occasions in history when entities of an extreme nature have challenged policies. For example, some of our Australian institutions, like the Sydney Opera House, have quite a flexible hire policy that is particularly focused on it being an institution of artistic and cultural significance; therefore, that is its primary purpose or usage. We also know that a number of entities—the member for Cottesloe highlighted universities in his contribution—have policies about hiring their venues. Remember that those universities are publicly funded. Only recently, the University of Western Australia refused a person considered to have far-right views on the Muslim faith. That person was refused. Ultimately, this legislation will continue to embed that any policy that is developed will be subject to ministerial approval. That will not change. As we know, the current status is that the policy is being reviewed by the trust.

Clause put and passed.

Clauses 71 to 96 put and passed.

Title put and passed.

[Leave granted to proceed forthwith to third reading.]

Third Reading

MR D.A. TEMPLEMAN (Mandurah — Minister for Culture and the Arts) [7.17 pm]: I move —

That the bill be now read a third time.

DR D.J. HONEY (Cottesloe — Leader of the Liberal Party) [7.17 pm]: I want to make a very brief contribution to the third reading debate on the Arts and Culture Trust Bill 2021. I would like to thank the minister for entertaining my questions and, in particular, to thank the minister's staff and departmental staff for coming here today. This is the culmination. As the minister knows, there have been discussions about this over a long period during this government and the last government. It is pleasing to see the bill come before the house. Overall, the bill reflects what the community wants out of the Perth Theatre Trust, as it was. It reflects a modernisation. There were some concerns, which I think the minister has largely answered. My colleagues in the other place will almost certainly interrogate them a little more. I still think there is a little bit of uncertainty about the formal requirements for private venues, but I think the minister has made every endeavour to try to answer that question. We just need to make

sure that all the requirements for consultation and agreement have been retained from the existing act. Otherwise, I thank the minister and commend the bill to the house.

MR D.A. TEMPLEMAN (Mandurah — Minister for Culture and the Arts) [7.18 pm] — in reply: In closing the debate on the third reading, I thank the member for Cottesloe for his cooperation during the consideration in detail stage, and the other members who spoke during the second reading debate on the Arts and Culture Trust Bill 2021.

I also thank Caroline O'Neill, my policy adviser from the department of culture and the arts; Ms Sarah Rizk, legal counsel—I wish her the very best for the birth of her second child coming up in November; and Margaret Butcher, from the Perth Theatre Trust and the department. Can I also place on the record my appreciation of Morgan Solomon and the existing Perth Theatre Trust members for their stewardship of the trust over the period that I have been Minister for Culture and the Arts. I reflect also on the late Max Kay, who was —

Dr D.J. Honey: An institution.

Mr D.A. TEMPLEMAN: He was. He was a former member of the Perth Theatre Trust. I knew Max from earlier times. In many ways, Max epitomised the spirit of theatre in Western Australia. Many people will remember going to his Civic Theatre shows in North Perth. To all the trust representatives who were on the trust board, both past and present, I thank them for their contribution, in particular the chair, Morgan Solomon.

I commend the bill to the house.

Question put and passed.

Bill read a third time and transmitted to the Council.