



Parliamentary Debates

(HANSARD)

THIRTY-NINTH PARLIAMENT
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LEGISLATIVE ASSEMBLY

Thursday, 19 November 2015

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THE SPEAKER (Mr M.W. Sutherland) took the chair at 9.00 am, and read prayers.

PAPERS TABLED

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

GOVERNMENT TECHNOLOGY-BASED STRATEGIES — RED TAPE REDUCTION

Statement by Minister for Finance

MR W.R. MARMION (Nedlands — Minister for Finance) [9.02 am]: I rise today to highlight to the house the technology-based strategies the government has implemented to make life easier for business and the community. As the minister with oversight of information and communications technology from a whole-of-government perspective, I am pleased to highlight red tape reduction achievements in this area. I recently announced the appointment of Mr Giles Nunis as the state's first Government Chief Information Officer, and he has been tasked with leading ICT reform and driving innovation to improve the way we deliver services. The development of a whole-of-government ICT strategy is already well progressed, and I anticipate presenting this to government early next year.

Western Australia's first "Whole of Government Open Data Policy" was released on 3 July 2015. The open data policy is a key reform of the Liberal–National government and promises to drive innovation and support WA's growing information and communications technology sector. The open data policy builds on the Western Australian government's success in opening access to location-based data through the location information strategy for Western Australia, endorsed by the state government in 2012, and the shared location information platform, or SLIP, established by Landgate.

The government has also gone digital with a number of its processes—some of these are highlighted in the government's inaugural "2015 Report Card: Red Tape Reduction". I would like to mention a few examples now. The Department of Mines and Petroleum has several of its transactions online. For example, companies can now submit their mandatory annual environmental reports online, and registered users can access information related to mining tenements online. The Department of the Attorney General has painstakingly digitised two million paper-based birth, death and marriage records dating back to 1841. This means that 95 per cent of all certificates are now being issued within two days, whereas it used to take up to five days. The National Construction Code is now freely available online to construction businesses, saving each business its purchase price of \$400. The Department of Commerce has implemented BondsOnline, which has moved all transactions related to rental security bonds online, removing 300 000 paper-based forms each year. These types of initiatives, and the appointment of a Government Chief Information Officer, show the government's commitment to making interactions with the government easier and improving the quality of services through digital innovation.

LIQUOR LAW REFORMS — RED TAPE REDUCTION

Statement by Minister for Tourism

DR K.D. HAMES (Dawesville — Minister for Tourism) [9.04 am]: I wish to inform the house about recent changes to the liquor regulations and how this will contribute to ensuring that tourism in Western Australia continues to grow. For some time, tourism and restaurant operators have struggled to satisfactorily explain to interstate and international visitors the need to enforce licensing regulations that these visitors find puzzling and outdated. As tourism is highly competitive, a perception that the industry or government is indifferent to the inconvenience caused to visitors has not been helpful.

The Liberal–National government is delivering on a commitment to modernise Western Australia's liquor laws with a raft of red tape reduction reforms. The amendments to the Liquor Control Act stem from an independent review that delivered 141 recommendations. The review of the Liquor Control Act 1988 was conducted by the Independent Review Committee, which has been recognised for achieving a balanced view that encompassed a wide range of perspectives, and was the overall winner in the government in action category of the 2015 Action on Alcohol Awards. Some of the red tape reduction recommended by this committee includes changes that would enable beer and wine producers to establish a second cellar door operation or collective cellar door with other producers within the same region off-site. Enabling beer and wine producers to sell their products from a retail outlet that is situated away from their licensed premises will provide them with greater flexibility, while also driving tourism outcomes by meeting consumer expectations.

The first stage of the Liquor Legislation Amendment Bill 2015 will allow hotels to trade until midnight on Sundays—an extension of two hours—while nightclubs will be permitted to trade through to 2.00 am of the

following Monday. This is in line with the expectation of interstate and international visitors. The amendment bill will also abolish such anomalies as barring people in licensed premises from moving freely with their purchased beverage across an unlicensed area, such as a footpath, to an alfresco area, as well as allowing beer producers to sell their product for consumption and not just tasting at licensed premises between 10.00 am and 10.00 pm.

The state government has the goal of increasing visitor spend to \$12 billion by 2020. Being responsive to industry and visitor concerns and removing outdated liquor restrictions is expected to assist in achieving that goal.

ENVIRONMENTAL PROTECTION REGULATIONS — REVOCATION

Statement by Minister for Environment

MR A.P. JACOB (Ocean Reef — Minister for Environment) [9.07 am]: I would like to inform the house of the latest initiative to further consolidate the state's environmental protection regulations. Since first elected in 2008, this government has systematically undertaken the essential task of reforming what were duplicative and cumbersome environmental approvals processes. The key objective has been to achieve greater efficiency and effectiveness in environmental regulation without compromising the high environmental standards that we all expect. In keeping with this agenda, in 2014 I sought advice from the Environmental Protection Authority about the effectiveness of a number of environmental protection policies that have been in place since the 1990s. The Environmental Protection (South West Agricultural Zone Wetlands) Policy 1998, the Environmental Protection (Gnangara Mound Crown Land) Policy 1992 and the Environmental Protection (Swan Coastal Plain Lakes) Policy 1992 were implemented at a time when there were few other protections for wetlands, groundwater and native vegetation. Noting that since the implementation of these three environmental protection policies the state has introduced controls for clearing of native vegetation, added environmental harm provisions to the Environmental Protection Act 1986 and introduced regulations governing the discharge of a range of pollutants, the EPA concluded that these policies have outlived their usefulness and could be revoked with minimal risk to the environment. I have accepted that advice and have approved the revocation orders, which will be published this week in the *Government Gazette*. I want to stress that removing these regulations in no way diminishes the state's commitment to wetland and water source protection. Rather, it is an effort to focus on matters of substance in environmental protection rather than symbolism, which these policies represent.

The gazettal of these revocations further builds on this government's commitment to approvals reform. This government has put Western Australia at the forefront of environmental noise legislation in the nation in the protection, certainty and fairness provided to all parties through the Environmental Protection (Noise) Amendment Regulations 2013. We have also made amendments to native vegetation clearing regulations to reflect contemporary farming practices and the need for day-to-day farm management, and to reduce the administrative burden on farmers and land managers, whilst delivering the highest standards of environmental protection. In doing so, Western Australia has improved its ranking of the state's environmental regulation processes, nationally and internationally, as reflected by the Canadian Fraser Institute's survey of mining companies. In the 2014 survey, Western Australia was ranked number one of all states and territories in Australia compared with fourth in 2008, and also ranked twenty-ninth of 128 jurisdictions worldwide, up from thirty-ninth in 2008. This government is committed to continuing to implement policies that ensure our state provides world-class environmental regulation without imposing unnecessary, costly, duplicative and economically damaging red tape.

PUBLIC TRANSPORT AUTHORITY — COMPULSORY LAND ACQUISITION — HIGH WYCOMBE

Grievance

MS R. SAFFIOTI (West Swan) [9.10 am]: My grievance is to the Minister for Transport and relates to land in the High Wycombe area. It is an issue that I raised in this place on Tuesday. It primarily relates to the land of Chris and Tina Sheehan in Sultana Road West. I hope that the minister takes a very different approach today than he did on Tuesday. This is a very serious matter. It is about taking someone's home and business, and I trust and sincerely hope that the minister approaches this issue seriously and does not try to belittle the situation the family is in. The minister made some extraordinary comments on Tuesday and some extraordinary assertions that do not stack up. I do not want to take a confrontational approach to this.

Mr D.C. Nalder: You are starting that way.

Ms R. SAFFIOTI: I am representing a family who are about to lose their home. The minister seems to always take things personally. Someone is about to lose their home; of course they are going to be upset. I trust and I hope that the minister does not take a confrontational and extraordinary approach yet again. I do not understand why the minister does this.

I want to go through this issue in some detail. I hope that the minister commits today to meet with the family to work through their issues to develop a plan for the future. I want the minister today to keep the commitment that he made personally to that family to sit down and personally get involved. When I say "personally get involved", it does not mean receiving briefing notes from the department, it actually means sitting down and talking to the family.

I want to talk about the High Wycombe area in general. There is no doubt that there is a lot of confusion and a lot of mistrust by landowners in the area about what is happening in the High Wycombe region. It is because there are different stories and approaches being made. I want to talk primarily about the land. The key point is that I do not believe the government really knows whether it needs that land for a car park. The Shire of Kalamunda has instituted an independent parking strategy. It is working now to identify what land it believes is required for a car park. Even if the government continues with its planned 2 500 car bays, there are still questions about whether the land in question is actually required for a car park. That is the number one issue. This land is not for the train station and it is not for a car park that is needed tomorrow. If it will be a car park, it will be in 2020, and the government does not know if it even needs it for a car park. The Department of Planning, the Public Transport Authority and the Shire of Kalamunda have different views on this. The Minister for Planning is talking to the Minister for Transport. The ministers for Planning and Transport, and the Shire of Kalamunda have different views. That is another key issue; the minister does not even know if his department needs the land. Let us go through it.

The minister made a number of assertions in this place on Tuesday. The minister said that an offer was given to the family last year—that is not right. A letter was written but never formally given because the negotiator at the time—this is important—in a meeting with the family said that they were too embarrassed to hand over that offer because they did not want to insult the family. That is the truth. Another key point is that last year the family were told they would have at least two years before any move was made on their land. Again, that commitment was not upheld. The minister talked about a land swap that was proposed about four weeks ago. What the minister did not go on to say was that those two parcels of land identified were not appropriate—one was entirely inappropriate land on which to park prime movers and the other would involve significant costs by the Sheehans to get it ready. That is another key issue the minister did not address. The minister also talked about this year's offer at a meeting that the Sheehans initiated.

I believe the minister needs to get personally involved in this issue. I want the minister to revoke the taking order. He made a comment the other day that at least they can stay there until Christmas. The minister has given them 10 weeks to find a new premise for their family business and to try to identify a new place for a home. Everyone in this chamber would understand that that is not a fair thing to do. The minister also made claims about what the family bought their house for, which I believe was entirely inappropriate. The minister should not come in here and tell us what a family bought their house for and under what circumstances. Firstly, the minister does not know the full circumstances, and, secondly, it does not impact the matter at hand.

I sincerely hope the minister will put himself in the family's shoes, with a young family and an ongoing business. What is the minister doing? He is threatening their home and their livelihood. That is a major issue. The government is not building the train station on their land; it does not need to commence in February next year. The urgency is not there. Why does the minister not listen? Honestly, he does not know enough about this issue. The land is not needed by February. Hold off, reverse the taking order, and sit down with the family and go through their issues. They have done nothing wrong. They have land that the minister says he needs. They have not done anything wrong. They are just a hardworking family that the minister committed to work with. I ask the minister to keep that commitment to work with them and to find an outcome that is fair to that family, because so far he has not been personally involved and all he has tried to do is belittle their concerns.

MR D.C. NALDER (Alfred Cove — Minister for Transport) [9.17 am]: The Public Transport Authority identified 15 properties, involving 10 landowners, that it needs to acquire as part of the project, and contacted all the relevant parties about 15 months ago. For the record, I would like to share details about the property concerned. I am happy to table this report that shows the precinct of the property and concerns for the Sheehans, and how that also applies to the development of the train station, which makes it pretty much opposite the train station platform, right where the bus park is.

[See papers 3642 and 3643.]

Ms R. Saffioti interjected.

The SPEAKER: Let us hear from the minister.

Mr D.C. NALDER: Three owners have already sold and a fourth is in negotiations. Taking orders have been lodged with Landgate for the remaining properties, commencing the compulsory acquisition process. From the outset, the PTA has been scrupulously fair and transparent in its dealings with all landowners. The government acquires private property only when there is a clear community requirement—in this case, a railway—and property acquisition follows a long-established, clean and clear process as laid down by the Land Administration Act 1997. The government has obligations to strike a fair balance between the interests of the taxpayers of Western Australia and the individual landowners. The valuation processes are defined in the Land Administration Act and have been made clear to all parties throughout the whole process. From the start, all of the landowners have been kept fully informed about the process, including the timing of the taking order, the way it works, and the options open to them. The construction time line has also been a long-established matter of public record.

Chris Sheehan has gone to the media and, in the ensuing coverage, some misinformation has emerged. The facts are as follows: the PTA first contacted Mr Sheehan by registered post in August 2014. In other words, he has had 15 months to consider his options and make other arrangements. The PTA has met with Mr Sheehan four times in person and has had more than a dozen other interactions with him or his lawyer by phone or email. I have also met with him. Mr Sheehan's land, along with a number of properties, is required for the construction phase and will eventually become a Park 'n' Ride car park for the Forrestfield station. It is a matter of public record; when I say public record, I mean that anybody in the public can google the property prices in Western Australia —

Ms R. Saffioti: It is not something that you need to consider. You are absolutely out of order; you are out of order on this!

The SPEAKER: Member for West Swan, you are going to be out of order if you keep shouting across the chamber.

Mr D.C. NALDER: In November 2014, the Public Transport Authority offered Mr Sheehan \$1.045 million, an amount that included a 10 per cent solatium or premium on top of the official valuation. This represented an increase of more than 43 per cent on the purchase price in two years and five months.

Ms R. Saffioti interjected.

Mr D.C. NALDER: The PTA would also pay stamp duty up to the value that would be applied to his existing —

Ms R. Saffioti interjected.

The SPEAKER: Member for West Swan, you were heard in silence. I call you to order for the first time.

Mr D.C. NALDER: The PTA would also pay stamp duty up to the value that would be applied to his existing property on any replacement property that he purchases. On top of this, Mr Sheehan is entitled to apply for compensation for his business to be relocated. The Land Administration Act also includes a provision of compensation for economic loss as a result of the relocation. These provisions still apply even if the property is compulsorily acquired. Mr Sheehan rejected this offer and also declined a land swap when the PTA offered to relocate him to some other government-owned land when I personally intervened and requested that both Main Roads and the PTA get involved to try to source other land and ensure that they received a favourable outcome on valuations of those lands. He was also sent a copy of the taking order by registered post, and the Public Transport Authority emailed him to advise that the registered letter was on the way.

It is important to note that the valuation of the land must follow Land Administration Act requirements. It therefore cannot include any perceived increase or decrease in the value due to the proposed works or rezoning. Although we recognise that losing a property through a government compulsory acquisition can be an emotional event, the statutory processes allow landowners to be compensated fairly, and it is also worth remembering that this land take is for a very significant wider community benefit.

I will reiterate: if members look at the location of this land, there is no question that it is required for the development of the Forrestfield–Airport Link and the train station involved. I have become personally involved behind the scenes and —

Ms R. Saffioti interjected.

The SPEAKER: Member for West Swan!

Mr D.C. NALDER: One of the things that I indicated to all landowners when I met with them in September was the moment that they wished to engage in a legal process —

Ms R. Saffioti: You told them to get a lawyer!

Mr D.C. NALDER: No, I said if they bring —

Ms R. Saffioti interjected.

The SPEAKER: Member for West Swan, I have been quite lenient on you.

Mr D.C. NALDER: I indicated that the moment legal people were involved, I would be restricted with the amount of personal interaction that I could have with these people. A set process is followed as set down in the statutes.

The final thing I would like to say is that notice was given that they needed to vacate the land by 31 January. As I said on Tuesday, we remain flexible around that date so long as they work with the Public Transport Authority to find a suitable date, but it needs to be near to the end of January.

POTATO MARKETING CORPORATION — POTATO GROWERS*Grievance*

MR M.J. COWPER (Murray–Wellington) [9.23 am]: I would like to thank the Premier for receiving my grievance about the Potato Marketing Board and the impact it has on the potato growers in my electorate, who account for the majority of the product that is harvested in Western Australia. I do not want to go into the various aspects of the Potato Marketing Board. I think it is generally acknowledged—the Premier has done so publicly—that we are going to do away with the Potato Marketing Corporation of Western Australia in 2017.

I would like to raise some points with the Premier about why we should bring forward that date. This is in respect of not just one particular grower, but a number of growers across the sector who have now become quite anxious to see the time brought forward to cease the Potato Marketing Corporation. I understand that the buyers themselves are now moving to put forward a date of 1 July next year. This comes at a time when some shenanigans are going on with the Potato Marketing Corporation and Mr Tony Galati's very publicised position at the Spud Shed. Over 10 years ago, I presented Tony Galati to this place and we visited Hon Paul Omodei, the then shadow Minister for Agriculture, and also Hon Kim Chance, the then Minister for Agriculture and Food. We walked through his concerns—this was in my position as the representative of that area. Over a period, there has been a slow shift towards a change to where we need to be. Back in 2014, the Economic Regulation Authority brought out a very good report that deemed having the Potato Marketing Board was disadvantaging Western Australian consumers through a higher potato price and limited choice. Since then, the federal government's competition watchdog has also declared that the Western Australian potato marketing system is anti-competitive.

In the meantime, about 10 potato growers across Western Australia make up the vast majority of growers, and in fact Mr Galati is the biggest grower of all. He has a licence to produce 6 000 tonnes out of the total crop of around 50 000 tonnes per annum. More than 10 per cent of the crop is grown by Mr Galati. Members might know that an injunction has been placed on Mr Galati by the Potato Marketing Corporation, which will stay in place until Christmas. He is now in a paradoxical situation whereby he has a whole lot of potatoes in the ground but he cannot harvest them and sell them in his own shops. Of course, this is bringing him a lot of attention in the media, and I even flicked on the television the other morning and saw it on *Sunrise*. Over on the east coast, they are looking at Western Australia and shaking their heads. They cannot understand why we have this draconian system in place. The situation is that Mr Galati cannot sell any potatoes in his own shops so he has gone to all the other growers in Western Australia and asked them whether he can buy potatoes from other growers within his quota. One grower was prepared to sell him some potatoes so he could put them in his own shops—notwithstanding that he still has quite a large number sitting in the ground. The grower then got a phone call from the Potato Marketing Corporation to inform him that he is not to sell his potatoes to Mr Galati. That gives members an idea that there are some real shenanigans going on with the Potato Marketing Corporation. Dare I say it: it is probably bordering on illegal operations, but I will reserve that thought. Some pretty interesting manoeuvres are being placed.

This comes in the context of Repeal Week. I note that the Premier has previously stated that he wanted to see a billion dollars' worth of investment in agriculture in Western Australia. There have been some matters in my electorate with some pork producers and we have had to deal with a whole range of bureaucracy to try to knock down some barriers. Currently, the Chinese are very interested in buying Mr Galati's potatoes. The paradoxical situation is that he can sell overseas but he cannot sell in his own shops. The Chinese buyers who are currently down here—in fact, I think they are here this week—are looking to buy Mr Galati's potatoes and everybody is patting him on the back for exporting overseas under the free trade agreement arrangements. However, he cannot sell to the consumers of Western Australia.

The other point that members might want to know is that, under the current regime, there has been no increase in production in this state for something like 30 years; there has been a cap on production. We grow the smallest number of potatoes in Australia. It has been the same production rate for many, many years and it is rewarding those producers who are less than innovative and can expand their businesses. Mr Galati is expanding his business. He is putting in a number of shops; we have seen it well advertised. He is putting pressure on the duopoly that exists in Western Australia. Wherever he puts his new shops—I understand one opened last week in Morley—the price of vegetables in those areas will significantly reduce. When he opened the shop in Mandurah over 10 years ago, the price of vegetables dropped by one-third. This is true competition that we as Liberals believe in. This is the focus, if you like, or the ideological position that we as Liberals bestow. Therefore, saying that we will not do away with the Potato Marketing Corporation for another 12 to 18 months is nonsensical. The farmers themselves are asking for the licences to be paid out, somewhere around \$450 to \$500 is the mark, and to move on. At the moment Mr Galati is paying \$780 000 a year to the Potato Marketing Corporation but what does he get in return? He gets a little bit of marketing but not much else. Mr Galati spends a lot more money on his own advertising but he cannot get the support of the Potato Marketing Board.

MR C.J. BARNETT (Cottesloe — Premier) [9.30 am]: I thank the member for Murray–Wellington for the grievance. He points to a situation that is no longer relevant; in fact, it is unacceptable. However, I make the general observation that it is far easier to regulate an industry than it is to deregulate it; that is the reality. I will provide a little bit of history on this industry. Western Australia produces around 85 000 tonnes of both common consumer potatoes and processing potatoes. The regulation under the Marketing of Potatoes Act 1946 was a postwar regulation brought in at the time to not only secure the supply of potatoes domestically, but also provide for the humanitarian need and take potatoes to Europe in that postwar period, bearing in mind that potatoes are a relatively easy product to transport compared with other fresh food. It came at the initiation of the commonwealth government at the time; it wanted the states to guarantee supplies of food into Europe, amongst other things. It does not make any sense all these years later so I agree with what the member is saying. The regulation relates to only common ware potatoes, not a term I would use, but that relates to potatoes sold to consumers through retail outlets; it does not relate to the selling of potatoes for processing. There was a recent issue with The Smith's Snackfood Company Pty Ltd closing its potato chip factory here but that was not part of the regulated potato market, although there may have been some indirect relationship.

The Potato Marketing Corporation has all sorts of powers that are not relevant, such as the requirement that potatoes be sold through it, and even powers of inspection and the searching of premises and the like. The view that I at least have had for many years is that we should get rid of this body. I do not know for how many years I have debated the matter in Manjimup with growers and others. It has gone on and on but they have been very effective in lobbying to preserve this legislation through individual members of Parliament and the like. It is a breath of fresh air to hear a member of Parliament lobbying to have it removed. It is a bit like the retail trading hours issue. I have been arguing about that for about 25 years and probably about potatoes for 15 years.

Mr B.S. Wyatt: We will support that.

Mr C.J. BARNETT: Yes. I guess I have just a couple of comments to make. A regulated industry, whether it be for potatoes, taxidrivers or whatever else, is difficult to deregulate. I would like it removed immediately but I recognise that most of the potato producers are small family-based businesses and it is a good principle to allow time for people to adjust. At the beginning of this year we announced that we would abolish the potato marketing legislation, but that we would allow it to run through to the end of this term to give people time to either sell out of the industry or decide what they want to do and the like. I do not believe in simply pulling the rug out from under people. However, I am aware that a group of potato producers are saying that if we are going to do it, we should do it sooner rather than later—the point raised by the member for Murray–Wellington—and the government is open to that. If that is the view of the industry or the strong majority of the industry, we would be willing to bring that forward and do so. The question will be about the issue of compensation, as raised by the member. I do not know why it is but whenever a move is made to deregulate, the industry immediately starts lobbying not for the industry, but for compensation. I am not convinced at all that compensation is due in this area and that is the issue. If people could have whatever they paid for licences immediately refunded, yes, why not? I will take the example of taxi owners who may have paid up to \$300 000 for a taxi licence. They called for compensation. However, they did not pay the government \$300 000. The licence fee is \$12 000 a year. There may be an argument for compensation for \$12 000 but not for \$300 000. The same thing is happening in this industry. People are trading potato-growing licences in the market for a premium beyond what is paid to the government. To me the compensation argument does not go beyond the actual licence fee to government; it is not what might be paid in the free market. That is part of the reason for allowing more time before deregulation. Mr Galati is a very flamboyant and successful businessperson. He cannot sell potatoes other than through the Potato Marketing Authority but he can give them away, and I guess that is what he is doing. He promotes that as a campaign. I thought it was probably one of the most effective advertising efforts at no cost for his new store. He had a queue of people apparently —

Mr M.J. Cowper: It costs him \$780 000 a year.

Mr B.S. Wyatt: I think the prosecution helped.

Mr C.J. BARNETT: Yes, all of that. He had an issue that he was able to play out publicly and, as I understand it, people drove for miles and miles using half a tank of petrol to get a bag of potatoes for nothing. If that is their judgement on how to save money, so be it. Apparently, he had a queue about 100-metres long outside his store, so good luck to him. It was a good business opportunity. I have a lot of time for Tony Galati. A member took me to his shop and introduced me to him and he showed me his business. I was impressed with the way he runs it. He is adding value to agricultural produce. He is a character and he gets out and markets, but I would say to Tony Galati, as I said publicly, to just step back and allow us to repeal the legislation. If most of the growers are in agreement, we can probably do it sooner rather than later and then he can do what he wants in the potato industry and good luck to him. I think there is a responsibility to allow some time for adjustment, particularly for smaller growers. I am pleased with what the member has said. I agree in principle and if we can get an agreement from the industry that it is better to deregulate earlier rather than later, then the government will do so.

RIVERGLADES RESORT — PINJARRA ROAD ACCESS*Grievance*

MR D.A. TEMPLEMAN (Mandurah) [9.37 am]: I am very pleased that the Minister for Transport has agreed to take this grievance about Riverglades Resort, which is located at 490 Pinjarra Road in the Shire of Murray. Its residents have increasing concerns about their safety. Over 350 residents live in the resort, which is an affordable housing area. It is a really lovely housing estate and the only access into and out of it is from Pinjarra Road. Riverglades Resort was built over 25 years ago when Pinjarra Road was probably carrying vehicle volumes of just a couple of thousand vehicles a day. Now with rapid growth occurring in the area, Forrest Highway having been built further to the east and the increased development between Mandurah and Pinjarra, Pinjarra Road is a remarkably busy road and will become increasingly so in the future. Pinjarra Road is a dual carriageway. Riverglades Resort is located just east of Serpentine Bridge, which is a significant bridge at the entrance to Mandurah, and is also on the 600 bus route.

The problem is that it is becoming increasingly difficult for people to access the entrance into and out of this housing area because of the volume of traffic on the road and the speed limit of 80 kilometres an hour out the front of this resort. Many of the older residents are increasingly concerned about their safety, particularly those coming from Pinjarra who want to turn left into the resort. With an 80-kilometre-an-hour speed limit, many residents tell me that when they indicate to go left, they shudder when they look in the rear-vision mirror at the cars or trucks bearing down on them from behind, with some drivers not seeing them until the last minute. If they pull off early, they have to pull off into gravel, which is not safe. There is also a bus stop in front of this resort. It is very popular and we do not want that to go. The buses on route 600 have to pull off Pinjarra Road onto gravel to pick up the passengers, and then they have to try to get off a gravel easement back onto Pinjarra Road. Again, many of the drivers approaching are driving over the speed limit.

The problem we have is that we are constantly told—there is some history with this issue—that Main Roads WA does not fund access roads into private developments, but I believe that this is a special case because of the increased traffic volumes that are being experienced, and those traffic volumes will continue to increase into the future. In fact, Pinjarra Road is predicted to become a six-lane road in the longer term. The other issue is the fact that, under Serpentine Bridge to the west, there is a recreational area that is used by paddlers and fisher men and women, and for other recreational pursuits. People have to access that area also via the entrance to this housing area. There is also the bus issue that I have mentioned and the fact that there is no street lighting; there is absolutely no street lighting in front of this housing area. That is not the minister's responsibility—I have already written to the Minister for Energy about it—but again, these issues compound with regard to the safety of the people who live in that resort. We are asking that special consideration be given to these factors and to the fact that this situation will not get better. The safety issues and concerns will only get worse as the population between Mandurah and Pinjarra increases. That increase is projected through the Perth and Peel@3.5million strategy that was released earlier this year.

I am pleading on behalf of the residents. There are three residents today in the Speaker's gallery—Lyn, Jan and Felicitar—who represent 350 residents of the resort. I went out there yesterday and took a great photo, which I am happy to share with the minister. The people in the photo look magnificent, but the minister will note that a significant number of people who live there are older people, so getting in and out of the resort is of primary concern for them. There are no shops nearby, so if they have to access medical or shopping services, they cannot access them on foot; they have to go there by car and/or public transport.

There is a perfect storm developing here, and I ask the minister to consider having someone from Main Roads come down to meet with me and the residents. They will not be badgered; we just want to try to find a solution to this issue. If the answer is just, "We can't do anything because it's a strata title and a private area", that will not help us work towards a solution. I believe this is a special case, and I think we have a good, strong argument about why consideration should be given to providing a slipway that would include a proper hard surface for the bus service that stops in front of the complex. I do not think it is currently safe for either the bus drivers or the bus patrons getting on and off, if the bus has to pull onto a gravel section of road. The minister has just improved all the bus stops along Old Coast Road in the member for Dawesville's electorate, and all of those bus stops have hard shoulder pull-off areas. I am not sure what the latest figures are, but Pinjarra Road is as busy as Old Coast Road in the member for Dawesville's electorate.

I am asking for special consideration. I know that Lyn, Jan and Felicitar would love to have a chat with the minister afterwards if he is able to; I know he is busy. But this is really serious; I do not want to see a very serious accident and someone being injured or even worse because we have not looked for a solution. I think there is a solution here and I plead with the minister to work with me and the residents to try to find an affordable solution.

MR D.C. NALDER (Alfred Cove — Minister for Transport) [9.44 am]: I thank the member for Mandurah for this grievance, which was also the subject of his email of 11 November 2015 to my office. I am not sure whether the member is aware that Riverglades Resort has previously raised the issue of the need to construct a slip lane into this business. In February 2013, Main Roads WA responded to the secretary of the resort advising that the monitoring of traffic by Main Roads had shown that since Forrest Highway had opened, traffic volumes on Pinjarra Road near Riverglades Resort had dropped slightly. Main Roads also advised that the speed limit for this section of road had been reduced from 100 kilometres an hour to 80 kilometres an hour, and that the treatment at this driveway was similar to that of every other driveway on Pinjarra Road, except for one business that constructed a left-turn slip lane at its own expense. The resort was advised that in other similar instances, driveway improvements constructed for private developments, such as left-turn slip lanes, were funded by the property owner or developer. Main Roads further advised that the existing treatment was similar to the majority of road intersections along Pinjarra Road in that it did not have a left-turn slip lane.

I am advised by Main Roads that subsequent traffic monitoring has indicated that there has been little if any change in conditions since that response was provided in 2013. I can appreciate the concerns raised by the residents, clients and visitors of the resort; however, it is difficult to justify the expenditure of public funds to improve a driveway to what is essentially a private development, particularly as there have been no reported crashes at this driveway in the past 10 years.

Mr D.A. Templeman: You shouldn't have to wait for a crash.

Mr D.C. NALDER: I will touch on the issue the member just alluded to. Across the whole metropolitan area, every intersection is monitored for the numbers of accidents that occur, and that is the priority for government funding. We are always trying to remove problems when there are common incidents around the state, and that is the challenge we have. There is a lot that we would like to do, but we are often confronted with a number of areas that have higher priority because of the number of incidents already occurring.

I am sure the member can appreciate that if Main Roads were to allocate funding to improve this private driveway, it would create an equity issue for many other private developments —

Mr D.A. Templeman: Minister, it wouldn't be a driveway; it would include a hard stand for the bus. It's not a driveway; it's a slipway that connects with it.

Mr D.C. NALDER: Yes, I will come back to that.

It would potentially direct scarce resources away from numerous other unfunded improvements across the road network for the greater benefit of the community. However, Main Roads is always willing to provide any technical advice the resort may seek with regard to an appropriate access improvement, so, yes, I am happy to instruct Main Roads to work with the member to try to find a suitable solution. The issue becomes a funding issue which, as I mentioned, is the challenge we face as a government to direct resources away from one area to another. We need to actually understand how we can prioritise that. I am more than happy for Main Roads to work with the member and local residents to look at alternatives. I take the member's point about the bus stand and will ask for further advice from Main Roads about that.

Mr D.A. Templeman: I'll give you a copy of the photo of the bus that was there yesterday morning.

Mr D.C. NALDER: I will ask the Public Transport Authority to further investigate that matter and to review the situation to ensure that it is fit for purpose for bus patrons. I will actually ask; and I take note of the earlier photo of the patrons that are there. We need to ensure that it is safe for them as well.

Mr D.A. Templeman: It's a great bus stop; they love it. It's very important for them.

Mr D.C. NALDER: Yes. I am more than happy for Main Roads and the Public Transport Authority to be involved in working on a fit-for-purpose solution for the local residents. The difficulty I am sharing with the member is the reallocation of state government funding based on prioritisations, and that is where the challenge lies in me being able to commit to the provision of funding, but I am more than happy to work with the member to see what solutions can be found.

Mr D.A. Templeman: I appreciate that. Given there is a bit more time, can I interject? One of the things I think could be a solution, as I mentioned, is on Old Coast Road where you've done a great job with the bus stop hard stands that have been cut in off the road. I think this is where we can find a solution in terms of some of the costing. That will be done for some of the stops along Pinjarra Road and I think it can be something that is created, together with a bus stop solution. It is not safe for buses to pull off the road onto gravel and then back out into the 80-kilometre-an-hour zone. There are heavy streams of traffic, and Serpentine Bridge is just 100 metres to the west. I appreciate the minister's willingness to work with us.

Mr D.C. NALDER: I am glad the member is taking up my seven minutes! I am more than happy, as I said, for Main Roads and PTA to be actively involved in looking at this situation to make sure it is fit for purpose.

I cannot promise anything around funding at this point, but it would be great if we could find a suitable solution for everyone.

Mr D.A. Templeman: I appreciate that. Thank you.

CITY OF STIRLING — PARKING REQUIREMENTS — APPROVALS PROCESS

Grievance

MR A. KRSTICEVIC (Carine) [9.50 am]: My grievance today is directed to the Minister for Planning and concerns the approvals process regarding parking requirements. In my time as a member of Parliament, I have occasionally found myself confused, bemused and less than impressed by the planning approvals process that leads from local government through to the Western Australia Planning Commission. It remains a complex process that the community finds difficult to understand. The community does not understand the process and it certainly does not understand why its views are discounted, not requested or ignored. Simplifying that process, and establishing better criteria of accountability to the community is a matter that we may have failed to address properly. Like many, I had hoped that the establishment of the development assessment panels would solve this problem.

The WA Department of Planning states on its website —

As a key component of planning reform in Western Australia, Development Assessment Panels (DAPs) are intended to enhance planning expertise in decision making by **improving the balance between technical advice and local knowledge**.

However, recent events in my electorate of Carine indicate that these bodies seem to be simply rubberstamping the recommendations of councils and not understanding the needs and frustrations of the local community.

In the suburb of North Beach we have our very own cappuccino strip on Flora Terrace. Residents love and support the changes that have come to Flora Terrace in recent years and they accept that some increase in traffic comes with the newly developed restaurants, cafes and commercial premises, which include accommodation options. Naturally, the City of Stirling and the joint development assessment panel are the bodies that provide the initial approvals for these developments. I recently became involved in matters on Flora Terrace when residents started coming to me, unhappy about the decisions these bodies were making in granting approvals. Residents felt very strongly that the council and, by extension, the JDAP were allowing these new buildings to proceed without ensuring that the developers were providing adequate parking. As a result, their streets were becoming choked with cars seeking parking and residents were worried about the safety repercussions.

The crux of the matter is a little local government game called “payment in lieu of parking”. For those members unaware of this matter, let me explain. Basically, the system works like this. The City of Stirling’s city scheme and the R-codes have a car parking ratio for different land uses. Logically, one would expect that the ratio would have been fairly carefully thought out, and therefore the council and the DAP would be pretty strict on enforcing it. However, I am informed by the City of Stirling that “it is open to any application to propose a variation to car parking”. So basically, a developer can propose something like this: instead of providing two parking bays per apartment or commercial unit, they only provide one and pay the City of Stirling an amount of money in lieu of those parking spaces. I cannot but wonder if this is simply a way that developers buy their way out of the requirement to provide adequate parking.

I know that the City of Stirling will accept these payments only if it can see a way of building extra parking bays as compensation. In most cases, it is not just taking the money for nothing. However, if it does provide alternative parking, it is often at the expense of the local community, which loses open space or something similar. Even worse than taking payment in lieu of parking is when the council or the JDAP just decide to waive payment in lieu of providing the proper number of parking bays. That means that despite the requirements of the R-codes, no extra parking is provided at all. The result is obvious—a massive lack of parking and residents and customers battling to access the few parking spaces available on the street.

Getting back to Flora Terrace in North Beach, I think it is worthwhile really thinking about how the residents feel. At least three new developments in and around Flora Terrace have recently been approved by the City of Stirling and the JDAP, with either reduced parking requirements or the granting of payment in lieu of parking. The City of Stirling simply stated, in response to my concerns and those of the residents, that the council officers felt that there was adequate parking in Flora Terrace—end of discussion. My view, and that of the residents, is that the council officers are simply wrong. They are, after all, not the people who live on Flora Terrace or in the surrounding streets. They do not have to face the traffic mayhem on a daily basis resulting from developments approved without adequate parking. I am extremely disappointed that the City of Stirling continues to ignore the views of local residents. It no longer seems to communicate with or care about the community it serves.

Here is another example. Just off Flora Terrace, on Castle Street, is a building known as the Autumn Centre. It is a centre for senior citizens and is used by various groups for their get-togethers. Long-term users of the

Autumn Centre have told me that they simply cannot park there anymore for their functions, because all the people going to the restaurants and shops on Flora Terrace are taking the car parking spots. These senior citizens, who have less mobility, are being denied close car parking at their own venue. I have also been sent photographs of cars parked on the island in the middle of the road on Flora Terrace. Obviously, the driver had stopped there in total frustration. Sure, they might get a parking fine but that does not solve the problem in the long term.

One resident who attended one of the relevant JDAP meetings said he felt that all the local residents' comments and submissions were put aside and totally ignored when it approved a recent development. Even the City of Stirling officers discounted the residents' well-researched and documented concerns. The community representative said that changes to the rules governing the DAPs were needed to ensure that they consider the views of residents and also that they stop allowing this trend of waiving parking or payment in lieu of parking. Another resident has given the trend of payment in lieu of parking a name. He calls it "residents' pain for developers' gain". Mr Vince Connelly, the president of the Stirling Progress Association, recently wrote to me, stating, according to my notes —

I write on behalf of the Stirling Progress Association to seek your support in dealing with the growing issue of on-street parking.

This topic remains a strong concern for many of us within the Association—as we observe safety issues for our families and local communities as a result of growing density and insufficient parking opportunities.

One recent area in which we have seen this growing problem is Flora Terrace in North Beach.

We look forward to working with you to address this important issue.

I understand that the minister cannot interfere in the processes of the DAP, and that the State Administrative Tribunal is the proper court of appeal. However, I think we need further changes to the planning requirements of councils, DAPs, the SAT and the WAPC. Stronger procedures are needed that consider the impact of their decisions upon the local community. The lack of parking is becoming a serious problem in parts of my electorate. I thank the house for its attention.

MR J.H.D. DAY (Kalamunda — Minister for Planning) [9.56 am]: I acknowledge the concerns that the member for Carine has raised on behalf of his constituents about parking in the Flora Terrace area of North Beach. I am advised that the Department of Planning has been in contact with the City of Stirling about the issues that the member raised. As indicated by the member, the requirement for parking is assessed by the City of Stirling as part of its determination of a development application or as part of the city's recommendation to the metro north west joint development assessment panel. If a development application for a particular use proposes a shortfall in the number of car parking bays that are required under the city's Local Planning Policy 6.7, Parking and Access, the city's local planning scheme provides a mechanism whereby the city can accept cash-in-lieu payment in order to address the shortfall. The amount of the cash-in-lieu payment is the city's estimated cost to provide and construct the number of car parking bays required to make up the shortfall. These bays are generally constructed in the vicinity of the development. Under its planning framework, the city also has the ability to allow for parking concessions when development sites meet certain criteria, such as being located in close proximity to high frequency bus routes and train stations.

A number of factors need to be considered when considering whether a shortfall in parking bays is able to be addressed via a cash-in-lieu payment, including: the provision of existing parking in the locality; whether the proposed shortfall will result in any significant parking impacts; and the ability for reciprocal parking arrangements to exist between different land uses either on the same site or on adjacent properties. If there is considered to be an adequate supply of parking in the locality, the appropriate decision-maker also has the ability to waive the required cash-in-lieu payment, as is permitted under the city's scheme. In accordance with the city's policy, cash-in-lieu payments collected by the city are placed in a special parking fund which is then to be used for a number of specific purposes, including the acquisition of land for parking, construction and maintenance of parking areas and improvements to existing parking stations and on-street parking. The provisions of the city's local planning scheme and policy framework are to be applied to the relevant development applications as appropriate, with each application assessed on its merits.

In relation to specific developments along Flora Terrace, I understand that an application for a change of use at lot 70, 103 Flora Terrace, was approved by the city in November 2011 and included a condition for a cash-in-lieu payment of \$18 000 for four parking bays to be constructed by the city on Castle Street. This payment has subsequently been made. An application for a mixed use development at lot 20, 99 Flora Terrace, and lot 21, 24 Lawley Street, North Beach waived the requirement for a cash-in-lieu payment to be made as the city considered that appropriate on-site parking had already been provided. A parking management plan was submitted with the application, which included a number of recommendations to address parking issues in the locality, including reciprocal parking arrangements between the different land uses, appropriate marking of the on-site car parking bays for the different uses and entry and exit points to the parking areas being appropriately

signposted. Although the member for Carine's concerns are noted, there is no one-size-fits-all approach for imposing cash-in-lieu requirements on development approvals, and hence different mechanisms have been employed by the City of Stirling and the development assessment panel for various developments along Flora Terrace, North Beach.

A number of local government authorities across the Perth metropolitan area have similar policies on the acceptance of cash-in-lieu payments, providing broad guidance on the expenditure of these funds. Although there is no immediate solution to the issues raised by the member for Carine, I have been advised that the city has commenced investigations into the preparation of a detailed planning framework that will provide specific details on the means by which cash-in-lieu payments are utilised to address the management of parking in North Beach, and the wider local government area. This is an appropriate approach and I encourage the city to make substantial progress towards a publicly available, transparent plan for assessing, receiving and spending cash in lieu, including where new car bays would be provided in the local area. I recommend that the member for Carine liaise with the city on the progression of this framework, which will facilitate greater transparency in the collection and expenditure of these payments.

I also add that if local residents have concerns about decisions made by the City of Stirling, they have elected councillors for their area, and I encourage them to express their views to those councillors as well. It is normally the case that submissions can be made by local residents or the wider community about the decisions made by councils or by development assessment panels, and those submissions should be taken into account by the relevant decision-making bodies. That is not to say that the decision will necessarily be in accordance with what particular individuals or submissions may be seeking, but there is normally an opportunity for submissions to be made. In short, I encourage the member for Carine to liaise with the City of Stirling to get the policy that I referred to in place, and I encourage residents also to make contact with councillors if they are dissatisfied with decisions made by the council.

PUBLIC HEALTH BILL 2014

First Report — Legislation Committee Report and Minutes

MS W.M. DUNCAN (Kalgoorlie — Deputy Speaker) [10.03 am]: The Legislation Committee reports to the Legislative Assembly that it has considered the Public Health Bill 2014, as referred by the Legislative Assembly to the committee. I present the first report of the Legislation Committee and the minutes of the Legislation Committee.

[See papers 3644 and 3645.]

Adoption

MR J.H.D. DAY (Kalamunda — Leader of the House) [10.04 am]: I move —

That the first report of the Legislation Committee be adopted, and that the Public Health Bill 2014 be committed to the consideration in detail stage for consideration of the clauses that were postponed by the Legislation Committee.

By way of explanation, the Legislation Committee dealt with two bills—the Public Health Bill 2014 and the Public Health (Consequential Provisions) Bill 2014. The Legislation Committee agreed to the Public Health Bill 2014 with amendments to 10 clauses, the insertion of two new clauses and the insertion of a new part 5A dealing with public health policies. By agreeing to this motion, the house will be taken to have agreed to all of the clauses, amendments, new clauses and new part 5A that were agreed to by the Legislation Committee. After the house has agreed to this motion, I will then move a motion that consideration in detail of the bill for the purposes of considering only those clauses that the Legislation Committee postponed to this house be made an order of the day for the next day's sitting of the Assembly.

MS W.M. DUNCAN (Kalgoorlie — Deputy Speaker) [10.07 am]: I will make just a few brief comments about this process. The last time the Assembly referred a bill to a Legislation Committee was in 2004. The bill was the Planning and Development Bill. On this occasion, we considered two bills—the Public Health Bill 2014, which had 311 clauses, and the Public Health (Consequential Provisions) Bill 2014. The committee sat for 10 and a half hours. One of the features of the committee was the ability for the delegates nominated to the committee to speak directly to the advisers. I report to the house that this process worked really efficiently. It gave the opportunity for those members delegated to take part in the consideration in detail stage of this bill to delve into two very complex pieces of legislation, and satisfy their concerns and their need for a deeper understanding of the bills. This added to the consideration of this bill. Parts of the Public Health Bill have been referred back to the house for consideration, which we will do in due course. I thank the members of the committee for their hard work in this process, and particularly the advisers to the minister who were there for long and late hours. I also thank the Acting Speakers, in particular the member for Geraldton, who stood up and helped out. Having the committee running concurrently with the Legislative Assembly placed us under a bit of

pressure to have Acting Speakers available. I thank the member for Geraldton, and also the Assembly staff, who were on hand to help us out quite quickly if we found ourselves not quite sure about how to deal with a particular issue. With those comments, I support the motion.

Question put and passed.

As to Consideration in Detail

On motion by **Mr J.H.D. Day (Leader of the House)**, resolved —

That consideration in detail of the postponed clauses of the Public Health Bill made an order of the day for the next day's sitting.

PUBLIC HEALTH (CONSEQUENTIAL PROVISIONS) BILL 2014

Second Report — Legislation Committee Report

MS W.M. DUNCAN (Kalgoorlie — Deputy Speaker) [10.08 am]: The Legislation Committee reports to the Legislative Assembly that it has considered the Public Health (Consequential Provisions) Bill 2014, as referred by the Legislative Assembly to the committee, and I present the second report of the Legislation Committee.

[See paper 3646.]

Adoption

MR J.H.D. DAY (Kalamunda — Leader of the House) [10.08 am]: I move —

That the second report of the Legislation Committee be adopted.

As explained, the Legislation Committee dealt with two bills—the Public Health Bill 2014 and the Public Health (Consequential Provisions) Bill 2014. With respect to the Public Health (Consequential Provisions) Bill 2014, the Legislation Committee agreed to the bill with amendments to five clauses and the insertion of one new clause. After the house has agreed to this motion, I will then move a motion that the third reading of the Public Health (Consequential Provisions) Bill 2014 be made an order of the day for the next day's sitting of the Assembly.

Question put and passed.

As to Third Reading

On motion by **Mr J.H.D. Day (Leader of the House)**, resolved —

That third reading of the Public Health (Consequential Provisions) Bill 2014 made an order of the day for the next day's sitting.

DISPOSAL OF UNCOLLECTED GOODS AMENDMENT BILL 2015

Introduction and First Reading

Bill introduced, on motion by **Mr P.T. Miles (Parliamentary Secretary)**, and read a first time.

Explanatory memorandum presented by the parliamentary secretary.

Second Reading

MR P.T. MILES (Wanneroo — Parliamentary Secretary) [10.09 am]: I move —

That the bill be now read a second time.

The Disposal of Uncollected Goods Amendment Bill 2015 will amend the Disposal of Uncollected Goods Act 1970 to raise the monetary threshold from \$300 to \$3 500. As I will set out shortly, this threshold value is important, as it determines what action needs to be taken before uncollected goods can be lawfully disposed of. This amendment will save businesses, such as motor vehicle repairers, time and money by streamlining the procedure involved in disposing of uncollected goods. The bill accords with the government's plan to reinvigorate regulatory reform and complements the Licensing Provisions Amendment Bill 2015, the Residential Tenancies Amendment Bill 2015 and the Obsolete Legislation Repeal Bill 2015. Together, the four bills demonstrate the government's ongoing commitment to reducing unnecessary regulation and ensuring that legislation in force remains efficient and effective.

The Disposal of Uncollected Goods Act 1970 establishes procedures for the disposal of uncollected goods that have been taken to a business for such purposes as repair or storage and have remained uncollected by their lawful owner. The act has different requirements for the treatment of uncollected goods depending on their value. For example, the procedure for goods valued below \$300 is different from that for those valued above \$300. For goods valued above \$300, businesses are required to notify the owner of the goods that the goods may be collected; after six months, again notify the owner of the goods and place a notice in both a newspaper and

the *Government Gazette* that they will be seeking a court order to dispose of the goods; and, one month later, seek an order from the Magistrates Court to allow them to lawfully sell or dispose of the uncollected goods.

Throughout this time, the business left holding the uncollected goods must store those goods. This process takes a lot of time and can be costly if the goods are bulky. An example is when a motor vehicle repairer is left with a vehicle that an owner decides is too costly to repair and abandons the vehicle. The law is intended to ensure that goods that would be of real value to the lawful owner are not too easily disposed of. However, the \$300 threshold figure has not been revised since 1970 and therefore no longer reflects community standards of an item of value. It is entirely possible that the current cost of complying with this law would exceed the value of the goods in some cases.

To address this issue, the bill will raise the threshold value from \$300 to \$3 500. This figure has been calculated by inflation escalation of \$300 in 1970 to the current dollar value. The amendment also allows for the threshold value to be amended in the regulations in the future. This will prevent this legislation again falling significantly out of step with community expectations and standards. The amendments contained in the bill will alleviate the burden on businesses when disposing of uncollected goods valued at less than \$3 500.

I commend the bill to the house.

Debate adjourned, on motion by **Ms S.F. McGurk**.

PARLIAMENTARY ENTITLEMENTS — REPEAL WEEK

Statement by Premier

MR C.J. BARNETT (Cottesloe — Premier) [10.13 am] — by leave: In the context of Repeal Week, I rise to make a ministerial statement about parliamentary entitlements. This is not all-encompassing but it is a further step along the way to reform. There has been considerable public discussion over recent years about the so-called entitlements of members of Parliament. Some of these entitlements date back to an earlier period and are no longer relevant. Reform is overdue, with a needed shift towards reducing entitlements and compensating by making adjustments to base salaries. This should be considered by the independent Salaries and Allowances Tribunal. Any changes to entitlements should be prospective, and apply as of the beginning of the next term of government. In what follows, I will outline the proposed changes that I intend to forward to the Salaries and Allowances Tribunal. I encourage the Leader of the Opposition and, indeed, other members to also forward their views to SAT.

Firstly, on the parliamentary travel allowance, which was formerly known as the imprest allowance, travel for work purposes is important for such a large state and for an economy that is internationally focused. The parliamentary travel allowance was introduced in 1980 with an entitlement of \$5 000 per member for each parliamentary term to allow for travel. It provided for travel by a member and a spouse. The current entitlement came into effect on 1 September 2013 and is \$27 000 per member over the four-year term of Parliament. In 2010, the government initiated changes to the imprest allowance, including, firstly, responsibility for determining the allowance being transferred from the Premier to the independent SAT; secondly, spouse travel no longer being an entitlement; thirdly, any unused entitlements no longer being carried forward to the following parliamentary term; and, fourthly, conference fees and short courses for professional development being included as a legitimate expenditure. These reforms came into effect following the 2013 election.

Secondly, on rail travel entitlements, free rail travel for all members and their spouses on intrastate and interstate railways has been in place for over 30 years. This dates from an earlier period when rail systems across Australia were government owned and use was made of otherwise empty seats. With most rail systems now in private hands, the entitlement is no longer funded and expenditure has to be met by the Department of the Premier and Cabinet at a cost of \$39 750 in 2014–15. Although this cost is relatively small, the entitlement is no longer appropriate and should be abolished as of the end of this parliamentary term.

Thirdly, on post-parliamentary entitlements, with the exception of superannuation, general post-parliamentary entitlements for members of Parliament elected after December 1996 were abolished by SAT. However, some entitlements for former Premiers have continued. It is recognised that some support for former Premiers is justified to the extent that it relates to public responsibilities that may continue after retirement from Parliament. The current entitlements are, however, considered to be outdated. This is in no way a reflection on former Premiers; it is just that time has marched on. The current group of former Premiers should not have their entitlements altered, although I would hope that they will comply with the spirit of any changes ultimately determined by SAT.

The major changes that I propose, which would apply after the current parliamentary term ends, are —

Any entitlement would apply only to former Premiers who had served for at least two years as Premier, as distinct from the current one-year qualification period.

The provision of an office and a full-time staff person for six months, and sometimes 12 months, would no longer apply. In its place, there would be a secretarial allowance for six months, as determined by SAT. This would cover justifiable secretarial services, stationery, postage and telephone costs.

The provision of a car, and a driver if required, for six months would no longer apply. This would be replaced with access to a government car and driver only to attend official functions. This would be approved on a case-by-case basis by the director general of the Department of the Premier and Cabinet.

The travel entitlements of former Premiers would be restricted to official business only and would be approved by the director general of the Department of the Premier and Cabinet, again on a case-by-case basis. This entitlement would be limited to a period of four years, as is currently the case. An upper limit should be set by SAT.

I conclude by restating that these recommendations are what I see as fair and reasonable. They will be forwarded to the Salaries and Allowances Tribunal for consideration, with a view to introduction as of the beginning of the next parliamentary term. I am sure that members will agree that these reforms are well overdue and are more in keeping with community standards and expectations.

I draw to the attention of the house that if the Leader of the Opposition chooses not to respond now, he has a right to respond when it suits him.

NATURAL GAS (CANNING BASIN JOINT VENTURE) AGREEMENT AMENDMENT BILL 2015

Second Reading

Resumed from 10 September.

MR F.M. LOGAN (Cockburn) [10.19 am]: I will be the lead speaker on the Natural Gas (Canning Basin Joint Venture) Agreement Amendment Bill 2015 on the basis that the shadow spokesperson is currently —

A member interjected.

Mr F.M. LOGAN: Thank you, Leader of the Opposition; that has been clarified. I am not the lead speaker on this bill; I just happened to be the first member to get to his feet!

Mr C.J. Barnett: It's like being dropped down the batting order!

Mr F.M. LOGAN: Exactly; I am now number five in the batting order! The shadow Minister for State Development, the member for Cannington, will, hopefully, be back in the house before the conclusion of the second reading debate on the Natural Gas (Canning Basin Joint Venture) Agreement Amendment Bill 2015 to provide the opposition's arguments. But while he is unavailable, I will begin the opposition's response to the Natural Gas (Canning Basin Joint Venture) Agreement Amendment Bill 2015.

Firstly, I make clear to the house that the opposition will not oppose this bill to amend a state agreement. The house and the Minister for State Development are well aware that the opposition will not oppose any state agreements that come before the house, because, ultimately, they are agreements between the elected government of the day and whoever the partners to the agreements are. That is not the position, of course, of some political parties, particularly the National Party that is in alliance with the current government. The National Party seems to have a bit of a problem with the issue of governments striking state agreements and then respecting what the government of the day has done. I draw your attention, Mr Acting Speaker, to the behaviour of the National Party and its response to the agreement struck between the Premier and BHP Billiton over the fly in, fly out camp outside Newman. Clearly, the Leader of the National Party, although being a member of cabinet, does not respect the official position of the government of the day in its striking of an agreement. I compare that behaviour with the way we are dealing with this bill today. The opposition has made it very clear that when a legitimately elected government of the day strikes a state agreement, it must be respected, and when that agreement is brought into the house, it must be agreed to.

Although we as the opposition may not like a particular agreement or parts of an agreement, we will always agree with the position of the state government on the basis that to not do so undermines the validity and capacity of the government of the day. The government of the day may well be the opposition in a couple of years' time. It is critically important for the good governance of the state, and the ongoing capacity of the state government to make agreements, for those agreements to be respected. The National Party may be very well meaning in protecting the interests of the residents and businesses of Newman. I am not contesting the National Party's reasons for doing it; I am contesting the National Party's manner of going about arguing the case for the residents and businesses of Newman by challenging the Premier and the government of the day being able to strike an agreement, or at least putting roadblocks in place. I compare that scenario with the way we are dealing with this bill.

Although the opposition will not oppose this bill, we believe many of the issues raised in it should have been addressed prior to the passing of the Natural Gas (Canning Basin Joint Venture) Agreement Bill 2013. I draw the

Minister for State Development's attention to the finalisation of the agreement with the traditional owners. The advice provided to us by the Minister for State Development and the member for Kimberley is that agreement has been reached with the Noonkanbah people over access to exploration leases and the use of the land for tight gas drilling exploration activities. I find it pretty ironic, given Western Australian political history, that the first group of people to agree to exploration on their land was the Noonkanbah people. It obviously brings everyone's minds back to the Court Liberal-National government and its very forceful and violent attempts to gain access to the Noonkanbah pastoral station for the purposes of oil exploration in the 1970s and 1980s. The confrontations are well documented and were made into a movie. They are well documented by historians and the people of Western Australia.

Dr A.D. Buti: And by Stephen Hawke, former Prime Minister Bob Hawke's son.

Mr F.M. LOGAN: Yes, I think Stephen Hawke made a documentary about the whole thing, as well as playing an active role in the confrontation between the then government and the people of Noonkanbah. The protestors successfully turned back the exploration program that was being forced on the people of Noonkanbah and their pastoral association during that period on the basis that there was no recognition of native title or the Noonkanbah people as the owners of the land on which the exploration was to be undertaken. The irony of it is that the Noonkanbah people were not opposed to development; they wanted the development to occur on their land in the way in which they wanted it to be undertaken, and with the recognition that they are the official owners of that land who should have been compensated if the land was to be used for oil exploration.

Mr C.J. Barnett: There is an interesting sequel to that. At the signing of the agreement with them at James Price Point, there were a number of environmental protesters. Mr Watson, who was in the famous photo, was being attacked by them on the beach for changing his views, and he very bravely marched up to them and said, "At Noonkanbah we had no choice; this is now our choice", and asked the environmental protesters to leave the land. The media chose not to report that, but I thought it was the most dramatic moment of James Price Point.

Mr F.M. LOGAN: That is a great example of the rightful empowerment of the traditional owners of the land upon which we stand today. That is exactly it. They stood up for their rights when they had to, when they were being undermined by a previous government, and continued to stand up for their rights when they were being challenged once again in the example just given by the Premier but by a different group of people. That, I think, is another reason for the opposition, although supporting this bill, criticising the fact that these matters have not been dealt with until now and were not dealt with prior to the passing of the Natural Gas (Canning Basin Joint Venture) Agreement Bill 2013. Although agreement has now been reached with the Noonkanbah people, the area of exploration leases also goes into land under the traditional ownership of the Yawuru people. Those discussions are ongoing because they have not yet been resolved.

A further reason for our being critical of the bill, although supporting it, is that some of the ongoing discussions are specific to some of the content of this amending legislation. The native title rights negotiation, particularly in light of the current proposal in this amending bill to allow Buru Energy and its joint venture partners to suspend obligation to relinquish ground under the Petroleum and Geothermal Energy Resources Act 1967, should have been resolved. That matter has also not been resolved between the joint venture partners and the Yawuru people. The existing exploration permits have a finite date to them. It has been pointed out by the Yawuru people that when those permits run out, they have the right, under the existing legislation, to further negotiate on access to the land and the way in which exploration is undertaken, and on any other benefits and issues that may arise from that. Our concern is that this amending legislation may impact on that right, because it will basically get rid of the end period of the permits and they will just continue according to the periods set out in the legislation. We point out to the Minister for State Development that the joint venture partners should have had these matters in hand before the Natural Gas (Canning Basin Joint Venture) Agreement Bill was registered and passed by this house in 2012–13. That is one of the criticisms that we have about this amending legislation. I would like to hear from the Minister for State Development how he believes the joint venture partners will resolve that matter when this piece of legislation is passed by the house.

The third issue is that the purpose of this amending legislation is to assist the joint venture partners in their drive to establish a successful gas field in the onshore Kimberley region. The joint venture partners—Buru Energy, Diamond Resources (Fitzroy) Pty Ltd and Diamond Resources (Canning) Pty Ltd—are only three of the companies that have leases in that prospective oil and gas Kimberley region. Many other companies have acreage around the Buru site and obviously want to be involved in, or are currently involved in, geophysical assessment of the prospectivity of those leases. When we dealt with the original state agreement act, I put the question to the Premier: What about all those other companies? Will they also get a state agreement act? I think the Premier said, flippantly, "Yes, we might give them a state agreement as well." I put it to the Premier and the house that that is not a constructive way in which to establish a successful gas field in the Kimberley. I can understand why the Premier and the government of the day have entered into this state agreement with Buru Energy. Buru Energy is more advanced and probably has greater capacity than many other tenement

holders in the Kimberley and is the beachhead for successful gas and oil exploration in the onshore Kimberley region. However, to simply reach agreement with one company, as opposed to all the other companies that are looking for oil and gas in the Kimberley, is not a good example of how we should establish a major oil and gas field in Western Australia.

[Member's time extended.]

Mr F.M. LOGAN: I would therefore like the Minister for State Development to add to the points I have made about what is the future for other companies that are looking for oil and gas in the Kimberley, particularly in the areas immediately around those companies that have been highlighted as part of this state agreement act.

The fourth issue I raise on behalf of the opposition is that I cannot understand why this state government is not taking a more holistic approach to the development of tight gas and shale gas in Western Australia and providing greater support to the people who are exploring for tight gas and shale gas. At the moment, the government is literally just standing back. The explorers are doing geophysical surveys and are ending up, quite often, in confrontations with landholders. They are the recipients of a backlash about the rights or wrongs of fracking. They actually are not getting any benefits or kudos from the move towards onshore oil and gas exploration. Sure, the Department of Mines and Petroleum is encouraging tight gas and shale gas exploration in Western Australia by providing geophysical data. We also have the amendment to the state agreement that is before the house at the moment, and the previous state agreement. However, beyond that, there has been very little support from the state government. I cannot understand why the government is not providing more incentives—rather than just state agreements—to encourage exploration companies to look for tight gas and shale gas in Western Australia, in a structured way. It should be a clear objective of the Western Australian state government that it wants domestic gas to be made available from onshore resources, and it should be right behind that by providing incentives for companies to find tight gas and shale gas, develop it, and put it into the marketplace.

Further, I cannot understand why there is no encouragement and support for the design and manufacture of exploration rigs in Western Australia. We build very successful, exportable drill rigs in WA for the minerals industry. The drill and exploration rigs for onshore, deep-well shale gas and tight gas are much larger than the normal drill rigs built for mineral exploration in Western Australia at the moment. They are huge compared with existing mineral rigs. There is capacity and certainly willingness to go into that market. It is something that is holding back exploration in Western Australia. Those rigs are expensive and not easy to come by—most of them are already tied up in the United States. The explosion of tight gas exploration in the United States has effectively sucked up all the available rigs, but it has also spurred huge investment in manufacturing in the United States to build those rigs. Given the availability of those sought after types of drill rigs in Australia generally and in Western Australia in particular, I cannot understand why a state government committed to shale gas and tight gas development has not provided incentives and encouraged the design and manufacture of onshore drill rigs specifically for that exploration in WA. Why do we not do that?

Mr P. Papalia: Too lazy.

Mr F.M. LOGAN: Member for Warnbro, I am saying that there is not a holistic approach to the development of shale gas and tight gas in WA, and the inaccessibility of drill rigs is part of the reason for that.

The third point I raise about the government's failure to take a holistic approach to onshore gas exploration relates to the encouragement and use of industry and university-led innovation in geophysical problem-solving. If undertaken and funded properly, it could make WA a world leader in tight gas and shale gas exploration. We have some of the greatest university geophysical assets in the world. Curtin University and the University of Western Australia are world leaders in geophysics. People from many countries come to Western Australia simply to draw on our knowledge base. We are in the process of trying to establish onshore shale gas and tight gas development; why is the government of Western Australia not leading investment into and tapping into the knowledge and innovation that can come out of the world-class research currently in universities located not very far from this house? Why are we not doing that? Why are we not encouraging some of the junior explorers, companies such as Buru Energy, and multinational corporations such as Mitsubishi to work closely with the geophysics departments at UWA and Curtin University to find innovative solutions for extracting tight gas? Western Australia could be a world-leading hotspot for resolving a problem that many, many countries are trying to solve—that is, to find a solution to maximise the amount of gas they can get from shale gas and tight gas. For example, there are vast amounts of gas tied up in tight gas fissures and shale gas fissures in the United Kingdom and in China that they are struggling to access. Western Australia is a world leader in resource development, and we could have an opportunity, by the development of this industry, to export our knowledge, capacity and technical know-how to countries around the world. It could be an industry in itself. It is not simply about geophysics—as I pointed out as part of my criticism, we are not taking a holistic approach to shale gas and tight gas development—it is also about manufacturing opportunities that can arise from the industry as well.

On behalf of the opposition, that is the fourth criticism I make of not only the bill but also the government's approach to shale gas and tight gas exploration in Western Australia. Nevertheless, as I pointed out, unlike the

National Party with its approach that undermines the state's sovereign risk, state agreements and the state's ability to reach agreement with companies, we have no problem supporting this agreement. We acknowledge the right of the government of the day to reach agreements in the manner of the legislation before the house today, including the amendments—bearing in mind we have put on the record a number of criticisms about the current approach by the Buru joint venture partners and the government in negotiations with traditional owners in the Kimberley. Nevertheless, as I pointed out, we support the bill.

DR A.D. BUTI (Armadale) [10.46 am]: I rise to make a contribution to the debate on the Natural Gas (Canning Basin Joint Venture) Agreement Amendment Bill 2015. I looked back in *Hansard* at the debate on the bill that came before the house in 2013, and I hope that the Premier will not need to repeat the comments that he made in reply to the second reading debate; he said —

The member for Armadale made a short and bitter presentation, as usual.

I do not think that will be the case today—hopefully that will not be the Premier's determination. As the member for Cockburn mentioned, the opposition supports the bill before the house, but we have a number of legitimate concerns that, hopefully, the Premier will address in his response to the second reading debate or when we get to the consideration in detail stage of the bill.

The member for Cockburn mentioned the issue of the National Party on state agreements and sovereign risk. Of course, traditional owners have often needed to reach agreements on various matters, and if agreements are not reached, there can be consequences, especially with regard to native title rights, but it appears that National Party members can just disagree and not honour their obligations as ministers of the Crown and continue without any consequences. It is interesting that we have a minister of the executive who refuses to agree with what is presumably a cabinet decision—whether that minister is a member of the cabinet or not—who retains that portfolio.

Looking back at the 2013 discussion on the Natural Gas (Canning Basin Joint Venture) Agreement Bill 2013, the Premier may remember that he gave the member for Cannington a great plaudit. The Premier criticised the rest of us, maybe justifiably or maybe not, but he said that the member for Cannington was the only one who had done some work and who understood the bill. I think that the member for Cannington carries that plaudit around as a badge of honour—well, I think he does—and he might be able to use it in his next campaign—who knows? Anyhow, the member for Cannington spent some time on the native title rights of the traditional owners. He raised the issue about whether the bill before the house at that time, which led to the state agreement, was ultra vires of the Native Title Act. I have had a quick look at the consideration in detail stage of that bill, because I think the Premier mentioned in his response to the second reading debate that the issue could be possibly taken up in the consideration in detail stage. I am not sure that it was. Basically, the issue relates to future acts. As we know, under the native title regime, state governments and other parties that may have some effect on native title have to comply with the Native Title Act. It really relates to the whole issue of future acts. The definition of “future act” is found in section 233 of the Native Title Act 1993. As we know, this is a commonwealth act that has precedence over any state act and would make any state act that was inconsistent with it invalid. I am not saying that this bill is invalid at all; I am just raising the issue about the traditional owners. Our understanding is that the Noonkanbah people are in favour of the activities that will result from this legislation, but that the other traditional owners are not necessarily in favour of them. The Premier stated in his second reading speech —

As part of the obligations towards exploratory activities within the title areas, the joint venturers are required to conduct comprehensive consultation with the appropriate traditional owners to ensure they are well informed about the activities involved.

That is because under the future acts regime, as detailed on the website of the commonwealth Attorney-General's Department —

Proposed actions or developments that affect native title are classed as ‘future acts’ under the *Native Title Act 1993*.

Future acts include acts done after 1 January 1994 —

So, of course, this is included —

... that affect native title. Future acts can include the making, amendment or repeal of legislation, and the grant or renewal of licences and permits, for example mining and exploration licences or permits.

The future acts regime in the *Native Title Act 1993* establishes procedures to be followed so that the future act can be validly done. The procedures differ depending on the type of future act. Most relevant in the resources sector is the ‘right to negotiate’ given to native title parties.

The *Native Title Act 1993* allows states and territories to legislate alternatives to the ‘right to negotiate’ or to seek an exemption from the ‘right to negotiate’ in specific circumstances.

The issue, of course, becomes the right to negotiate. What we have before us is a future impact on native title rights because this bill seeks to extend the time frame of the original Natural Gas (Canning Basin Joint Venture) Agreement 2012, which of course is a state agreement. This bill will enable an extension to the key dates in that state agreement. Of course, that affects the future acts or the native title rights of the traditional owners. The Premier said in his second reading speech —

The joint venturers have provided funding to the three native title parties to engage independent specialists for advice regarding the environmental aspects of the joint venturers' activities. Based on this independent advice, the joint venturers have received support from the Noonkanbah people ...

But they are continuing discussions with other traditional owners. That obviously does not invalidate the bill before the house. I think the member for Cockburn mentioned that it would have been more appropriate or more in keeping with the spirit of the whole future acts regime if an agreement had been reached with all the traditional owners, and that if agreement is not reached, alternative avenues may need to be taken, but they may also not be exactly what traditional owners wish. The Premier said that they have a right to negotiate and that discussions are still continuing, but what happens if the traditional owners do not end up agreeing? What will be the status, then, of the state agreement? That is very, very important. The government, of course, has an obligation to allow the proper development of natural resources in Western Australia. Obviously, the economic imperative of that has become more important as we move to a new phase in our economy from the so-called mining boom. The state government, of course, has an obligation to facilitate any opportunity to explore and cultivate a rich source of natural energy or natural resources for the economic benefit of Western Australia, and also further afield with the energy benefits that would result. However, as a result of native title, the state also has to comply with the native title arrangements.

As I mentioned, the member for Cannington, who is responsible for this bill for the opposition, raised this issue in the 2013 debate on the 2012 bill. I am not sure that his specific question about whether that bill was ultra vires of the Native Title Act was answered in the consideration in detail stage or whether the government had advice on that. I assume that the government and the proponents of this venture have both received native title advice on whether they meet their obligations under the act. If that is the case, I would encourage the Premier to provide that advice to this house so that we are able to then continue with the debate in the consideration in detail stage on the native title implications of the original act and, of course, the amendments in this bill, which basically extend the impact on the future acts and therefore the native title rights of Indigenous people. The member for Kimberley made a contribution to the debate on the 2012 bill. As the Premier rightly pointed out, she was not a party to the agreement. She was just making the point about the necessity for consultation, which is very important.

Another bill that is on the notice paper today but which we will not be getting to—I do not know; maybe we will get to it—is the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015. That bill has come to this house after extensive negotiations with the Noongar people, which resulted from a federal court case that recognised the native title rights of the Noongar people to the metropolitan region of Perth. The opportunity and the necessity to negotiate with the traditional owners is very, very important—it is incredibly important within the legal framework and processes of the Native Title Act and also with respect to the morality and justice of our interactions with traditional owners. The Noongar recognition bill is, of course, in response to the federal court decision, but in many respects this is a reconciliation act whereby the government has recognised the need to make symbolic gestures. I understand that there is a financial agreement, but there is also a symbolic recognition factor. That is because the government, I assume, has understood that it is important to recognise the legal, historical and moral rights of traditional owners. That is also very important when looking at the development of the Kimberley region.

If one looks at Australia as a whole or even internationally, often the problem—it is not restricted to Western Australia—is that governments of any persuasion are always keener to and find it easier to reach agreements with Indigenous people when they do not need them for economic reasons. However, when the economics become very important, there is a temptation to sometimes overlook the rights of Indigenous people, whether that is native title or some other measure. Even the federal government's Native Title Act, which was brought in by the Keating government, is a watered down representation of the Mabo decision. The Native Title Act, for the future acts procedure, is really just a procedure for non-Indigenous people or non-native title holders to work with traditional owners to ensure that development, exploration of resources et cetera can proceed.

The Natural Gas (Canning Basin Joint Venture) Agreement Amendment Bill 2015 is very important. I do not disagree with anything that the Premier mentioned in his second reading speech. I have laboured; I hope the Premier does not think, as he thought back in 2013, that this is a negative or bitter contribution. I am trying to be reasonable in this contribution.

Mr P.C. Tinley: So reasonable that you put him to sleep!

Dr A.D. BUTI: The member means boring!

Mr P.C. Tinley: I would not say boring—more calming.

Dr A.D. BUTI: Okay, calming. I must admit that even I would concede my contribution in 2013 was negative.

Mr P.C. Tinley: Admit nothing, comrade!

Dr A.D. BUTI: Within the confines of Parliament I have parliamentary privilege! No legal case will be taken against me.

I worked for a number of years with the Aboriginal Legal Service of Western Australia so I hold very strong views on the need for governments to ensure that they do what they can to enhance the relationship between Indigenous and non-Indigenous Australians and also that the legal rights of Indigenous people are not trodden over in the pursuit of what is considered to be the overall economic development of the state. As the Premier mentioned back in 2012, we have moved on. I provided a historical context on native title in Western Australia and I do not think that we can be proud of our developments in native title. Things have improved, but in many respects, governments have been brought to the table because of the legislative framework. If the Mabo decision had not happened, of course, we would have kept the legal fiction of terra nullius.

[Member's time extended.]

Dr A.D. BUTI: We would have kept the legal fiction of terra nullius that obviously could not have been sustained if one looks at historical facts.

The issue with the Mabo decision that still has not been addressed properly by any government of any persuasion—the Premier talks about sovereign risk—is about the sovereignty of Australia. No Parliament will go down that road because it would test the legitimacy of Parliament itself. The issue with the Mabo decision is that once we remove the fact that when Europeans came to Australia, people were here, it puts into question the whole legal foundation of the establishment of Australia. That is a legal historical fact but, of course, no government will change that, although there will be symbolic gestures that might include certain constitutional recognitions of Indigenous people as the first peoples of Australia. Under international law, when a subsequent colonial power comes to a country or territory and people are already established there, the only ways that they can legitimately become the new authority is either by invasion or from a settlement by treaty. In Australia we did not have an agreement; we did have, arguably, an invasion. There has been no agreement because there has been no treaty, so there is an issue that relates to the sovereignty of Australia. That is something that I suppose I will discuss further in university lectures rather than in the confines of Parliament because we are not going to move on that. It is a debate that can be had another time.

As the member for Cockburn mentioned, we support this legislation, but the issue of the future acts and the impact on the traditional owners is something that we and the government must be mindful of.

MR P.C. TINLEY (Willagee) [11.06 am]: It is good to be able to make a contribution yet again on not only the Natural Gas (Canning Basin Joint Venture) Agreement Amendment Bill 2015, of course, but also a resource project in a bold new world—a bold new area of tight gas. In our previous contributions, prior to this amendment bill, on the original Natural Gas (Canning Basin Joint Venture) Agreement Bill 2013, we talked about the potential for shale gas and tight gas resources. The potential of the resource is probably driving a lot of us—more out of hope than evidence at the moment—on the value of this new find and the size of the Canning Basin. I will not be one to speculate on the size of it because no-one has yet proven, at two kilometres down in the shale sediment, that they will be able to release the gas at the volumes that they predict. Much of the modelling of the Canning Basin deserves a very wry eye indeed and a long rub of the chin before we can say it is anything like rivalling the Carnarvon Basin or other deposits and offshore deposits that have yielded and will continue for several years to come to yield some great benefit to the people of Western Australia.

The fact that we are here with an amendment to the legislation not two years after the passing of the Natural Gas (Canning Basin Joint Venture) Agreement Bill 2013 underscores a couple of issues for me that are worthy of putting on the record. They are, firstly, going into a state agreement too early and it is obviously subject to significant debate, I am sure, about the timing of when the state should enter into an agreement with a particular proponent; and secondly, the overall value of state agreements at this point in the development of the mining jurisdiction of Western Australia. To speak to the first issue, the very fact that we have to amend an act that we agreed to less than two years ago indicates that we do not have enough flexibility in our state agreements, in my view, to allow the state government to undertake variations to the state agreement without having to come back to Parliament, although some would say that the nature, length and depth of a variation is of significant interest to Parliament. For minor variations, one wonders whether the state agreements provide that flexibility.

This is simply a request for an extension of time until they can get their assignments done. That is effectively what this is doing. It also intangibly provides the joint venture partners, Buru Energy and Mitsubishi Corp, the opportunity to further support their share price and capital raising. I do not have the numbers to hand, but when the state agreement was signed by the government in 2013, Buru's share price went through the roof. That is not insignificant when we consider the implications of the Crown effectively supporting and/or guaranteeing the

rights and certainties of the project over the resource and beyond and, in many cases, circumventing—that might be too strong a word—other acts, including even the Mining Act and the Environmental Protection Act.

I turn to the flexibilities and appropriateness of state agreements in the modern day. Typically, globally we find state agreements only in developing countries, although some of the Canadian provinces still use state agreements. In Australia, Western Australia is by far the greatest user of state agreements, with Queensland the second largest. The total number of current active state agreements managed by the Department of State Development is 60. Of course, people looking at the history of this will remember the 1963 state agreement as being the first one, with Hamersley Iron, I think it was.

Mr W.R. Marmion: Correct.

Mr P.C. TINLEY: Yes, I was correct!

Mr C.J. Barnett: The earliest one was actually back in the 50s with the BP refinery in Kwinana.

Mr P.C. TINLEY: Yes, under “Miscellaneous”; sorry, I did not get that far down the list.

Some are now defunct and in this Parliament we have terminated and amended agreements. I have forgotten which ones; the Premier or the minister might remember off the top of his head. We amended the BHP ones to allow the tied infrastructure arrangements on those state agreements to be applied to an alternative project. I am thinking of the power station at Jimblebar up in the Pilbara that was a tied piece of infrastructure for a particular purpose. We had to amend the act to allow power and other infrastructure to be applied—port and rail was also part of that, I remember—to alternative projects without fear of penalty or transgression of agreement.

I wonder what has changed since the late 50s and the 60s through to the 70s, and about the utility of state agreements into the future. I think that the Natural Gas (Canning Basin Joint Venture) Agreement Act 2013, which we are amending today—I would also be keen to hear from the Premier, the minister, or anyone else who might know—is probably the earliest a state agreement has been entered into without a substantiated resource. If we think about it, the joint venture does not know what it has; it has a suspicion about what it has. It is exploring it and we gave it a state agreement that underscores its financial viability in the market. Unlike other companies with which the state has entered into agreements, this company does not have a proven track record on working with tight gas and does not have a big balance sheet. One would put a significant question mark next to its ability to exploit the resource, should it find the resource at the levels it is suggesting in its press releases. I put on the record that this is in no way a criticism of Buru Energy or its joint venture partner; all I am saying is that this is in the context of where this state agreement fits in the life cycle of a business—the exploration and/or exploitation of a one-time natural endowment in the state of Western Australia. There is risk for the state in entering into a state agreement with a company on this basis and at this early stage of investment.

I can understand how the state would be attracted to an instrument such as a state agreement for an early-stage explorer, for two reasons. One reason is that this is the way we have always done it. We have a long history with and understanding of state agreements and I would hazard a guess that we are probably a world leader in structuring and managing state agreements. The second reason is that we have no alternative. The only alternatives we have to give a prospective miner and/or resource company any sort of certainty over its activities is the Mining Act, the Environmental Protection Act and various other acts, and they provide a certain amount of risk around the exploitation of the resource. To come back to the basic tenets of why we would want to enter into an agreement up-front or as early as possible with a proponent, there are three pretty clear reasons: firstly, to encourage development of the state’s natural resources for obvious economic benefits; secondly, to control development so that we can put a temporal ring fence around the extent of exploration and/or development of the particular tenement and to make sure that it is carried out in a way that is consistent with the wishes and policies of the government of the day; and, thirdly—this is one thing that occupies a lot of our time—to maximise the economic benefit or “rent”, as they say, collected by the government on behalf of the people of Western Australia. Those three basic tenets exist to provide certainty for the proponents, to control the development, and to maximise return on the one-time-use of the available resource. I wonder whether it is now not time for an evolved, mature jurisdiction such as Western Australia to contemplate an alternative or several alternatives to ensure that we use state agreements only in ways that very clearly provide the best possible flexibility for the future, the best possible security for the proponent, and the best possible return for not only the economic benefit of Western Australia, but also all the people who are involved and interested in a particular development. The silent witness, if you like, to development is, of course, the environment. We need also to ensure that the environment has a voice and is considered in the exploitation of the resource.

Mr C.J. Barnett: I hear what you’re saying, but this is a long-term greenfield project in an area where there is no infrastructure. That’s the driving force of the state agreement.

Mr P.C. TINLEY: I was just about to make that comment myself, Premier, about the fact that the only justification, in my view, for applying a state agreement to this particular project is that the argument could be made that this is a completely new industry. Back in 1963 when we contemplated the origins of iron ore and the

uncertainties and lack of infrastructure that existed then, it was the force of will, personality and determination, if you like, of the entire Parliament and governments of different persuasions that brought the iron ore industry to its current maturity. That is the only reason one could apply that sort of thinking to tight gas exploitation. It is a new industry. There is much that we do not know about tight gas and its exploitation, and there is so much we do not know about its future needs, so it is not surprising, I should imagine, that we are back here amending the Natural Gas (Canning Basin Joint Venture) Agreement Act 2013. One thing that also crops up from time to time—less so in a mature jurisdiction such as Western Australia—is the absolute preservation of the global brand around sovereign risk to make sure that we continue to project to the world that Western Australia is, indeed, entirely open for business, but on our grounds.

Various iterations have come and gone of attempts by state agreements to offer an economic return to Western Australia. One of the factors that has to be considered in balancing the tension between the establishment of a state agreement and its enforcement is how we contemplate delivering the benefits we want from it. The subject of local content is often debated here. When some of those earliest state agreements were being nipped out, the state had to offer the security of tenure required by the companies when that might not be feasible under the general legislation. We have used state agreements to override legislation that currently exists, such as the Mining Act's public interest discretion in, from memory, section 111, and also for the state to retain some discretion when considering tenement applications. I have a note here that the former Minister for Resource Development, the Premier of the time, said that state agreements provide certainty by removing discretion over the application of existing acts. The Premier was aware at that time of the idea that we would override things such as public interest discretion. I think the farmer's veto still exists under the Mining Act. The veto was considered to have restricted exploration in Western Australia. I am not sure whether it has been removed.

Mr C.J. Barnett: No, it is still there. It has probably restricted gold exploration in the south west. There's a lot of gold that is just sitting there because no-one is going to go and explore for it.

Mr P.C. TINLEY: It will not happen until somebody finds a way to keep the grapes alive while they do it!

The Worsley state agreement gives jurisdiction to the Mining Warden to dispense with the requirement for the landowner's consent, when it is unreasonably withheld. The state agreements can override other provisions, and we must be mindful of that. The Premier raised the issue of the south west. There is still an active group talking about mining coal in the south west, and trying to find a way to preserve everything south of Sues Road as a special jurisdiction that will never be exploited or explored. These are issues that future governments will have to consider as resources become harder to find and require deeper and harder technology.

[Member's time extended.]

Mr P.C. TINLEY: I turn to the idea of local content. I remember that the Western Mining Corporation agreement for Mt Keith contained some very strong downstream processing requirements that Western Mining had to try to get out of. The bureaucracy pushed very hard to ensure that the company, as a developer, stuck to those requirements, even though some of the things it wanted to get out of in that specific state agreement were catered for in other areas. The company made the case at the time that it already had processing facilities at Kwinana and Kalgoorlie that should be taken into account. The issues around these types of things make me wonder whether it is not time to consider the true cost-benefit analysis of state agreements and look for some alternatives by amending existing legislation and/or by coming up with a clear idea of what else is happening around the world that might be better applied to meet those three criteria, to give certainty to developers of the project and make sure that the state's interests are managed and the government has control over the particular development and can exercise some discretion over the flexibility applied to it.

When we come to the cost-benefit analysis and we talk about things such as local content, we face significant difficulties in evaluating a major project that has so many intangibles. This is a very good example. We simply do not know. The Canning Basin could prove to be one of the easiest exploration and exploitation projects when it goes into its production phase or it may well be a massive headache for us because it is so easy to release the gas, and it has great results. In fact, some of the numbers that are being talked about refer to petajoules of gas being available to us. That will be another issue again.

I was looking at one of the previous iterations of the Productivity Commission examining the costs and benefits of state agreements. The Industry Commission is a predecessor of the Productivity Commission. An article I referred to states —

The Industry Commission ... reported a tendency for government use of multiplier analysis to overstate the benefits flowing from projects. The analysis often failed to take into account the opportunity cost of a project. A decision may also be influenced by the incentives of the government agency recommending the adoption of a State Agreement. The DOIR —

That is, the former Department of Industry and Resources —

which assumes this role in Western Australia, has significant responsibility for the facilitation, negotiation, regulation and management of State Agreement projects. When making a recommendation, the DOIR is implicitly evaluating the performance of the agreements it manages. It is in a position of conflict.

That is indeed the case. The article continues —

Ultimately the greatest obstacle to the accurate evaluation of a State Agreement is the insulation of agreement provisions from demand and competitive pressures.

Demand and competitive pressures will always be in attendance, and will blur the lines defining the true value of a state agreement. When the Premier responds to the second reading debate, I would like him to say how he believes this agreement, as it stands, will attend to future return. There is nothing in this state agreement that would lead me to believe that the state will have the capacity to understand the true value of the resource, and the likely outcomes for a direct return to the state of Western Australia in royalties and/or downstream support, in the form of local content. These are commitments that have been in previous state agreements, and I would like to see them put into this one.

To recap, the concerns I have are that state agreements of themselves can be inefficient and unwieldy. They do not articulate the full value and we have to use a significant amount of guesswork to identify the true value of a particular agreement in the developer's proposition. They are also used as a legal efficiency, to overcome so many other acts that are there for specific purposes and are being waved away. The power of veto for landowners and public interest provisions are being waved away on the basis that a state agreement overrides them. By the Premier's own words, in an interjection on the member for Cannington during debate on the original Natural Gas (Canning Basin Joint Venture) Agreement Bill in 2013, the government does not need Parliament to even ratify an agreement. Now that would be interesting. The only option available to Parliament is to reject it—not modify or amend it. If it did so, according to the words of the Premier—I do not know whether he was speaking in a fit of pique—we do not need Parliament to ratify this particular agreement, because the agreement is signed and the government, in its crown right, has undertaken and bound the state to it. I have real questions about that statement about the sovereignty of Parliament and whether Parliament is in fact even redundant in this process. Again, that further underscores what I believe is becoming an arcane process in the use of state agreements.

On that basis, we are now, less than two years after ratifying the original state agreement, amending it, basically to give the proponent more time to do its homework and identify the quality and capacity of the resource. I hope that we do not have to come back again in two years to amend it, as we had to do with the state agreement for Barrow Island to give the proponent a further 35 hectares of space to lie down. The key issue I have with this agreement is whether it should have been further amended to ensure that there was no necessity to come back to Parliament. Clearly, the government does not see the need for Parliament when it enters into an agreement—certainly, the Premier does not. It is legally efficient in so much as it can override everything else—in for a penny, in for a pound—without any oversight, it would seem.

As we have said, the opposition supports this amendment bill. We wish the proponents well. As I said, Buru Energy has undertaken significant risks. Mitsubishi Corporation, which is a massive player in the resource sector and a long-term investor in Western Australia, of course has backed it. I am not sure that they would have been as strident in their attempts to exploit this field had they not had the state agreement. I put it to the government that we probably need to have a wideranging review of the impact and value of state agreements. It would be a worthwhile body of work, even if we did nothing. We have had state agreements since the 1950s. We have had as many as 70 on foot at any one time. We currently have 60 active within the state. I dare say that we would have more state agreements than any other jurisdiction in Australia, and probably the world, but certainly in Organisation for Economic Cooperation and Development countries. It is not an immature or fledgling jurisdiction. We need to consider a wideranging and deep review to ensure that state agreements of the future deliver on the three ambitions of these sorts of things, while also protecting the interests of the people of Western Australia.

MR C.J. TALLENTIRE (Gosnells) [11.33 am]: I rise to speak to the Natural Gas (Canning Basin Joint Venture) Agreement Amendment Bill 2015. I begin by observing that the need for this extension to the agreement must in some way be due to the fact that the companies involved have struggled to communicate to the local communities and the broader Western Australian public the merits of their particular proposal. There may also be issues around the financing and the technical feasibility of the project. However, fundamentally, we have a problem in Western Australia at the moment with community support for the particular project that has been proposed and, in general terms, the broader community has a lack of confidence in projects that relate to shale gas fracking. I think a reason for the extension of this state agreement is to give the companies the opportunity to eventually convince the Western Australian public of the merits of their proposal. I think the

government is doing a particularly poor job. I am critical of the companies as well; I do not think any of the companies involved in shale gas projects are doing a particularly good job in allaying community concerns. However, the government in particular is doing an outrageously poor job, and I will demonstrate that point.

The Minister for Mines and Petroleum in this place has accused protesters of sabotaging wellheads in the area, and he made a big point of that. He made a statement in this place accusing protesters of sabotaging the various wellheads. I have received advice—I note that the minister is representing the Premier in the chamber at the moment, so I hope he will be able to comment on this issue—from the director of Environs Kimberley, a well-known and well-respected community environmental group operating out of Broome that has taken a key interest in all things to do with the Buru Energy proposal. The director pointed out to me that in 2013 a gas leak occurred at the first well to be fracked in the Kimberley at the Yulleroo 2 project. The Minister for Mines and Petroleum denied in Parliament that there was a leak in 2013 at Yulleroo 2, so that is on the *Hansard* record. Environs Kimberley found, through various freedom of information requests and information, that the Minister for Mines and Petroleum eventually admitted that there was a leak in 2013, and again that is in *Hansard*. The minister also admitted in Parliament that the first well to be fracked in the Kimberley had leaked in 2013 and had not been inspected by officers from the Department of Mines and Petroleum since 2008. Seven years went by without any form of inspection by the DMP. Then a leak was found in the same well in 2015, but at that time Minister Marmion blamed a third party protester for the damage without any evidence of that being the case. The minister saw fit to blame protesters for the leak in 2015 but has been unable to provide any evidence of that. It is outrageous that the minister refuses to defend his accusations thrown at community members, yet he leaves the chamber. I think that is disgraceful.

Mr C.J. Barnett: A valve was smashed open and the gas was just left to emit into the atmosphere.

Mr C.J. TALLENTIRE: I have just gone through that. Unfortunately, the Premier has only just re-entered the chamber. The gas leak was first detected in 2013. This information was provided through a freedom of information request. Initially, the Minister for Mines and Petroleum denied that there was a leak in 2013 at the Yulleroo 2 wellhead. Then, through FOI, and later recorded in *Hansard*, it was confirmed that there was a leak in 2013. The minister then admitted in Parliament that the first well to be fracked in the Kimberley had had a leak in 2013, and we found that it had not been inspected by DMP officers since 2008. There also was a leak in 2015—I will go into this in a bit more detail so it will assist the Premier—that Minister Marmion blamed on protesters. He came into this place and talked about sabotage, even though that wellhead had not been inspected for seven years. The information from Environs Kimberley states —

The 2015 leak was found by a concerned member of the public and this was reported in the media. It is now my understanding that the DMP and police do not have any evidence that the claimed damage to the wellhead in 2015 was actually done by a 3rd party. A person has been charged with trespass in relation to filming the leak with a gas meter.

This responsible citizen—a community member—went out to a wellhead to record the leaking that the Department of Mines and Petroleum should have been on to, and the Minister for Mines and Petroleum saw fit to accuse that person of sabotage. A responsible, community-minded person went out there to point out a failure on the part of the company and the Department of Mines and Petroleum to detect a leak, and that person has been accused of sabotage. It is disgraceful. No attempt has been made by the government to correct the record on this matter.

Mr C.J. Barnett: I do not know about the individuals, but it has been concluded that the leak was the result of a significant physical impact on the valve, not something that could have occurred just by deterioration. So, someone or something gave that valve a whack with something pretty heavy. That is what happened. That is what was concluded.

Mr C.J. TALLENTIRE: That is what the Premier is claiming, but there no evidence of it. The information I have is that there is no evidence of it.

The fact is that the department failed to inspect that wellhead for seven years. That is where the failure was. If the department does not send officers to inspect things, how can it then be claimed that everything is working well there? This leak occurred in 2013. Was there any question that there was some sort of attack or sabotage involved in the 2013 leak? I do not believe there was. In 2015, the Premier claims it was the result of some sort of sabotage, yet he has not provided any evidence. The Premier is claiming it was the result of some sort of bashing of the wellhead, but there is no evidence of that. The only charge that has been brought forward is a charge of trespass, and that was on someone who wanted to film the leak.

Mr C.J. Barnett: No; the report on physical damage has been forwarded to the police. That is where it is currently at.

Mr C.J. TALLENTIRE: What charges have been laid?

Mr C.J. Barnett: No; the report of physical damage to the valve is being concluded and forwarded to the police.

Mr C.J. TALLENTIRE: It is a claim the Premier is making. The only charge that has been laid is of trespass. There has been no charge of vandalism.

Mr C.J. Barnett: I am not talking about charges—you are. The evidence of physical impact and damage is about to be forwarded to the police—it will be. They will decide —

Mr C.J. TALLENTIRE: It is about to be? That is convenient. The Minister for Mines and Petroleum came into this place, claimed acts of sabotage and almost named someone as being a saboteur, then it turns out that they were there filming a leak. That is not the same thing. The Premier is playing around with the facts.

I go on with the information I received from Environs Kimberley, which reads —

What is really incredible is that in response to questions in parliament, Minister Marmion says that the last time the Yulleroo 2 well was inspected prior to the January 2015 leak was in 2008. So despite this well having been fracked in 2010 and leaking in 2013 it wasn't inspected for 7 years.

We have also done 6 FOI's on the proposed fracking just to get basic information. Much information has been denied, redacted or only available for viewing under supervision in the Department of Mines and Petroleum's offices.

Environs Kimberley is trying to get the facts on this so that it can counter the Premier's false claims. All it is receiving is redacted FOIs. It gets its information back and it is heavily redacted, so it is not in a position to provide the full facts it wants to gather. The only thing we know is that only one charge has been laid—a charge of trespass; what an outrage! That was a charge of trespass against someone who was just doing what I think was actually a very responsible thing in filming the leak by way of a gas meter. I think they must have had some sort of device that could detect the amount of gas coming out, and they were filming it. Surely that is a responsible thing to do, yet this government sees fit to accuse them of trespass.

It is highly responsible to point that out when the department cannot even get its own staff to go out there and detect leaks. Staff did not bother to go there for seven years. Gas was leaking in 2013 and 2015, so people went out there with their meters and detected the problem. They are effectively doing the job that the government should be doing. The government failed to do that job, and then the Premier accuses those people of trespass. That is where we are at on community liaison. An incredible controversy is brewing around shale gas fracking in the Canning Basin and the midwest and south west regions and this is the best the government can do. When we would think the government would be intent on allaying community concerns, all it does is accuse people of trespass when they go out with their gas meters. That is where we are at.

That brings me to the Labor Party's approach, which is to recognise the very high levels of community anxiety on the subject of shale gas fracking. I am pleased to say that at our state conference, held in the middle of this year, we had the following part of our platform revised. On unconventional gas and fracking —

WA Labor condemns the Barnett Government's risky and reckless approach to shale and tight gas fracking, which is not supported by the WA community, and is not based on rigorous environmental assessment or adequate regulation. This approach puts groundwater, farmland, communities and public health at risk.

WA Labor acknowledges that communities have expressed strong opposition to gas fracking in their regions.

WA Labor supports a scientific approach to the regulation of fracking, and will conduct a public inquiry to examine environment, health, agriculture, heritage and community impacts (including full analysis of lifecycle greenhouse gas emissions) prior to any fracking activity (including future exploration).

WA Labor will place a moratorium on the use of fracking until such an inquiry can demonstrate that fracking will not compromise the environment, groundwater, public health or contribute adversely to climate change.

WA Labor supports strong, enforceable measures to protect groundwater aquifers from pollution, contamination or depletion by industrial activities including the oil and gas industry.

WA Labor will target renewable energies in order to combat climate change and diversify regional economies to create employment opportunities.

Does the Premier want to say something?

Mr C.J. Barnett: I was just going to ask whether that policy includes a moratorium on current fracking programs.

Mr C.J. TALLENTIRE: It is pretty clear that we want an inquiry to look into such things as leaks from existing wells. If we have a regulatory framework that cannot provide some degree of protection from leaks from wellheads that are there at the moment, we have a serious problem. Regulatory failure is occurring. The Premier

has done the whole industry, I think, a great disservice by saying, “Oh well, the regulatory framework the DMP has can deal with this at its present level.” The Premier has now agreed that there should be a full environmental impact assessment, should a project ever be scaled up to a commercial size. That position makes sense, but because the Premier has done such a brilliant job of putting the community offside in the Kimberley, the midwest and south west, there is clearly a need for a very extensive public inquiry. There are leaks at the moment, we cannot even get inspectors out there in less than seven years—only then under duress because a community member has detected a leak—and it is clear that there is a real failure.

The Standing Committee on Environment and Public Affairs of the upper house released a report, entitled “Implications for Western Australia of Hydraulic Fracturing for Unconventional Gas”, a matter of days ago that makes reference to the potential scale of the gas in the Kimberley. I understand that, yes, there will be a state agreement act, but it is an important way to look at this resource. The upper house inquiry claims that there are 225 trillion cubic feet of recoverable shale gas. I do not know exactly what that figure means, but I assume it is a massive amount of gas. That figure comes from the United States’ Energy Information Administration’s analysis and projections in its 2013 report “Technically Recoverable Shale Oil and Gas Resources”. It is an assessment of 137 shale gas formations in 41 countries outside of the United States. That is obviously a well-researched, technical document, and one that would be reliant on the very best geological survey work. I understand that Buru Energy currently has four wells that it is responsible for, and those wells have in some way been used to size up that area or that reserve as being around 225 trillion cubic feet of gas. Buru is still in the exploration phase, so I do not know how accurate that figure is, because the nature of these projects is such that we need to do some background work to check the size of them.

[Member’s time extended.]

Mr C.J. TALLENTIRE: The report of the upper house Standing Committee on Environment and Public Affairs is very interesting. One of the issues that the committee looked at in some detail was social licence. I fear that social licence is being eroded very badly, with attacks being made on people who simply want to be part of an investigation into a gas leak. I think that will only further damage the prospect of companies in the Canning Basin gaining that social licence. That is particularly damaging for the companies involved and for what we might describe as a nascent industry.

The report highlights that the negotiations with the traditional owners of the area, the Yawuru people, are ongoing, and that there have been some tensions in the relationship between Buru Energy and the Yawuru people. It notes that the Yawuru people are the traditional owners of an area of approximately 530 hectares, which covers the Roebuck Plains area and the Thangoo pastoral leases in the Kimberley—it is Yawuru country. It notes that 32 communities in the Kimberley are involved in consultation. It highlights also the concerns of the Yawuru people. The Yawuru are concerned about the lack of information that is specific to Western Australia. It seems that a lot of the information that is being used to support fracking and allay community concerns is not Western Australian-specific but is generalised and comes from the United States and other shale gas provinces. There is a lack of familiarity with the industry, and that is natural enough. There are fears that the groundwater or the land will be contaminated by the chemicals that are used during hydraulic fracturing. There is also a desire to be meaningfully included in the process. Those are some of the key concerns of the Yawuru people as highlighted in the report of the environment and public affairs committee.

I want to deal now with the potential for groundwater contamination. Recommendation 7 of the committee states —

The Committee recommends that the Government ban the use of benzene, toluene, ethylbenzene and xylene during any hydraulic fracturing operations undertaken in Western Australia.

These are some of the chemicals that we find in the so-called “slickwater”, or fracturing fluid. These chemicals enable the water to get into the cracks and crevices in the rock so that when it is pressurised, the rock cracks, and that leads to the gas being squeezed out. Why we would ever want to contemplate using those chemicals is beyond me. There may be technical reasons for why those chemicals need to be used in the fracturing process. However, we need to find alternatives to those particular chemicals and thereby eliminate the risk of groundwater contamination. I note that the Buru Yulleroo 2 wellhead is very close to the groundwater supply wells for the town of Broome. Therefore, I can understand why there is great community anxiety about this matter.

If we were to find a potential shale gas province in an area in which the groundwater was very saline, was already contaminated in some way, and was not potable, I wonder whether there would be the same concern about the composition of the fracturing fluid and the potential for groundwater contamination. However, from what I hear, the areas in which it has been determined that it is commercially feasible to extract shale gas are areas in which the groundwater is very precious and of a high quality. That is certainly the case in Broome, and it is also the case in the midwest and the south west. Therefore, until shale gas can be found in areas in which there is no concern about the potential for groundwater contamination, we will have to constantly ask the question: what is the potential for groundwater contamination, and what will be the consequences of that?

Naturally, the Yawuru people are asking that question. The report from the environment and public affairs committee states in point 10.17 —

Negotiations with the Yawuru people are ongoing and the process continues to evolve. The Committee will follow any future developments with interest and with the expectation that a mutually beneficial outcome can be reached in a timely manner.

That comment from the committee suggests that there is room for manoeuvre and that the Canning Basin project can be done with support, eventually, from all the traditional owner and claimant groups in the area.

I want to highlight a few of the other recommendations in the committee report. Recommendation 10 of the committee states —

The Committee recommends that baseline monitoring of aquifers and the subsequent publication of this data be a mandatory condition of all approvals for hydraulic fracturing operations in Western Australia.

The baseline data on aquifers is something that we have been desperate to get for many years. However, I think the Department of Water struggles to get the resourcing that would enable it to get baseline information about the water quality today so that we will know in the future whether it has been contaminated. I have concerns about that approach, because it strikes me that once we get contamination of groundwater, there is no going back. It is a matter of knowing what is there now and appreciating that we have a high-quality groundwater resource in a particular aquifer, and asking whether it is best to extract the shale gas and risk contaminating that groundwater reserve, or not to extract the shale gas because it poses too high a threat to the groundwater. There is a lot of conjecture about the likelihood of contaminating the groundwater, because people say that the groundwater is 100 metres, 200 metres or 300 metres below the surface, whereas the shale gas is 2 000 metres or 3 000 metres below the surface. However, the fact is that there is a series of drillings through that groundwater. People are concerned that because a high degree of pressurisation occurs in the fracking process, there may be a breakage, and if that breakage occurs in the zone of a well casing and there is contact with the groundwater, the groundwater may be contaminated. That is the fear.

There are also fears that the methane in the shale gas could be fractured in a way that allows it to potentially percolate up from depths of 2 000 or 3 000 metres into the groundwater zone. I do not think that is as high a risk as the risk of some form of contamination via the well, which is an issue people want to know about. These are discussions we should be having. However, so long as we have issues about the detection of leaks and the failure of the department to be properly involved in leak detection, and accusations of sabotage when there is no evidence of anything of the sort, I think we are setting ourselves up for an even higher degree of community anxiety about this issue.

I know of a company, which I think is called unconventional gas—I have forgotten its exact name—that has begun prospecting in the south west. As soon as people heard the company's name, they were worried that the company's prospecting would lead to a whole lot of shale gas fracking in the south west. I can only guess the government's intentions with that operation. It is a general failure on the part of government and the companies involved that they have not allayed community concerns, and that has taken us to the point at which community anxiety is only heightening.

I want to highlight a couple of the upper house committee's recommendations. Recommendation 8 states —

The Committee recommends that the Department of Mines and Petroleum's policy of public disclosure of chemicals used in any hydraulic fracturing activity be formalised in subsidiary legislation.

I think that is a very worthy recommendation, because people want to know what chemicals are in frack fluid, so that they can see what the real risks to groundwater might be. The idea that frack fluid is somehow protected by intellectual property or copyright provisions does not make sense. I understand that it may be a unique cocktail, but to describe it as such is only going to add to community alarm about the nature of that fluid and the risks that it might pose.

I understand that the companies involved need this extension of time to prepare their case and that is why this legislation extends this state agreement act. If we give the joint venture more time, perhaps it can work towards allaying community concerns; however, on the evidence so far, it seems that with the passage of time, people are becoming more concerned.

MR M.P. MURRAY (Collie–Preston) [12.03 pm]: I rise to speak on the Natural Gas (Canning Basin Joint Venture) Agreement Amendment Bill 2015 because of the number of people who have emailed me, walked through my office door or caught up with me at barbecues and social functions on the issue of shale gas fracking. It is a tremendously discussed issue in the community, and one that people are not comfortable with at all. In fact, most people very strongly oppose fracking. Maybe that is because all the science has not been worked

through or, as we heard from the previous speaker, that the chemicals used for fracking are banned in many areas, such as public waterways et cetera.

Even though this legislation refers to the Canning Basin area, I want to talk about fracking in the south west. When permits for fracking were issued in the south west, straightaway there was an outcry from residents. I would like to remind the Premier about what happened when there was a community outcry about a potential coalmine in the Margaret River area. The Premier very quickly put the coalmine idea to rest by saying that there would be no coalmines in the south west. Why does the Premier not do the same thing about fracking in the south west, given that there is such community concern? If it is good enough for one, it is good enough for the other. The government cannot pick and choose industries based on the political climate in those areas. When the coalmine was proposed, the member for Vasse was Troy Buswell, and I am sure that he influenced what happened down that way. I do not think we can play politics with this issue. To me, this bill is a forerunner for what will happen in the rest of the state, and that is why I am voicing my concerns. Each area should be treated differently. Look at the uniqueness of the south west, with its forests, rivers, waterways and the very deep Yarragadee aquifer, which is not just a couple of hundred metres deep; in some cases, it is 1 000 metres deep. That is very close to where fracking would take place. I think that is where we need caution; no, more than caution—we should just not approve fracking there.

Previous attempts to get tight gas out in the south west and around the Busselton area in the Whicher Range have been well documented. In the most recent attempt, old technology was used that failed to release the gas. In some ways, I think that getting a company up and running to drill down there was a bit of a snow job; it did not work. I have been told that the company's very early attempts at fracking have now ruined the area for ordinary conventional gas drilling, because the drills jam and cannot get through the previously fracked area because the strata has been broken up. The area is now unviable to drill for conventional gas, which is something people thought could happen in the future. People in the south west have held numerous meetings and film nights. I am not talking about a radical few—I am not talking about that at all—I am talking about communities where people pack the hall out to hear what fracking is about and to voice their protests. I believe that we have to be very, very careful about fracking in the south west.

I am very concerned when the words “there will be community consultation” are used. I see using the words “there will be” as very dangerous. Just recently, in this house, the government failed miserably to consult on the sale of the Perth market area. When I asked the Treasurer about his consultation with south west growers, he said he had had none. If that is the leadership we have, why would these companies even bother to have community meetings? They will be snow jobs at best. It really concerns me: when a government cannot lead by example, why should a company be made to do the right thing? I do not think that there will be community consultation; I think that this will be another issue that is a pain in the government's rear end. It will say, “Let's get it done” and then it will go through the process, but it will not listen to people, because it wants to move on and get companies fracking in the south west as soon as possible. To me, that is a very dangerous practice.

If fracking is to go ahead, we have to be stronger than that and make sure that community meetings, run by people with a vested interest, are fair and equitable, so everyone can have their say. I have been to many community meetings on different issues over the years and I have seen that if people dare to stand up with a strong view against companies, they are shouted down. They do not get another chance to speak, because even if they put up their hands to have a say, they are never picked. We know those rules of debate; it is what happens when companies do not want to hear the nasties from the floor. They do not ask them to stand up; in fact, they shout them down. A concern is that there is not enough strength in the bill to ensure that the community is heard, probably when it is at its most volatile and strongest in that area. It is interesting to note that just recently, a company situated just north of Perth put out a press release stating that it was pulling out of that area—I think it was in Gingin or it might have been in Jurien Bay—because of public perception and pressure from the people in that area. Again, I am not too sure whether that was totally right or whether they had failed in what they were trying to do. I think it was a bit of both. The company has moved to another area. As I have said, the permits that have been given in the Capel–Bunbury area have caused huge concerns in my electorate and to the people of Bunbury. I am just very, very concerned that this bill is a forerunner that will then be laid over the top of that area. I ask the Premier to address this in his reply to the second reading debate, and that, the same as he did with the anti-coal mining group in this area, he will listen when people stand up in the public arena and say that they do not want fracking in their area. What is the point of having a government if the government is not going to listen? However, this government seems to be going down that track most of the time.

I am not going to go on and on because I do not want to be in a position of being called a hypocrite because I come from the mining industry, but I believe that this is different. If anyone wants to come down south, I will certainly take them on a tour of the rehabilitation that has been done of the coal mining landfill areas. They are second to none and have won many, many awards Australia-wide for the rehabilitation that has been done. This is quite different, because we cannot see it physically—it is down under the ground. Although there have been many sketches and drawings of it, we cannot see it ourselves physically, so we do not have the same vision of

what actually will happen down there or what chemicals are being used, might be used or should not be used. How will we get to test for them if, as a previous speaker said, people are being fined for trespass when they go to test even for gas? Imagine trying to test for the chemicals that are there; people will certainly be hammered for that. One of the bills coming before the Parliament is about civil disobedience, which I suppose could include locking oneself to an object or doing those sorts of protests and for which people will be able to be jailed straightaway. We have to be very careful and make sure that everything is in order even before we start. We have had some false starts in the south west and we do not need another one. What we need is genuine consultation with the community, and if the community says no, we should listen to it.

MR W.J. JOHNSTON (Cannington) [12.13 pm]: I am the lead speaker for the Labor Party on the Natural Gas (Canning Basin Joint Venture) Agreement Amendment Bill 2015. I want to start by saying that the reason I was not here when the debate on this matter started this morning was that I was at the first ever market day for the education support school network in the southern suburbs at the Canning Exhibition Centre and Showgrounds. That is a great initiative of two of the teachers there, supported by a large number of the education support schools in the southern suburbs. Andrew Wilson, the principal of the Cannington Community Education Support Centre, is the network principal—I think that is the proper term—for the 24 education support centres in the southern suburbs. Earlier this year one of his teachers suggested to him that they have a market day at the school. They did that as a trial and now, because of its success, those schools have combined for a market day. They kicked that off at 11.00 am, so I was in my electorate this morning with the parents, teachers and students and some community members in the southern suburbs at the Canning Exhibition Centre and Showgrounds and was able to officially welcome everybody along to the first ever market day, which will run until this afternoon. I wish all those schools the best for their efforts in providing an education that allows all students in Western Australia to reach their full potential. The Cannington Community Education Support Centre does a great job under trying conditions because of the budgetary arrangements for the education support centres. On another day I will go through all the details of why the budgetary situation for those schools causes great difficulties for their operation.

Today we are talking about the Natural Gas (Canning Basin Joint Venture) Agreement Amendment Bill 2015, which ratifies amendments to the state agreement between the state of Western Australia and Buru Energy Limited, its partners and Mitsubishi Corporation. The state agreement concerns the Canning Basin in the Kimberley and allows the joint venturers to see whether they can discover and exploit that natural gas endowment. When the original agreement was introduced to the Parliament, it was actually quite an unusual situation, because it was read in during the last week of Parliament in 2012 immediately prior to the calling of the election and the proroguing of that Parliament. It was an unusual situation for the government to bring in legislation to ratify a state agreement when the bill was never going to be debated. Indeed, it was not debated at that time. The legislation was reintroduced in 2013, obviously in a new form because the 2012 bill had lapsed with the proroguing of Parliament. The bill was declared an urgent bill and we had to rush the debate through Parliament. Interestingly, a number of issues were raised at the time by the opposition on behalf of the community about that state agreement for the Canning Basin. I will just highlight one particular issue, which was the fact that we were fixing a systemic problem but only for this one joint venture.

As I highlighted in my commentary on the bill at the time, the issue is that the current lease management system for oil and gas exploration does not suit unconventional gas resource exploitation. With exploration leases, companies are given a certain period in which to exploit it and they can then get an extension, but for further extensions, they have to give up 50 per cent of the area that they have pegged. That is not a problem when looking for a conventional gas reservoir, because the exploration focus will continue to be narrowed. They might think that there will be some gas in a particular geological structure, so they will go and look. As they get more and more information, they narrow the focus to a smaller and smaller part of their lease, trying to find where the actual reservoir sits. However, with unconventional gas and shale gas, the difficulty is that they probably know that the gas exists in the shale, but the question is whether the gas can be extracted from the shale in an affordable manner. Obviously there is lots and lots of gas in the world, but that is not the issue; the issue is whether the gas can be taken out of the ground at a cost that matches the price.

The challenge for the title management arrangements of unconventional gas exploration companies is very different from the issues that surround other companies looking for conventional gas deposits. We have given the benefits to the joint venture partners for this state agreement that do not exist for other companies that are looking for shale gas in the Canning Basin. It is good for the joint venture partners to have this arrangement, and, indeed, it may well be considered a superior arrangement for the exploration of unconventional hydrocarbons. If it is a better system, it should be available equally to all participants in the market, otherwise we are giving an advantage to one business over another based on the capricious action of Parliament. That does not seem to be a fair way to proceed.

The second issue that I want to highlight from the commentary provided by the opposition on the registration of the original agreement is the question of the future acts under the native title legislation. Remember that we only had 182 hours between when the government declared the bill urgent and the debate coming on for us to consult

with the community, which included 48 hours of a Saturday and a Sunday. The other point I want to make is that Indigenous leaders said to the opposition that, in their view, this bill was trying to override their rights to negotiate future acts. I will explain why. Under the normal native title management arrangements, the titleholder would need, as I said, to seek an extension of their title after the end of their initial title period. The Indigenous community believed that the point of negotiation of the extension of their entitlement would be a future act and would therefore trigger Indigenous rights to negotiate those leases again. However, the reading of the agreement between the state of Western Australia and the joint venture partners here would seem to not allow for further negotiations between the claimant parties and the companies. Therefore, the Aboriginal people advised us at the time that their view was that this legislation was ultra vires of the national native title legislation to that extent. I make the point that that is a potentiality. I am no lawyer and I am certainly not a judge, so I am not saying that the legislation is defective in that way. I am highlighting that that is the advice that the Labor Party received.

At the time that the original legislation went through Parliament, we made two points about it. Firstly, we were not going to cause any sovereign risk and this was an agreement that had been validly entered into between the government of Western Australia and the commercial counterparties. It was not in the Labor Party's interest to try to disturb the longstanding practice of this state of recognising the need to completely eliminate sovereign risk. Therefore, we were not going to seek to try to move amendments or otherwise deal with the terms of the agreement. People have to understand that when a state agreement comes to us, we have a bill and an attached schedule. Although there is absolutely no doubt of the capricious power of Parliament to amend the schedule if we chose to, that would then instantaneously create enormous sovereign risk in the state of Western Australia and we are not in that business.

Therefore, we chose not to do it and I say again that we choose not to do that even though there is no question of the sovereign power of Parliament to do it. That is why we never sought, and we are not seeking today, to amend the schedule; that is not going to occur. We do not do that. The point we made is that we were relying on the government's advice that we received incorrect advice from the Indigenous communities because—this is exactly what I said two years ago—if this matter is ever litigated in the High Court or elsewhere and the High Court finds in favour of the argument put to the defence by the Indigenous communities, this bill will be set aside to the extent that it is in conflict with those principles under the national native title arrangements. Again, we put that all on the record. It is no news to the government, it is no news to Buru Energy and it is no news to Mitsubishi Corporation because it is a well-established position of the Labor Party; I am simply stating facts.

Unlike the National Party, which is currently in debate with its Premier and its other cabinet members, we recognise the importance of eliminating sovereign risk. That does not mean that we are not going to critique the government's performance in negotiating this or any other state agreement, but it is a different issue trying to undermine or undo negotiations that the government has concluded. We will not do that; we always reserve our right to point out when we think that the government has got things wrong, but we will not try to create risks for investors in Western Australia based on any capacity to undermine those agreements through the processes of Parliament, and, indeed, the processes of cabinet. I would argue that if the government of Western Australia has entered into an agreement properly and through due process with a proponent, or is executing an activity that is contemplated by a state agreement, it is then a sovereign risk for a minister to refuse to implement the decision of the government. Perhaps the Premier will agree with me on that issue!

We want to make sure that when we are dealing with investors in Western Australia, we give them a secure environment. We always hold our rights to make sure that, for example, as environmental standards evolve over time, the regulation of environmental management evolves over time and as we recognise that health and safety standards evolve over time, we need to allow that. That is why modern, contemporary state agreements do not set aside the other laws of the state. A lot of agreements specifically state that they were to be read to override, but that is not a contemporary approach and when the former Labor government was in power—not that I was a member of the Labor government; I was not even in this place at that time—it took the view that we should not be overriding the other laws of the state. There should be specific agreement about the issues around a project that are subject to the general laws of the state. That is a contemporary approach and I acknowledge that the Natural Gas (Canning Basin Joint Venture) Agreement Amendment Bill 2015 is framed in that way. I am just making the point that there is a difference between the operation of the general laws of the state and why they are different from the terms in an agreement; one is not a question of sovereign risk and the other is, because if investors have agreed, they have agreed. It could be a good deal or it could be a bad deal, but it is still the agreement and it needs to be recognised in that way. The investors in this arrangement have the right to expect the state of Western Australia, no matter who happens to form the government, to be a trustworthy counterparty.

I recently had some discussions with people in the forest industry about the government's sale of softwood forests in Western Australia and the potential risks to state agreement rights that that sale may expose that industry to. There will be incredible and difficult-to-manage risks in going from having as a counterparty the state of Western Australia to an unknown future purchaser of the softwood forests. That is a potential difficulty and sovereign risk problem for the forest industry, which has state agreements in place here in

Western Australia. They are arguably some of the most successful state agreements in that they are based on a renewable resource rather than a natural endowment that must, over time, be exhausted. Even though the total amount of natural resources in the world may continue to increase as we get better and better at finding them, any particular deposit of natural resources is going to be depleted over time. At least the softwood forests in the south of the state are a genuinely renewable product if they are properly managed.

I turn now to another issue in respect of the joint venture. Having gas in the ground is not the same as having a project, and the companies involved are intensely aware of that issue. If we look at the offshore industry, the Browse fields were found 35 years ago. Everybody understands that the Browse field is a world-scale gas field, but the companies that found it argue that in 35 years it has never been a commercially viable project. At the moment when we read in the newspapers and business media about the Browse project, there is all this commentary that people still do not think it is a viable project. I know that is not necessarily the view of the current proponents who are in the front-end engineering design process to see if they can get it to work, but I make the point that just because we have gas in the ground, it does not mean we have a commercially viable project. Indeed, having gas in the ground when the Japanese import price of gas is \$20 a unit is completely different from now when the Japanese import price is about \$7 or \$8 a unit. These projects go up and down.

Interestingly, I recently attended a presentation by one of the super majors and the point was made that they are not too worried about whether they make a return on any individual field in any individual year, because they have the resources and the balance sheet to make their project work over the life of the project. If they have a 25 or 30-year project, they take their return over that period, so even if they are not making money out of a specific project in any 12-month period, it does not necessarily stop them investing in the project if they think that it is going to return them money over the long term. On the other hand, there are smaller players such as Santos—the one that is talked about most in the media—with its Curtis Island project. That company is in desperate need of additional capital, so there is debate in the media about whether it might have to sell some of its first-class assets to fund continued investment in Curtis Island until it is fully ramped up. The question then is: even though it might make money over 30 years, how is it going to work out if the company cannot survive the next 12 months? The super majors are not in that position because they have such massive balance sheets they can survive one or two years underwater.

That is an interesting issue, but in respect of the Canning Basin agreement, whilst Mitsubishi might have a massive balance sheet, that is certainly not true of Buru Energy. Just as an example, I am advised that there are estimates that the great northern gas pipeline that would be required to bring this project to fruition would cost \$450 million, and it clearly may well end up costing a lot more than that; these things usually do. Buru is clearly not in a position to fund that, so it would have to get somebody else to help it; that is the way these things work.

To get back to the resource, having gas in the shale at these enormous depths in the Kimberley is not the same as being able to produce gas at surface; the company would have to prove up the gas. With a conventional gas field, having found the reservoir, it is relatively easy to do all the testing that is required and all the other things that engineers and geologists understand that I do not fully understand, and work out whether they can get the gas out and how fast it will come out. However, the issue with shale gas is that although the natural gas might be exactly the same as the natural gas that comes out of a conventional reservoir, they have to get it to flow. The gas is in the shale because over millions of years it has not left the shale. That means that the gas must have been there to start with and there must then have been some geological development over tens of millions of years that allowed a cap above the shale so that the gas could not leak out. Methane is actually very light, and if there were nothing to prevent it leaking out of the shale over millions and millions of years, it would actually evaporate and there would be no gas left in the shale. That is the reason we do not have—to my knowledge—any coal seam gas in Western Australia like they have in Queensland, because the methane has over millions of years evaporated out of the coal measures in Western Australia. If there were no cap above the shale in the Canning Basin, there would be no gas in the shale because the gas would have evaporated over millions of years. That is one of the reasons we can be confident that when and if the commercial players decide to start extracting the gas, the gas is not going to leak out other than through the well bore. If it were going to leak out, it would have already, because it has been there for tens of millions of years. That is one of the good things about shale gas. Of course, that does not mean it cannot leak out through the well bore, and there are a whole range of other issues related to that.

Of course, gas from a conventional reservoir can leak out of a well bore; we saw that in the Varanus Island disaster off the Kimberley coast and we saw it most spectacularly in the *Deepwater Horizon* spill in the Gulf of Mexico. Sometimes companies say, “Trust us; we know what we’re doing.” The problem with that argument is that the review that was done by the US government into the *Deepwater Horizon* disaster shows that BP acknowledged with its contracting partners that risks existed but decided to take the risk, and in the end that decision was clearly wrong. In the same way, we can look at the *Exxon Valdez* disaster in Alaska all those years ago, when I was a teenager. Companies were transporting oil in single-hulled ships, and that was a big risk. We knew at the time it was a big risk, but because there had never been a big disaster like that, no-one understood the extent of the risk. When *Exxon Valdez* was punctured, there was only a single skin on the ship and the

puncture meant that the oil could leak out. That is why all the super majors now carry oil only in what they call double-hulled carriers, because that way, if the outer skin is breached, there is still a second skin on the inside to retain the oil. It is now much harder for those oil tankers to leak.

To go back to the *Deepwater Horizon*, the documentation about the United States government's review of that disaster—these documents are posted on the web, and I am sure that everybody has seen them—shows that there were discussions between BP and its contracting partners about suggestions on handling particular risks, and BP's decisions to proceed in the way that it chose. When something went wrong, there was no way to stop the disaster rolling out in the way it did. Indeed, consider the problems in the Sea of Japan from the 1930s until the early 1970s, with the dumping of mercury near the village of Minimata. Mercury was being poured into the ocean by a chemical company, and citizens in that area were being affected over a 40-year period. Even when the company identified that it was the cause of illness in people in the area and, indeed, the wildlife—cats were literally jumping into the ocean as a result of mercury poisoning—it hid the truth about the cause of the problem. The problem for industry is that there is a bad history of companies doing the wrong thing, so we need rigorous, publicly understood environmental regulation.

When I was a very young child, around the world there was this thing called the anti-pollution movement. Perhaps, Madam Acting Speaker (Ms L.L. Baker), you might remember the circle with the four-pointed design in the middle, almost like a Mercedes-Benz insignia, but with an extra leg on the star.

Mr C.J. Barnett: The Acting Speaker has still got the T-shirts.

Mr W.J. JOHNSTON: Talking about T-shirts, my sister was at university at the time, and she used to wear the T-shirts, so I remember them very clearly. As I said, I am the youngest of a big family, so there were plenty of events, such as my brother participating in the Vietnam moratorium marches. Interestingly, in Canberra during the moratorium marches, the police would say, "Those of you who want to get arrested, sit over there." Rather than having a big fight, they were just told to sit somewhere and they would get arrested. It was a lot easier than in Sydney where there were big fights between the coppers and the protesters. I will add that my brother was not one of those sitting over there. They were interesting times, as a child in that era.

I asked my daughter the other day about the anti-pollution movement, and she did not know what I was talking about, because there is now actually a much higher standard of regulation. The companies tell us that they have a much better view about their social responsibilities, and I accept that, but the point I am making is that companies cannot simply rely on the community accepting their statements of corporate social responsibility being enough to deal with environmental issues. Obviously, fracking is currently the source of a lot of controversy. In fact, the Department of Mines and Petroleum recently put out a press release about a company operating in the south west of Western Australia, to which it had recently issued an exploration licence. In that media release, the Department of Mines and Petroleum described fracking as "the controversial process of fracking". If the Department of Mines and Petroleum thinks that the process of fracking is controversial, we can imagine that many other people in the community may have even stronger views about it.

That is why I want to highlight the forty-second report of the Standing Committee on Environment and Public Affairs in the other place, which was tabled this week. I am about one-third of the way through reading that report, and it is very interesting. The report suggests that the current regulatory regime over fracking needs to be improved. It recommends changes to a number of the regulations on fracking, and changes to the procedures of the Department of Mines and Petroleum and the Department of Water. It recommends the establishment of a gas fields commission, along the lines of the Queensland GasFields Commission, something that I know industry strongly supports, so that conflicts over land access and other issues for the unconventional gas sector can be solved in a clearly independent way. The report makes the point that the Queensland GasFields Commission is not subject to any direction from the minister; it reports directly and only to Parliament. According to the report, the commission has been very successful in reducing conflicts in the coal seam gas industry in Queensland. The standing committee report also recommends the use of recycled water in fracking; increased baseline monitoring to determine future effects of unconventional gas activity; the establishment of a fund similar to the mining rehabilitation fund to ensure that money is available for orphan wells and other issues in the sector; and the banning of certain chemicals in fracking fluids.

It is a very interesting report and I, for one, will be very keen to watch the government's response to it. I see that the minister has put out a media release foreshadowing that he will make a response. I know that under the upper house standing orders, which are different from ours, the government will still have to respond by sometime in February. Whereas the response period under our standing orders is measured in calendar days, theirs counts only sitting days. The upper house's rules are as opaque as ours, so we can say only that sometime in the future, probably early next year, the government will respond to the report of the Standing Committee on Environment and Public Affairs, and I will be very interested to see that response.

I also note that this upper house committee has effectively endorsed the Labor Party's position on unconventional gas exploration and fracking. The Labor Party stated that the current regime of regulations was

inadequate, and that is one of the findings of the upper house committee. The Labor Party's position is that we think that the community has deep concerns about unconventional gas extraction, and that is what the committee has found. The committee has found that there needs to be greater disclosure of information from the Department of Mines and Petroleum. It is really entertaining. I have got through this bit, in which the DMP discusses what it is able to do, as opposed to what it does, because the gap between what it is allowed to do and what it does is one of the issues that will need to be addressed by the government in responding to this report.

The government has made play about the fact that I have previously said, and I will say again now, that Australian engineers are clever people who can manage risk and that, in my view, the risks of unconventional gas extraction can be properly dealt with. That, of course, is consistent with the Labor Party's position on these issues, as was a point made in the debate on the amendment at this year's conference. Our conference amendment did not say that fracking would not occur in Western Australia. We made the point that it will occur only if it is shown to be safe, secure and properly managed. That is what was endorsed by the upper house committee. We are very pleased that the upper house committee has endorsed the Labor Party's position on unconventional gas; that is very good.

Mr C.J. Barnett: What was the bit about the moratorium then?

Mr W.J. JOHNSTON: Interestingly, Premier, a moratorium means a delay until research is done. A moratorium, although controversial amongst some in the industry, is not something that I have a problem with. I was just about to make a point about the time I went with the member for Riverton to Fort Worth as part of the committee inquiry into gas.

Debate interrupted, pursuant to standing orders.

[Continued on page 8678.]

THORNLIE ANGLICAN HAMPERS

Statement by Member for Gosnells

MR C.J. TALLENTIRE (Gosnells) [12.50 pm]: In 2015, Thornlie Anglican Hampers is celebrating 20 years of service. The hampers program is just one of the community support projects run by St Andrew's Anglican parish in Thornlie. In my electorate office, it is hugely reassuring to know that the hamper service is just around the corner. People desperate for food and basic supplies sometimes call in, seeking emergency help to tide them over. That is what the hampers are for. Wendy Smith is the coordinator of Thornlie Anglican Hampers and she runs a tight ship. Wendy knows where every dollar comes from and where it is going. She keeps the many supporters and supporting organisations, individuals, businesses and charities up to date with the demand and supply of crisis care.

To give members some idea of the scale, in the 12 months to May this year, 1 529 people were supported by the delivery of 475 hampers. The hampers include fresh food, such as eggs, as well as staples that are more easily stored. Perhaps the most important thing is that the team involved has spent time with vulnerable families and individuals who have reached out for help. The hampers team also provides school stationery and supplies kits at the beginning of the school year. Parents will know that it is a financial challenge to fulfil the request for support, and there are many people in my Gosnells electorate who take up the offer of assistance—302, in fact, last year. Wendy and her team have already put in place the mechanism for supplies for the beginning of the 2016 school year.

RELAY FOR LIFE — BUNBURY

Statement by Member for Bunbury

MR G.M. CASTRILLI (Bunbury) [12.51 pm]: I bring to the attention of Parliament the success of Bunbury's annual Relay for Life, which raises money for the Cancer Council Western Australia. The event has been held in our city for the past 13 years and in that time has raised over \$3.3 million, including \$273 000 this year. The money goes towards lifesaving research into new cancer treatments and supporting cancer patients and their families. This includes the Cancer Council's Bunbury support centre, which is known as Dot's Place. Relay for Life is a global fundraiser, but the Bunbury community adds its own special touches and punches above its weight in terms of money raised. In 2014, it was recognised as the highest fundraising regional relay throughout Australia, and in WA was second only to Perth in terms of dollars raised. It is a grassroots community event, with teams getting together throughout the year to host fundraisers ranging from garage sales to gala dinners.

It all culminates in November each year with the relay itself, when team members keep a baton moving around an oval for 24 hours to symbolise that cancer never sleeps. It is driven by a dedicated group of people, including an event leadership team, volunteers and local sponsors and supporters, and I pay tribute to their tireless efforts and generosity. They provide thousands of dollars' worth of support and prizes and many hundreds of hours of work, not just on the relay weekend, but throughout the year. It shows that the strength of a community truly lies in its people.

I also mention two corporate teams that go over and above the call every year—Summit Realty South West’s Summit Stars and Bunbury Toyota’s Racing for a Cure. My congratulations go to everyone involved in Relay for Life at every level and, on behalf of anyone whose life has been touched by cancer, they have my heartfelt gratitude.

TWO ROCKS YANCHEP ASSISTED CANCER TRAVELS

Statement by Member for Butler

MR J.R. QUIGLEY (Butler) [12.53 pm]: I would like to pay parliamentary recognition to Mrs Jo Holding and Sue Dash of Two Rocks–Yanchep, who are the mainstays of TRYACT, or Two Rocks Yanchep Assisted Cancer Travels. They took over the task of taking cancer patients from that area to hospital for treatment because they were more than 30 kilometres from Perth and therefore did not qualify for free travel by the Cancer Council Western Australia. This has now morphed into a new facility in Two Rocks, where the wonderful Jo Holding has made her very large home available to Genesis Cancer Care in Joondalup. A group of tradesmen came into her home and converted bedrooms into four of the most wonderful double bedrooms, with spa baths and the lot, for cancer patients who have to travel to Perth and require accommodation while being treated.

Having experienced that myself in Melbourne, where I stayed in cancer accommodation when I went there for chemotherapy treatment, I can say that this is a world apart. This is right on the beachfront. Jo Holding has expressed the idea that she wants to make cancer patients who come there feel as though they are on holidays. It is also appropriate to mention the wonderful contribution of Clarkson Nissan, which donated a small people mover to this new facility to transport the cancer patients to their chemotherapy treatment and bring them back to the wonderful Jo Holding’s house to continue their holiday-like experience during treatment.

BUSSELTON FOOTBALL CLUB

Statement by Member for Vasse

MS L. METTAM (Vasse) [12.55 pm]: I extend special congratulations to Busselton Football Club for winning the South West Football League grand final against Carey Park Football Club on Sunday, 27 September. Busselton Magpies was coached by Greg Hodson, along with assistants Nathan Bradbury and Trent Kelly. Team captain Dan McGinlay led his team to a convincing, triumphant victory. The final score was 103–56, with 15 goals and 13 behinds to the Busselton Magpies, and seven goals and 14 behinds to Carey Park. Greg “Hotdog” Hodson announced his retirement after winning the 2015 premiership, and deserves special commendation for his commitment to the club.

The Pike Medal for best-on-ground was awarded to Busselton player, Brent Hall. At the Busselton Football Club end-of-season presentation, Chris Kane was awarded the Brendan Fitzgerald League Fairest and Best Medal, and also received the South West Football League’s prestigious Hayward Medal for 2015. Team captain Dan McGinlay was awarded runner-up in the medal count. Both players were included in this year’s *South Western Times* SWFL team of the year, chosen by its reporters. Busselton A Reserves player Mark Lockyer was named William Barrett and Sons fairest and best, and colts player Jalen Hoffman won the *Busselton–Dunsborough Mail* medal. Adam Dehring, Nathan Bradbury and Audrey Dowell were honoured with life membership of the club.

NGUYET-ANH TRUONG — CITY OF WANNEROO COUNCILLOR

Statement by Member for Girrawheen

MS M.M. QUIRK (Girrawheen) [12.56 pm]: I acknowledge former City of Wanneroo councillor Nguyet-Anh Truong, who last month finished her term after eight years as a City of Wanneroo councillor for the south ward. Having first been elected to council in October 2007, to the best of my knowledge Anh is the first Vietnamese Western Australian elected to public office. While on council, Anh’s focus was to improve and renew roads and ageing community facilities such as Kingsway Regional Sporting Complex, and she provided strong support for the building of a Kingsway library. As a mother of three children, Anh is passionate about creating new job opportunities for youth. As a member of the Wanneroo Agricultural Society, Anh liaises with many local growers to exhibit in the Wanneroo Agricultural Show. Anh was a member of the Audit Committee, the Community Safety Working Group and a representative on the Archive of Vietnamese Boat People, and she helped and fundraised for Vietnamese veterans organisations.

Prior to her role with the City of Wanneroo, Anh spent many years working at Girrawheen Senior High School assisting students with English, as well as operating a very successful local newsagency. Anh presents a weekly two-hour program on 89.7 Twin Cities FM, serving the Vietnamese community. Her program was named a finalist in the national 2014 Community Broadcasting Association of Australia awards. Last year Anh successfully organised the first annual Spring Blossom Festival for the Lunar New Year. Anh continues to be involved with a range of multicultural groups, assisting them with legal documentation and liaising with various government agencies. Anh is an ornament to the Girrawheen community, and her countless efforts and energy are highly valued.

PLATE-OWNER TAXIDRIVERS*Statement by Member for Southern River*

MR P. ABETZ (Southern River) [12.58 pm]: I wish to put on public record my thanks to long-time taxidriver and plate owner Mr Satinder Samra for arranging for a group of plate-owner taxidrivers to meet with me at my electorate office on Monday, 2 November. I take a keen interest in their industry and well over 200 drivers live in my electorate. I know that most of them are currently doing it tough. Most do 12-hour shifts seven days a week, yet they struggle to pay their house mortgages, especially those whom still owe the bank money for taxi plates sold to them by the government as late as 2008 at a cost of \$135 000 for upgrading peak plates to full-time plates. The current downturn in demand has been exacerbated by Uber coming along and claiming to be a ridesharing organisation, although it is in fact a taxi business. The drivers who met with me are eagerly awaiting the outcome of the prosecutions launched against 28 Uber drivers by the Department of Transport. As the taxidrivers pointed out, if Uber drivers are allowed to operate without cameras, adequate insurance or adequate screening of drivers et cetera, the government will effectively have deregulated the industry while requiring official taxidrivers to adhere to all kinds of conditions and to continue to pay off their taxi plates. I commend the drivers who met with me, especially Brian Cranswick, who is a long-term taxidriver, for presenting me with a detailed, self-funding voluntary taxi licence buyback scheme that would not require any taxpayer funds. I commend the taxidrivers who met with me for their constructive approach and attitude.

*Sitting suspended from 12.59 to 2.00 pm***QUESTIONS WITHOUT NOTICE****VIOLENCE RESTRAINING ORDERS — OMBUDSMAN REPORT****992. Ms S.F. McGURK to the Premier:**

I refer to the Ombudsman's report released today in which he investigated the issues associated with violence restraining orders and their relationship to family and domestic violence fatalities. In particular, in 93 per cent of the cases in which the Department for Child Protection and Family Support identified family and domestic violence as an issue, the department did not proceed with further action. In 44 of those cases in which the department did identify family and domestic violence, the department concluded that it was not departmental business. In 290 duty interactions in which family and domestic violence was identified, the department did not use its own screening tool to assess the risk and protect against further violence. Will the Premier take responsibility for these damning figures and sack the minister who is overseeing this shameful neglect; and, if not, who is responsible?

Mr C.J. BARNETT replied:

I am, Mr Speaker. Domestic violence quite rightly has been getting a lot of public attention over the past couple of years—as it should. There is no doubt that a lot of domestic violence has been concealed. People, women in particular, including the Australian of the Year, are now prepared to come out and speak about it, which is a good thing. I suspect—I do not know whether the evidence is there—that increased use of drugs, particularly ice, is a contributing factor. There would be a host of factors. I accept the comments made, but the Department for Child Protection and Family Support's biggest responsibility is to look after children in the care of the state. I am not moving away from the point of the question, but the number of children in the care of the state has almost doubled in the last decade. There is a limit to the resources. I think the resources of that department have gone up by something like 70 per cent since this government came to power, but that is not enough and by itself it does not stop domestic violence. We are therefore participating fully with the commonwealth and other governments around Australia in addressing domestic violence, and I hope that progress is made.

Mr M. McGowan interjected.

Mr C.J. BARNETT: I do not make an excuse, but bear in mind that it is not the department that is committing those acts; it is individuals in our community who are behaving in a gross way. At least the issue is out there. The only words I will say—and they will come from me—are that the prime responsibility of that department is the protection of children. Obviously the department gets caught up in domestic violence situations. It is a terribly, terribly sad issue, but I would ask members to hesitate a little bit before jumping on a bandwagon of criticising a department that is under enormous stress as a backdoor way of trying to criticise the government.

VIOLENCE RESTRAINING ORDERS — OMBUDSMAN REPORT**993. Ms S.F. McGURK to the Premier:**

I have a supplementary question. I repeat to the Premier that in 93 per cent of cases in which the Department for Child Protection and Family Support identified violence as an issue, the department did not proceed with further action. Why does this government treat family and domestic violence as such a low priority?

Mr C.J. BARNETT replied:

The final comment was both totally inappropriate and totally wrong.

Several members interjected.

The SPEAKER: Members!

Mr C.J. BARNETT: This government, along with governments around Australia, is making a concerted effort on domestic violence. While members opposite might say the department may —

Several members interjected.

The SPEAKER: Member for Midland, I call you to order for the first time!

Mr C.J. BARNETT: One of the issues is that until recently, police probably tended to ignore domestic violence. Police, with that department, now take action. I visited a police station only —

Several members interjected.

The SPEAKER: Member for Girrawheen, I call you to order for the first time. Member for Midland, I do not want to hear again from you on this.

Mr C.J. BARNETT: At the police station I visited about a month ago, the comments from the sergeant in charge were basically that such a high proportion of their work now is related to drugs and domestic violence—a change that has taken place in the past few years. That is not to suggest that domestic violence did not happen 10 years ago—of course it did—but now the police and authorities are dealing with it. Although members opposite imply somehow that the government has been negligent, do they know how many of those cases were referred to police? I suspect that the serious ones are now being referred to police, whereas under the watch of members opposite—if they want to be political—they were not.

DEPARTMENT OF TRANSPORT — ONLINE SERVICE REFORMS

994. Mr J. NORBERGER to the Minister for Transport:

Can the minister please update the house on how the Department of Transport is making the lives of Western Australians easier through its online service reforms?

Mr D.C. NALDER replied:

I thank the member for his question and interest in the Department of Transport and all that is going on.

It has been a fantastic week for me to be able to share with the house all the activities that are underway within the Department of Transport to enhance the customer experience and the interface that the community has with the department. The introduction of the DoT Direct facility allows customers to self-manage their vehicle and driver's licence information in real-time. Customers can view vehicle and licence details, pay accounts, check an address, check demerit points, order custom plates, transfer a vehicle and book practical driving assessments. All these things can now be done online. It is really freeing up people's time from having to sit and wait at licensing vehicle centres. Also the DoT Direct facility is now being extended to businesses and organisations. Businesses can now securely pay vehicle renewals, view vehicle licence details and vehicle expiry details, change the national heavy vehicle code, order auxiliary plates and have the ability to export their vehicle fleet details via Microsoft Excel to help them better manage other parts of their business. This facility is available 24/7 and is contributing to more than 200 000 WA businesses benefiting from the reduction in red tape, administrative burdens and operating costs.

The department is also using technology to improve the way medical assessments are processed. Approximately eight per cent of all drivers are required to undergo regular medical assessments, and in 2014–15, approximately 217 000 medical assessments were undertaken. Under the current process, doctors have to manually complete a paper-based report that is sent via facsimile, post or scanned email. Two key reforms will be implemented next year to fix this process. Doctors will be able to submit medical assessments to DOT electronically. This means that up to 200 000 applications will be completed online rather than via snail mail. It will be up to certain drivers to update DOT of changes in their medical conditions rather than having to undergo the inconvenience of a yearly medical test. I am talking about very manageable conditions such as diabetes and blood pressure. This means that 60 000 fewer drivers will have to undergo a medical assessment. These great initiatives will ease the burden and frustration of red tape for business and the community alike through easy interaction with the government, less compliance and more online access 24/7.

SERIOUS DOMESTIC VIOLENCE OFFENDERS — GPS TRACKING — LIBERAL PARTY POLICY

995. Mr J.R. QUIGLEY to the Premier:

I refer to the 2013 Liberal Party policy paper headed “Dealing with Serious Violent Offenders” and the promise to introduce GPS tracking of serious domestic violence offenders. Why has legislation to make GPS tracking

a condition of supervision orders for violent offenders not been introduced, despite the Attorney General promising in June last year that the legislation would be ready for introduction in the autumn 2015 parliamentary session?

Mr R.H. Cook: Good question.

Mr C.J. BARNETT replied:

Yes, it is a good question. That legislation is on its way and we hope that we can —

Mr M. McGowan: It's on its way?

Mr C.J. BARNETT: Yes, it is on its way.

Mr M. McGowan interjected.

The SPEAKER: Members!

Mr C.J. BARNETT: Yes, that commitment was made and it has not been met; I acknowledge that. But, it is complicated legislation and it will be forthcoming into this Parliament.

SERIOUS DOMESTIC VIOLENCE OFFENDERS — GPS TRACKING — LIBERAL PARTY POLICY

996. Mr J.R. QUIGLEY to the Premier:

I have a supplementary question. Why did the government break its promise to introduce the legislation in the first half of this year?

Mr C.J. BARNETT replied:

As I said, that was not achieved and the legislation is forthcoming, so support it quickly when it comes in.

Several members interjected.

The SPEAKER: That question is finished.

WHOOPIING COUGH AND INFLUENZA VACCINATIONS

997. Ms A.R. MITCHELL to the Minister for Health:

Can the minister please advise what initiatives are being taken to increase the rate of vaccinations to protect babies from the severe health consequences of whooping cough and influenza?

Dr K.D. HAMES replied:

I thank the member for the question. Before I start my answer I welcome the students from Glencoe Primary School, who are not sitting where I am told them to, so they will not be getting such a good view, will they? I was not trying to get them into your area, Mr Speaker; I told them to sit up there because they get a much better view of us from where the young fellows are up there. They do not want to watch members on that side, surely!

This is part of what the government is doing to make things easier for people and to reduce red tape, in this case for improving, through midwives, women's access to vaccination for whooping cough. As members know, whooping cough is a very serious illness, as is flu. People die from flu and whooping cough. This initiative was particularly supported by the Hughes family on behalf of baby Riley. In fact, the Hughes family won the senior awards at the Department of Health awards night in the last few weeks for this particular program supporting the vaccination of pregnant mothers.

As many members will know, we have had trouble getting whooping cough vaccine. In the past we have had a grandparent program in which parents and grandparents looking after children have been able to get whooping cough vaccines, but the best time to vaccinate a child for whooping cough is before the child is born. Children get their first vaccination for whooping cough at two months, but there is that window of opportunity between birth and two months when children are particularly vulnerable to whooping cough. We know that incidence has been increasing in our community and that vaccinating mothers in the third trimester of pregnancy ensures that children at birth have a resistance to whooping cough. Of course, getting whooping cough vaccine to all pregnant mothers was always going to be difficult, so we have changed the rules and regulations around the giving of vaccines so that midwives are now allowed to give vaccinations. A training course is required. Now, during the third trimester of pregnancy, while midwives are looking after the expectant mother, they can recommend the vaccine and administer it themselves. That has made an enormous difference to the vaccination rate and is just another way that the state government is working with the community to make things easier for the lives of people in all areas of our work and life.

HOSPITAL EMERGENCY DEPARTMENTS — WEIGHTED ACTIVITY GROWTH

998. Mr R.H. COOK to the Minister for Health:

Before I ask my question, because no-one on the other side will, I welcome on behalf of the member for Cottesloe students from the Scotch College year 11 politics class who are here today.

I refer to the “WA Health Performance Report: July to September 2015 Quarter”. It reveals that the total number of people attending emergency departments has increased 4.3 per cent on the 2014 figures, compared with the planned three per cent activity growth in this year’s budget.

- (1) Does this not completely contradict the minister’s statements to Parliament that metropolitan hospital activity is below budgeted activity levels?
- (2) Does the minister now accept Dr David Mountain’s assertions that, and I quote —
 ... we’ve had some very busy days and that demand is not suddenly going to go away, even if they think it will,” ...

“they” being the government; and will the minister stop using low activity levels as an excuse for his portfolio mismanagement?

Dr K.D. HAMES replied:

- (1)–(2) I recall on many occasions talking about the pressure on our emergency departments because of a large number of people going to our emergency departments due to the flu season. David Mountain, particularly when he was head of the Australian Medical Association, would go racing to the media and say that the minister should know that it is not about presentations to the emergency department; it is about the severity of the conditions people have when they come—the severity of the things they present with. He said that flu cases that do not require admission are easy, and he is right, but what the member is quoting is about something totally different. He is using one thing to explain another. That is why I said that the member should go and talk to Dr Mountain. The member should take these words I am saying and ask Dr Mountain whether or not he thinks they are true. I know they are true because I have lots of quotes of him saying it.

The issue is not the number of people coming through the door; it is the severity of what presents. Easy cases, which are GP cases in many instances, are easy. Doctors such as Dr Mountain do not even deal with those; they are siphoned into a fast-track area and their conditions are treated much more easily. It is about the severity of the conditions coming through. The weighted units of ED activity growth was projected to grow by four-point-something per cent. I quoted those figures yesterday for whatever time period that was—I think over the last year, but I am not positive because I do not have the figures in front of me anymore; I had them yesterday. They have in fact come in at 2.6 per cent growth. The four per cent growth the member was talking about may well be the increase in the number of people coming through the door, but that is not the critical issue; it is the severity of the condition that comes in and where that takes them. We have said that there is growth; we have not said it is going backwards. We have said there is growth in the emergency departments; we know that is the case.

Mr R.H. Cook interjected.

Dr K.D. HAMES: It is not more than was budgeted for.

Several members interjected.

The SPEAKER: Members!

Dr K.D. HAMES: It is not more. We budgeted for growth in the emergency departments. The member is getting his figures mixed up between hospital growth —

Mr R.H. Cook interjected.

The SPEAKER: Member for Kwinana.

Dr K.D. HAMES: We budgeted for growth. I read those figures to the member yesterday and I am happy to show him again.

Mr R.H. Cook interjected.

The SPEAKER: Hansard is trying transcribe. We cannot have this shouting across the table.

Dr K.D. HAMES: I am happy to meet the member afterwards and show him the figures that I had yesterday that clearly showed that the weighted activity growth was predicted for, I think, 4.6 per cent in emergency departments, and the weighted activity growth has been something in the order of only 2.6 per cent.

HOSPITAL EMERGENCY DEPARTMENTS — WEIGHTED ACTIVITY GROWTH

999. Mr R.H. COOK to the Minister for Health:

I have a supplementary question. Is it not clear that the increase in emergency department attendances combined with the increase in elective surgery waitlist admissions of over five per cent is ample evidence that the minister has no justification for sacking 2 000 staff other than his own portfolio mismanagement?

Dr K.D. HAMES replied:

I really need to give the member a briefing. We went through this yesterday, chapter and verse. I showed the member clearly that he was wrong on the numbers. Clearly he is wrong.

Mr D.J. Kelly interjected.

The SPEAKER: Member for Bassendean, I call you to order for the first time.

Dr K.D. HAMES: The member for Bassendean knows nothing but union rhetoric. At least the member for Kwinana is clever enough to understand the numbers. I will sit down with him and explain them to him.

ELIZABETH QUAY — PUBLIC ARTWORKS — SIGN IN 2000 TILES

1000. Ms E. EVANGEL to the Minister for Planning:

I was pleased to hear of the unveiling of the first public artwork at Elizabeth Quay today. Can the minister please advise the house about the significance of this artwork?

Mr J.H.D. DAY replied:

I was very pleased about one hour ago to visit the Barrack Street jetty precinct, which has been upgraded. About \$20 million has been spent there as part of the Elizabeth Quay project. The specific reason I was there was the unveiling of the *Signature Ring*, a major piece of public art that I think is a very great credit to the artists Matthew Ngui and Simon Gauntlett. In particular, the work represents more than 200 000 signatures of school students, as they were in 1999–2000, that were previously on the ceramic tiles on the river side of the belltower. As members will probably remember, those tiles had to be removed in the early part of last year as part of the reconstruction occurring in the Barrack Street jetty area. Quite apart from the need for them to be removed for that project, they were becoming degraded—a lot of them were faded, some of them had chipped—and they certainly had a finite life. They have now been recreated into copper plates in the form of a signature ring, as it is called, which looks somewhat like headphones but it is not based on that concept. They are all there.

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen!

Mr J.H.D. DAY: People and children, as they were, and their families and anyone else from the public can go and not only see but also feel their signature created on the copper plates. There is also a major fibre optic light aspect to the work that will be particularly evident at night. This has involved a lot of painstaking work by the two artists I mentioned. A lot of consideration, planning and development of the project have also been undertaken within the Metropolitan Redevelopment Authority. I commend not only the artists but also all the staff in the MRA who have been involved. Lotterywest was involved in making a \$150 000 contribution through Perth Rotary, and I thank both Lotterywest and Perth Rotary for their involvement in the project. I make the point also that this is a major piece of public art that will be one of a number of significant pieces of public art in the Elizabeth Quay precinct, as will become evident over the next couple of months or so. Another major piece will be the 29-metre high *Spanda* sculpture by the Kalgoorlie-born, internationally acclaimed artist Christian de Vietri, as well as two significant works by local Aboriginal artists, and other works in the playground and the ferry terminal as well as the lighting features themselves.

I encourage everyone who has had an interest in this this issue to see them. Many people in Western Australia, and more widely around the world, have wanted these signatures to be represented. They are now in a more permanent form than was the case before. In addition, the MRA has established an online tool through www.findyoursignature.com.au where all the signatures are visible also through the internet.

SCHOOL BUS SERVICES — SOUTH WEST REGION

1001. Mr M.P. MURRAY to the Minister for Transport:

I refer to the school bus service in the Capel area and the wider south west and the many complaints I have received over the last 12 months about the lack of seating for school children, even after the minister refused to review these services when approached by me earlier this year. When will the minister stop playing politics with the safety of our children and ensure that these services are reviewed and enhanced before the 2016 school year?

Mr D.C. NALDER replied:

Every school bus service is reviewed on a continuous basis. We are often challenged, particularly as communities grow and they become metropolitan, and metropolitan services are provided through public transport. The orange bus service is a critical component of the Western Australian bus services.

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen!

Mr D.C. NALDER: It is interesting when some people on the opposite side are quite rude.

Several members interjected.

Mr D.C. NALDER: The orange bus service is an important regional service.

Several members interjected.

The SPEAKER: Members!

Mr D.C. NALDER: Unfortunately, as we heard yesterday, a number on the opposite side know very little about regional Western Australia. Ask their Leader of the Opposition. The orange bus school service, whether it is Capel, Busselton or Geraldton—I can list every country town—is constantly under review.

Mr W.J. Johnston interjected.

The SPEAKER: Member for Cannington!

Mr D.C. NALDER: We are always making sure that every schoolchild has access to a bus service to get to school on a daily basis. Nothing has changed. The member for Collie–Preston knows darn well that we provide a fantastic service to schoolchildren in every electorate, and this is not politically based.

Mr W.J. Johnston interjected.

The SPEAKER: Member for Cannington, I call you to order for the first time. Quick answer please.

Mr D.C. NALDER: Every child is getting access to an orange school bus. To the extent they are not, we will look at an increased service.

SCHOOL BUS SERVICES — SOUTH WEST REGION

1002. Mr M.P. MURRAY to the Minister for Transport:

I have a supplementary question. If it is not politically motivated, why did the minister refuse my request for these services to be reviewed, yet he granted a review when approached by the member for Vasse?

Several members interjected.

The SPEAKER: Members!

Mr D.C. NALDER replied:

If it was politically motivated, I would not have had the road in Eaton sealed, would I?

Several members interjected.

The SPEAKER: Thank you!

Mr D.C. NALDER: If it had been politically motivated, Labor would not have removed the \$20 million funding for the Coalfields highway, which the Liberal government put back in and fixed.

Mr W.J. Johnston interjected.

The SPEAKER: Member for Cannington!

Mr M. McGowan interjected.

Mr D.C. NALDER: I am hearing the Leader of the Opposition, who told me the closure of tier 3 would lead to extra trucks down the Coalfields highway when the tier 3 does not go anywhere near the Coalfields highway. Please keep going on. The Leader of the Opposition —

Mr D.T. Redman interjected.

The SPEAKER: Leader of the National Party!

Point of Order

Mr M.P. MURRAY: I think this is a very clear case of a minister under pressure deflecting from the question, and I ask that he address the question.

Several members interjected.

The SPEAKER: Answer the question, please.

Questions without Notice Resumed

Mr D.C. NALDER: Perhaps the issue was the basis on which the question was asked, and perhaps the member for Collie–Preston would like to meet with me afterwards and we can review the way the question was asked to see whether something more readily identifiable needs to be reviewed.

RESOURCES SECTOR — RED TAPE REDUCTION

1003. Mr M.J. COWPER to the Minister for Mines and Petroleum:

Can the minister please explain to the house how the state government has been progressively removing unnecessary red tape in our resources sector and getting some employment back into the state?

Mr W.R. MARMION replied:

I thank the member for Murray–Wellington for a very good question. Before I answer the question, I acknowledge from this side, the year 11 politics class from Scotch College, because my son is in year 11 at Scotch, but he is not doing politics—sorry!

Mr C.J. Barnett: Good advice!

Mr W.R. MARMION: It is good advice from his father.

Several members interjected.

The SPEAKER: Members!

Mr W.R. MARMION: The theme today in reducing red tape, which this government has done a great deal about in the last 12 months, is making life easier. Today I will talk about what is making life easier for the mining industry, which, as the member for Murray–Wellington knows, is very important because the mining industry is essential to Western Australia's economy. Without the mining industry, there are no jobs and no economic activity in the regions, and the royalties we get, pay for essential services such as hospitals and education.

Some of the things we have done to make life easier in the mining industry is put things online so that filling in forms is easier online. It reduces time. For instance, a program of works used to last for only one year. We increased it to two years and now it lasts for four years. It can be done online. Indeed, a program of works now takes only 28 days to be approved, whereas only two years ago, it took 45 days. Therefore, there has been a 40 per cent decrease in the time it takes to get a program of works approved. We expect a 50 per cent decrease in the time it takes to get mining proposals approved now that they are combined with the vegetation clearing permit and they can all be done at once. The other way we have made life easier for mining is by increasing the core library viewing area for industry. It currently takes three to four months to book a spot, and we hope to get that down to two months.

If you, Mr Speaker, ask industry what has made life easier, without a doubt the answer you would get would be two things: one is the introduction of the mining rehabilitation fund and the other is the introduction of the exploration incentive scheme, which the member for Kalgoorlie had recommended to us. Both these schemes have made life a lot easier for the mining industry. Without those two initiatives by this government, there would not be the amount of exploration that is occurring at the moment in a difficult time. I point out that four companies have done very well out of the exploration incentive scheme and have increased their resources. This indicates that there is still activity, even though there are depressed mining prices—I refer to Panoramic Resources, Doray Minerals Ltd, La Mancha Resources, and Gold Road Resources Ltd with its discovery at Gruyere. We have made sure that life has been made easier for the mining industry through the great initiatives we have introduced in Western Australia.

METRO AREA EXPRESS LIGHT RAIL — FEDERAL FUNDING

1004. Ms J.M. FREEMAN to the Minister for Transport:

I refer to the letter from the minister's office in response to my letter regarding the Metro Area Express light rail project and federal funding. The response, which focused on using bi-articulated buses, argued that they are contestable. I quote —

There are significant issues associated with constructing and operating new rapid transit systems safely and efficiently ...

Is this letter not proof that the minister has completely walked away from his promise of light rail?

Mr D.C. NALDER replied:

No, none whatsoever. We are utilising the time available, which I have said before in this house, I do not know how many times. We want to explore to ensure that we deliver the best possible solution for Western Australia. I have said in this house that there is a challenge with light rail. That challenge is capital cost for capacity.

Mr D.J. Kelly interjected.

The SPEAKER: Member for Bassendean!

Mr D.C. NALDER: With MAX light rail we are trying to deliver a common solution for two different issues. The first is a rapid transport solution for people in the outer suburbs, like Mirrabooka and Dianella, into the CBD as quickly as possible so that they do not need to utilise cars and private transport. The second is the urban renewal of inner-city suburbs. If we are going to shift people in rapidly, those trams will need to move through inner-city suburbs at around 50 to 60 kilometres an hour. When we sit down with the City of Vincent and talk about urban renewal, it has this vision of a tram trundling through like in Bourke Street Mall. That is not going to happen.

Mr D.J. Kelly interjected.

The SPEAKER: Member for Bassendean, I call you to order for the second time.

Mr D.C. NALDER: These are the challenges that we face, and we have to find the right solution.

Ms R. Saffioti interjected.

The SPEAKER: Member for West Swan!

Mr D.C. NALDER: I have had support from the Premier; we have not walked away from it.

Several members interjected.

Mr D.C. NALDER: Mr Speaker, I do not think members opposite are really interested in any answer and the solution to what fits Perth's requirements. They are going over old ground here; they are obviously struggling with current ideas with which to question the government. This is information that we have been talking about for over 18 months now.

Mr W.J. Johnston interjected.

The SPEAKER: Member for Cannington!

Mr D.C. NALDER: If they were serious about it, they would ask some relevant and up-to-date questions, which they appear incapable of doing.

Mr W.J. Johnston interjected.

The SPEAKER: Member for Cannington!

Mr D.C. NALDER: We have not walked away from the light rail solution. I am utilising this time —

Mr J.R. Quigley interjected.

The SPEAKER: Member for Butler, I call you to order for the first time. We have had reasonable progress today.

Mr P.C. Tinley interjected.

The SPEAKER: Member for Willagee, I call you to order for the first time.

Mr D.C. NALDER: I am utilising this time to work through the best solution for Western Australia.

METRO AREA EXPRESS LIGHT RAIL — FEDERAL FUNDING

1005. **Ms J.M. FREEMAN to the Minister for Transport:**

I have a supplementary question. The minister gave me a response this November. It is current; I got that. The people of Mirrabooka do not want the minister to explore anymore; they want him to deliver. Be honest and deliver. The minister has changed the bus services and has inconvenienced people in Mirrabooka. Why will the minister not stop exploring and deliver to the people of Mirrabooka?

Mr D.C. NALDER replied:

Wow!

Ms J.M. Freeman interjected.

The SPEAKER: Member for Mirrabooka, I call you to order for the first time.

Mr D.C. NALDER: I certainly appreciate the passion from the member opposite.

Ms J.M. Freeman interjected.

The SPEAKER: Member!

Mr D.C. NALDER: We are doing an enormous amount across this state right at this point in time.

Several members interjected.

Mr D.C. NALDER: Is the member for Mirrabooka okay?

Several members interjected.

The SPEAKER: I do not know what happened there; I never heard it. I am giving you the benefit of the doubt, so now let the minister answer, thank you.

Mr D.C. NALDER: I just want to make sure that the member is okay.

Ms J.M. Freeman interjected.

The SPEAKER: Member!

Mr D.C. NALDER: Member for Mirrabooka —

Several members interjected.

The SPEAKER: Members!

Ms R. Saffioti interjected.

The SPEAKER: Member for West Swan, I call you to order for the second time. We are starting to get bogged down.

Mr D.C. NALDER: Thank you, Mr Speaker. Actually —

Mr D.J. Kelly interjected.

The SPEAKER: Member for Bassendean, I call you to order for the third time.

Mr D.C. NALDER: I am sure that the community out in Mirrabooka would appreciate the work that is going on at Reid Highway at the moment and the grade separation of the Malaga Drive interchange —

The SPEAKER: This question was about MAX light rail, so just talk about MAX light rail.

Mr D.C. NALDER: I referred to that because the member for Mirrabooka said there is nothing occurring for the people out in Mirrabooka. This government is doing a lot. We are working through it and we have not walked away from it. Nearly two years ago we said that we need to defer this project, and I have had the time to go back and explore it. Part of that exploration is looking at articulated and bi-articulated buses. We are not saying that that is the solution. However, I have flagged in this house before that we are looking at being able to deliver the same type of service for 50 per cent of the cost. It would be crazy of us not to explore that solution.

SYNERGY — RENEWABLE ENERGY — ALKIMOS

1006. Mr P.T. MILES to the Minister for Energy:

I read with interest that under the Liberal–National government Synergy is making history in the renewable energy space at Alkimos Beach. Could the minister please update the house on this impressive initiative?

Dr M.D. NAHAN replied:

I thank the member for the question; it is a very good one. Synergy is making history with its joint venture partners. As everyone here knows, the energy sector is going through a significant revolution on a whole range of fronts. Synergy and its joint venture partners are trying to integrate those and test them out on a suburb basis. Its joint venture partners are LandCorp, Lend Lease, Western Power and the Australian Renewable Energy Agency. They have done a raft of changes in Alkimos. The houses in the suburb have to be of the highest energy safety and efficiency standards; it is a mandate, so they have to. The houses have to have solar cells on the rooftop, smart meters and in-house monitoring of electricity.

People are also encouraged to do a range of energy efficiency things such as install solar hot water systems and LED lights, upgrade insulation and a raft of other things. Synergy's activity in that space is to have innovative tariffs to encourage people to use less energy by time-of-use tariffs and others. Importantly, it has also invested over \$2.4 million in a 1.1-megawatt battery system that takes the excess electricity from the solar cells on the houses during the day, stores it in this battery, and delivers it to the households in the evening when the sun goes down. It allows the households to get a recoup—a lower rate for the repayment of the battery. It also stabilises the system significantly. It is integrating those all into one system. It is a very important four-year test because there is a lot of debate about batteries and whether they will be in households or the grid system. This is experimenting with how the battery works, how it integrates, how to share the costing and how it stabilises the system.

It is a very innovative approach and one of many legs that Synergy and the government is using to assist renewable energy. As I have said before, we have had a rapid growth in renewable energy. We now have over 950 megawatts of installed capacity, large and small-scale renewable in Western Australia, which on a good day represents just a bit less than one-third of our total installed utilised capacity for various schemes. Western Australia through Synergy and other programs is leading the way on renewable energy.

LOTTERYWEST RETAILER COMMISSIONS

1007. Mr W.J. JOHNSTON to the Minister for Small Business:

I refer to the network of Lotterywest agents in Western Australia.

- (1) How many Lotterywest agents have approached the minister or the Small Business Development Corporation, regarding an increase to retailer commissions?
- (2) Is the minister aware that the Lotterywest retailer commissions were last increased by the former Labor government?
- (3) Does the minister support an increase in Lotterywest retailer commissions?

Mr J.M. FRANCIS replied:

I thank the member for Cannington for the question.

- (1)–(3) I have not been approached and I do not think my office has been approached as yet by an awful lot of agents—perhaps one or two have raised it with me. We are essentially talking about newsagents that sell Lotterywest tickets. I understand the way the system works. As for the Small Business Commissioner, I would have to seek advice to answer that question for the member for Cannington. He is around today so I am sure it will not take too long to get the member an answer to that question. The way it works is that newsagents sell lottery tickets and are paid a commission that is part of their income from people who walk into a newsagent and buy a lotto ticket, whichever product it is that Lotterywest might be selling and whichever product it is that the consumer buys. Effectively, this is a bread-and-butter kind of product for many small businesses such as newsagents who sell anything. People go into the newsagent to buy a lottery ticket. There is not an awful lot of margin in it; in fact, they are almost cost neutral. But customers buy other things while they are there that have a higher profit margin such as magazines and stationery. The lottery ticket is effectively the drawcard into the newsagent. The future will be challenging because Lotterywest now allows people to purchase tickets online and that is commission that newsagents do not receive.

Mr M.P. Murray: And the government has lifted the threshold as well.

Mr J.M. FRANCIS: There is a threshold on how much an individual can gamble online per week using Lotterywest products. I have spoken in here before about issues such as the Totalisator Agency Board. As we move towards more people buying lottery tickets and gambling online with different products, it is something that Lotterywest will have to address. Lotterywest will put out a number of disincentives for people to buy a lottery ticket at newsagents and to do it online; we realise that. It is something that we will look at and about which I am very aware.

LOTTERYWEST RETAILER COMMISSIONS

1008. Mr W.J. JOHNSTON to the Minister for Small Business:

I ask a supplementary question. I note that the minister did not answer whether he supports increasing retailer commissions. What does the minister say to small business Lotterywest agents about the increasing rents and outgoings such as land tax while there is no increase in retailer commissions?

Mr J.M. FRANCIS replied:

I would say the same thing that I say to TAB agents: as the future unfolds and as people change the method in which they gamble, at lot of people will still walk —

Ms R. Saffioti interjected.

Mr J.M. FRANCIS: Let me finish. A lot of people will still walk into a lotteries kiosk in a shopping centre or a newsagent. A lot of individual sellers of Lotterywest products find innovative ways of marketing the direct customer-to-customer contact so that they can make that commission—for example, using group syndicates—in order to provide a different kind of product and find a niche in the market. I say to them: the future will change and those agents will have to look at their business model and sustainability. I cannot stop the internet. I cannot stop online gambling. The problem is that members opposite do not understand that online gambling has no limits. It does not know when the state of Western Australia finishes and the state of South Australia or any other state starts.

Point of Order

Mr W.J. JOHNSTON: With respect, I know this is an interesting issue about online products, but that is not what I asked about. I asked about commissions that are paid.

The SPEAKER: Can you address that please, minister?

Questions without Notice Resumed

Mr J.M. FRANCIS: If we start overdoing the commission it will have a net impact on the amount of people who will then buy a different odd-return Lotterywest ticket. It will have a net impact on the amount of money that goes back to Lotterywest and is then given back to the community. There is no easy solution to this. If we start to effectively reduce the odds paid on lottery tickets, some of the bigger gamblers who put an awful lot of money into Lotterywest—sometimes successfully, most times not so successfully—will find somewhere else to gamble their money, and that may be with an overseas lottery organisation because the internet knows no boundaries. It is not that easy, member for Cannington.

NATURAL GAS (CANNING BASIN JOINT VENTURE) AGREEMENT AMENDMENT BILL 2015*Second Reading*

Resumed from an earlier stage of the sitting.

MR W.J. JOHNSTON (Cannington) [2.44 pm]: As I was saying before I was so rudely interrupted, I just want to clarify the name of the town in Japan that I referred to in respect of the mercury poisoning; it was called Minamata. The disease was called Minamata disease but it was actually mercury poisoning. Again, I put that into context. I am not suggesting that companies in Western Australia are acting in the gross way that happened at Minamata, but the point is that one of the reasons that we have gone from where we were at the time of the Minamata disaster to where we are now is increased regulation. The Minamata situation led to increased regulations all around the world. The point is that companies cannot simply say that we can trust them on these things. That goes to the question of fracking fluids. I note the recommendations of that upper house inquiry on the question of fracking fluids and the need for complete and total disclosure of what is going into frack fluids. The company cannot just ask us to trust them to look after the environment and the community. I have read plenty of stuff about frack fluids. My good friend Tom Koutsantonis, the Minister for Mineral Resources and Energy in South Australia, has actually drunk fracking fluid.

Mr C.J. Barnett: Is that what happened to you?

Mr W.J. JOHNSTON: Somebody recently asked me whether I would do that when I was talking to some of the companies in the sector. I said make me minister and I will tell them. We will not know unless I become minister. The regime in Western Australia allows for complete disclosure. The upper house committee found that we still need to change the regulatory framework because although it allows for disclosure, it does not require disclosure, and we need to close that gap. I quote from an article in *The New York Times* of 16 January 1991 about the Minamata disaster —

Though fish that swam close to the plant were seen for years floating belly up, Chisso—

That was the company involved —

was not formally identified as the source of the poisonings until 1959, in part because the company, citing trade secrets, refused to cooperate with health investigators.

I am not suggesting that the companies operating in the unconventional gas market in Western Australia are attempting to poison the community, but I make the point that that trade secret excuse was used by Chisso in Minamata to avoid for nearly 30 years disclosing the fact that it was tipping a terrible poison into the environment. Nobody is using mercury anymore—thank God—in production processes, but once upon a time at fairs and carnivals in England people would be invited to sit on chairs and float in a tank of mercury. That was the way 150 years ago when people had no concept of the danger of the material. We are now much more advanced. We have knowledge of dangerous chemicals and that is why the committee asked for some of the chemicals—BTEX, I think it is, with benzene, ethanol and something else—to be banned in frack fluids. As I understand it, if we go back in time, diesel and methane and benzene were quite common in frack fluids in the 1950s but now the understanding of how to frack things has changed and those sorts of chemicals are no longer regularly used. Diesel is no longer used as a fracking agent, but from the literature I read I understand diesel was commonly used when Halliburton was inventing this process in the 1940s and 1950s. We have since advanced. One way we can keep an eye on those things is to make sure there is full disclosure.

In my discussions with the Association of Professional Engineers Australia and industry players, the gas industry certainly supports the disclosure of fracking chemicals, but there is some temperance on the side of the technology companies like Halliburton and Schlumberger and other competitors to those large companies because they see some trade advantage. That trade advantage is not enough for us not to have full disclosure. If the community is to support fracking—I am not saying that the community does support it—there has to be complete transparency. That is an interesting issue. The operations of the joint venture covered by this agreement have the support of the traditional owners of the Noonkanbah country, but it does not have the support of the traditional owners of particular areas of the West Kimberley. It is clear that Indigenous Australians have a right to have a say about the use of their land. The member for Kimberley is not in the chamber but I have spoken to

her about this issue outside the chamber. We have had a discussion that traditional owners have a right to have a greater say about what happens on their lands than the leaseholders of a pastoral lease. I emphasise that a pastoral leaseholder has the right to only use the surface of the land for the purpose of the pastoral industry. They own the improvements to the pastoral lease but they do not own the land itself. They have never owned the land itself. In fact, before self-government in Western Australia, the colonial government in the United Kingdom set up the system of pastoral leases to prevent pastoral owners from owning the land. That is the purpose of the pastoral lease. That is something that always needs to be understood and emphasised. Traditional owners have a superior lease right to the pastoral leaseholder.

It is not an issue in the joint venture area in the Canning Basin, but elsewhere in the state there is an issue of access to the land on farming properties. If one owns a farm, one owns the land in a freehold sense. Mining companies are restricted; they can mine on that land only with the consent of the owner, which is not the same as hydrocarbon extraction, when hydrocarbons can be extracted without the consent of the landowner. The issue is not extraction of the product, but access to the land. I know that the member for Murray–Wellington has a bill before the house to raise these issues about what rights a landowner has to restrict access to their land. Although they have a right to prevent access to mining, they do not have that right for hydrocarbons. That will inevitably lead to conflict because some people will not want that access. The conflict will potentially be increased for unconventional gas due to the need to have a larger number of well pads for a given volume of gas and the nature of the resource in the ground. This is an issue that needs to be dealt with before further thought is given to dealing with extracting unconventional gas in Western Australia. Again, the Queensland GasFields Commission's gas-style approach that is recommended by the upper house committee is part of that solution, so people will know that they have an independent person to assist them through that process. I note, too, the Australian Petroleum Production and Exploration Association's agreement with the Pastoralists and Graziers Association and the Western Australian Farmers Federation for a code around accessing agricultural land in the midwest for those unconventional players in that area.

These are all very complicated issues, which is why, again, I am a strong supporter of the Labor Party's position on these issues. We still have a number of unanswered questions. The next, and clearly the last, one I am going to get to is the question of the more intense need for infrastructure for a shale gas project compared with a conventional gas project. In a conventional gas project, we might have 10 production wells for a large resource. A small resource might have one or two production wells. The nature of shale gas extraction needs multiple wells. A very good chapter in the upper house report explains why this is needed. There can be more than one well on a single well pad but, one way or another, a large number of wells is needed. Each well pad needs an access road and a flow line to take the gas away from the well.

I am not going to say that the areas that the companies are working in under this agreement are unspoilt wilderness, but they certainly have not had the same intense level of development as the south west of the state. There will be a lot of other environmental issues about getting access to the land. That will have to be managed very carefully. At the same time, there will also be many Aboriginal heritage questions. Of course, there will be more questions than in a conventional gas play because more infrastructure will be needed. That will have to be managed very carefully. The companies will have to speak for themselves about their relationship with Indigenous communities and the other residents in the Kimberley. The companies will not be able to go forward without social licence, regardless of any laws that are passed. We have moved a long way past the situation in which companies can just insist, based on legal rights, that because they have a legal right, they have a moral right. That is no longer acceptable in the Australian community. The sensitivities of development in the Kimberley was noted recently when the government brought in legislation to allow for the cancelling of the mining leases over the Mitchell Plateau. What might have been acceptable in the 1960s is no longer acceptable today, regardless of anybody's legal rights. They have to be carefully managed.

I forwarded an interesting article to the members for Victoria Park and Gosnells this morning about Indigenous protected areas and the conversation around comparing Indigenous protected areas to national parks. This article argued the superior rights for Indigenous people in an Indigenous protected area compared with a national park. The management of a national park is about managing not only the flora and fauna, but also the cultural issues. The cultural issues of land are recognised in the recent amendments to the Mining Act 1978 introduced by my good friend the member for Nedlands. There is a special provision at the end of the legislation that moved the land clearing and other issues out of the Environmental Protection Act 1986 into the Mining Act to allow the director general to make a decision to refuse approvals based on issues not covered by the environmental approval process. That is part of that recognition that these things are much more complicated in a contemporary society than they might have been in the distant past.

I have nine minutes to go. I want to turn to one final issue; that is, greenhouse gas emissions. The state government's approvals for the Wheatstone project in Western Australia were done on the basis that there was a national greenhouse gas scheme. Of course, that scheme was abolished by the incoming Liberal government. The state government has never returned to the issue of those approvals. I contrast that with the Gorgon project,

which had an obligation for the CO₂ to be injected under Barrow Island. That caused disagreement and we dealt with that in this chamber in the past. Greenhouse gas emissions are a major issue confronting society. In fact, recently, when I met the with Chamber of Commerce and Industry of Western Australia's energy committee, or whatever it calls itself, everybody in the room agreed that carbon constraint and renewable energy was the number one issue confronting the energy sector in Western Australia. That is true as well for the joint venture that is looking to exploit natural gas in the Canning region. There are two issues. The first issue is Australia's contribution to CO₂ emissions. In respect of the project in the Kimberley, there will be two sources of that: CO₂ emissions that are used in extracting any gas—if it ever gets extracted—and fugitive emissions. It is interesting that at a conference I attended in London last year it was pointed out that fugitive emissions from gas pipelines in Russia are not properly measured, and because of that, they do not go onto the world's carbon inventory and there is probably a large impact from that for political reasons. Fugitive emissions in Australia are measured, and I know the member for Collie–Preston will insist that carbon emissions from any potential onshore gas project in Australia are carefully measured because, of course, they are often compared with emissions from coal and if they are not being properly measured, that is unreasonable.

The second issue is the use of methane to produce energy. The probability is that if the gas resource is the scale that the joint venture partners hope, the only way this gas will ever be used is if it is exported. I made the point before the lunch suspension that just because a resource is found does not mean it will ever be used. I use the example of the Browse Basin. It has been 35 years between the resource being found and today and it is still not being used, and we have no idea whether it ever will be used. Just because there is gas in place does not mean it will be exploited, but if it is to be exploited, because it is potentially so large, it can be exported overseas. What happens when it is used overseas? Interestingly, 51 per cent of all the coal used in the world at the moment for energy—not counting metallurgical coal—is used in China, and over 90 per cent of the coal that is used in China is mined in China. Over 45 per cent of all the energy coal mined in the world is mined and burnt in China. That has an incredible impact on world greenhouse gas emissions.

I have not been to China, but I know a number of members around the chamber have been. Burning coal leads to serious health problems from photochemical smog and other emissions. China recognises that and is working to reduce that impact. One of the ways it is doing that is to build nuclear power stations. The problems with nuclear power stations are many, not the least of which is that they have serious potential environmental impacts. In fact, in the Chinese community there is now a large movement against and resistance to the construction of nuclear power stations. Even though there are a lot of maps with crosses on them showing where nuclear power stations are going to be built, many of those will never be built because of changing community expectations in China.

One thing that may happen, if the Chinese choose—it has nothing to do with Australia—is China will use gas instead of coal. China has an agreement with the Russians to build a very large pipeline from Siberia into China, which potentially will deliver enormous quantities of gas into China; and, of course, China has an existing pipeline and it continually increases the volume of gas through that pipeline from the Central Asia republics. China has a long-term vision for working with the Central Asia republics to develop a range of issues. China also has liquefied natural gas from all sorts of places around the world, including from the Americas. As the report in the upper house Standing Committee on Legislation makes clear, China potentially has the largest resource of gas in shales in the world. There are potentially many, many competitors to Australian LNG exports and it is not clear that there will ever be a market for the gas in the Kimberley. Equally, it is clear that whether the Kimberley gas is ever exploited will probably make no difference to the total amount of CO₂ emissions in the world, because if it is not Kimberley gas being burnt in China, it will be gas from somewhere else in the world. What happens in China will be a serious issue for all of us as citizens of the world, because of the significant impact that the amount of coal being burnt in China has. China does not want to reduce its coal production for a range of reasons, not the least being that about a quarter of a million people work in the industry and China does not want that unemployment. These are all very complex issues, and whether or not the gas in the Kimberley is ever exploited is not clear, because it will only ever be exploited if it is financially viable.

Shale gas is not as cheap as normal reservoir gas to exploit. The Kimberley will be a very expensive place to exploit it and it is starting from well behind. It may be that despite the best endeavours of the current government to support the exploration and exploitation of the gas in the Kimberley it may never happen. There is nothing that any of us in this chamber can do to change the fundamental economics of the project. Going back to the upper house committee's report, there is plenty of time to get our regulatory regime right on this because we want to make sure we do not get it wrong.

MR B.S. WYATT (Victoria Park) [3.07 pm]: I want to make a short contribution to debate on the Natural Gas (Canning Basin Joint Venture) Agreement Amendment Bill 2015 as I know the intent is to get it through the lower house by the end of the day. The member for Cannington outlined the Opposition's position on this bill, and I note the reasons for this bill from the Minister for State Development's second reading speech. I want to make some comments on my major concern about the Aboriginal support that is in place for working not only with Buru Energy Ltd, but also generally around Western Australia. There is a certain element of irony

or happy coincidence that it is the Noonkanbah community that has been involved with Buru. The chairperson of the Yungngora community, which is Noonkanbah, put out a statement in which she made the point that Buru had engaged well with the Noonkanbah community. I refer to an article in *BusinessNews Western Australia*, which reads —

Yungngora Community Association chairperson Caroline Mulligan said the support recognised the community's strong connections with the land and the process adopted by Buru Energy showed respect for the land, the people and their cultural values.

“In providing this support, the Noonkanbah community has demanded that utmost care and respect be taken of our country,” Ms Mulligan said.

“We have been very thorough in our assessment of this project, we have appointed independent experts to provide us with technical advice, their advice is that the project will have very low risk to the country.

Then the article refers to a very famous man, Dickey Cox, who became famous during the original Noonkanbah dispute. The article goes on to refer to the decision on the relationship with Buru. It reads —

Yungngora Aboriginal Corporation chair Dickey Cox said the decision demonstrated how community engagement could lead to successful outcomes for both native title holders and recourse developers.

The quote continues —

“Buru Energy has engaged with YAC—

Yungngora Aboriginal Corporation —

since 2007, when their predecessor, Arc Energy, first entered into a heritage agreement with us,” Mr Cox said.

“Since then heritage surveys, monitoring, and now independent expert reports, have ensured that at every step of the way Noonkanbah has been kept informed of what is a significant program both for Buru Energy, as well as potentially for the Noonkanbah people.”

I note the comments of the member for Cannington about the Yawuru people who do not support fracking but who have in any event been working with Buru. I want to draw the attention of members to the position taken by the Yawuru people in their 2014–15 annual report. I quote a short passage from their report that refers to the Ungani Indigenous land-use agreement —

At a meeting held on 1 April 2015, the Yawuru community authorised the Yawuru PBC to enter an Indigenous Land Use Agreement ... for the grant of the petroleum (oil and gas) production licence and other project titles for the Ungani project. The Ungani ILUA was registered with the Native Title Tribunal in June 2015. The main impact of the project on Yawuru land will be the transport of oil along a road or pipeline, as the Ungani oil facility is located on Nyikina Mangala land. In return for agreeing to the production licence and project titles, Yawuru received financial and other benefits. Yawuru did not consent to any fracking or extinguishment of native title. The Yawuru community has a direct say about how the ILUA money will be used.

It then goes on to make the point that in respect of Buru Energy's oil project that, and again this is a quote —

Buru Energy intends to carry out hydraulic fracturing or ‘fracking’ at its two Yulleroo wells under its current exploration permits. At a Yawuru PBC General Meeting on 18 July 2015, a clear majority of Yawuru members voted:

I will not read out the motion, but the report continues —

Yawuru does not agree to the 2014/2015 fracking at Yulleroo, but if Buru Energy goes ahead with the fracking, Buru Energy must agree to meet environmental, cultural, social and economic conditions set by Yawuru.

It goes on to make the point that the Yawuru community does not support fracking but understands that ultimately with the rights that it has, it is likely to take place and so it will work with Buru to hopefully ensure that Buru Energy meets the environmental, cultural, social and economic conditions that are set by the Yawuru community. The Yawuru have been very effective in negotiating those outcomes.

In the member for Cannington's contribution to the second reading debate of the original bill in 2013 he referred to an article in *The West Australian* by Peter Kerr, dated 18 May 2013 and titled, “Martu say they are open for business”. The Martu mob are very much a traditional mob. That article stated that they very were much focussed through the Western Desert Lands Aboriginal Corporation—WDLAC—on achieving economic outcomes for Aboriginal people. The one thing that genuinely keeps me awake at night is the thought that although we have gone through a great period of wealth creation—as we have done of late, specifically in

respect of iron ore, but hopefully we will do so in respect of oil and gas—Aboriginal communities effectively remain the same, as though the great period of wealth creation came and went. WDLAC is an example of what can go wrong. WDLAC was, and can be again, a large organisation with significant revenues. Very recently administrators were appointed by Office of the Registrar of Indigenous Corporations to take over the governance of WDLAC. The first newsletter by the administrators, Jack James and Paula Cowan, made this point about WDLAC: the reason that they have been appointed is to help the corporation resolve some governance issues. This situation arose because two senior executives of WDLAC—non-Aboriginal people, not Martu people—had been paying themselves about \$400 000 a year. When huge amounts of money go to a small number of executives in such corporations, they very easily fall over when there is a turnaround in the revenue coming in because ultimately those people pay themselves salaries that are not paid to people who handle more significant balance sheets.

What worries me is that those same people move around Australia and take up different positions. They successfully manage to enjoy significant financial largesse and then when exposed, simply move on. That is what has appeared to have happened at WDLAC. Tony Wright was being paid \$30 000 a month to be its chief financial officer and Noel Whitehead the former CEO was also earning a significant salary. Those people simply move on to other roles and leave WDLAC and the Aboriginal people still working within the organisation wondering what happened to the organisation. As I said, WDLAC was a significant organisation, and I think, after looking through the newsletters of the administrator, it can and hopefully will be again. That is the advantage of appointing administrators: hopefully that corporation can recalibrate those expenses.

I want to make a couple of points—Premier, I will not speak for long—about Gumala Aboriginal Corporation. I am sure that everyone in this place is familiar with Gumala; everyone who has been to the Pilbara knows Gumala. It recently put up on its website, to its credit, the forensic audits undertaken by Grant Thornton into the activities of Steve Mav, who was CEO until earlier this year. This has been reported in a number of articles in *The Australian*. To its credit *The Australian* covers Aboriginal issues and Aboriginal development very well and it is a consistent theme of *The Australian* despite what people may say about *The Australian* newspaper. Paul Cleary in particular has been very focused in this space. A recent article, dated 6 November, reflects on the Grant Thornton report and it states —

When iron ore royalties surged in recent years, a handful of senior elders from the Gumala Aboriginal Corporation extracted \$3.8 million in special benefits over a period of just two years, according to a forensic audit.

The article goes on to state —

The report dwells on the benefits paid to former chief executive Steve Mav, who secured a raft of non-salary perks on top of a salary of up to \$400,000. Mr Mav resigned in May after a boardroom coup led by new chair Lisa Coffin.

The final paragraph of the article states —

The GTF report, —

That is Grant Thornton —

obtained by *The Australian*, shows that last year alone, Mr Mav claimed about 214 days in accommodation and meal allowances. He had \$216,000 in credit card expenses between January 2012 and May 2015, with no evidence to support \$84,000 of transactions. His travel expenses in this period were \$206,611.

One must reflect for a moment on ORIC. ORIC is a federal organisation and it is no doubt inundated with complaints about Aboriginal organisations all over Western Australia. However, it has emerged that there was a very friendly relationship between ORIC and Steve Mav and that, in my view, must have coloured the way ORIC treated the wave of complaints around the governance and the flow of moneys in respect of Gumala that had been coming into ORIC. When we look at WDLAC and Grant Thornton, there is a theme, a pattern, that shows a relationship of financial co-dependence between the CEO, the senior executives, the chair and a number of the traditional owners, or the Aboriginal people, on the board, whereby money flows for the convenience of all. Grant Thornton's report into Gumala has certainly revealed that. I intend to make more comments about Gumala because it is a sad example, but I will wait until the various investigations have taken place before I do. I just wanted to make that point.

I come back to the comments of the Premier in the second reading speech and the comments of the Noonkanbah community and the Yawuru people in Broome. There has to be a way to ensure—admittedly ORIC is a federal organisation—that Aboriginal people get long-term outcomes from such relationships. I mean not simply engaged to do heritage surveys, but a much broader and deeper relationship that sees longer term outcomes. We can see, now that iron ore has come off, Aboriginal organisations that have been reliant on that collapsing under the weight of assumed revenue.

Mr W.J. Johnston: The other day there were two senior Indigenous people there who were both previously working with BHP Billiton and both were made redundant as business had come off, and so there they were. What was their next job?

Mr B.S. WYATT: That is right, and I think it was either Noel Pearson or Mick Dodson—I cannot remember which—who made that point, saying that when it comes off, the first people to go are the Aboriginal people. Whether that is a fair comment, I make no comment on it at this point. The point I make is that these relationships have a financial co-dependence with cunning, non-Aboriginal operators who know how to get themselves in positions of influence; and that financial co-dependence means that organisations such as the Office of the Register of Indigenous Corporations have a higher duty to ensure that those people are indeed uncovered and are watched by organisations. Certainly the email exchanges between ORIC and the chief executive officer of Gumala at the time, Steve Mav, indicate that the relationship was inappropriate. As the regulator of an organisation, that relationship was inappropriate. Given the friendly tick-tack emails between the registrar of ORIC and the CEO, about whom ORIC was receiving complaint after complaint, it is no wonder that it took so long before the trustee, Colleen Hayward, who had to effectively threaten Supreme Court action to get access to the financial documents that ultimately led to the departure of Steve Mav, finally started to see some light about what had been happening to some of these moneys. As I said, I will come back to this issue in the future, but ultimately there is an investigation taking place and I dare say, to be frank, probably some police charges to follow out of it. I will come back to that.

Either way, the point I make is that looking at the comments from the Noonkanbah community and the Yawuru people, it appears that the Yawuru people do not support fracking but they understand their responsibility to work with an organisation that is not doing anything illegal for the best outcome for Yawuru people. I guess there is a certain sense of historical irony that we are back at the Noonkanbah community. Dicky Cox in particular is still there and still prominent in working with Buru to ensure that the Aboriginal people are not only consulted, but also a valuable part of whatever it is that Buru is doing.

MR C.J. BARNETT (Cottesloe — Minister for State Development) [3.22 pm] — in reply: I thank members for their comments on the Natural Gas (Canning Basin Joint Venture) Agreement Amendment Bill 2015, and in particular for their support of this amendment to the agreement act for the Canning Basin. To get back to the main point of this bill, it is to simply extend by two years key reporting dates under the state agreement. That extension is necessary because the project is not going as quickly as the joint venturers had originally hoped, primarily due to, I guess, technical difficulties in being able to economically extract the gas, and I think it is also probably true that the price of gas has fallen and demand has eased off; so probably both of those factors have played their role. However, it did allow a fairly wideranging debate on the merits or otherwise of the Canning Basin project, the realities of the marketplace, a debate about fracking and indeed Indigenous issues in the area.

I will not refer to everyone's comments but I will pick up on a couple of points. The member for Cockburn argued that to some extent this agreement was perhaps a little premature. That is a fair point. It is always a matter of judgement as to when we bring an agreement into Parliament. I think in this case for the project to have a realistic opportunity, particularly with the Japanese, the state government needed to demonstrate that it was serious about the project. However, it will take a little longer. I remind members that there are two projects here—the domestic gas project that I am confident will proceed at some stage, and perhaps the liquefied natural gas project as well. I also make the point that there is a lot of gas in Western Australia. A lot of proved discoveries have been made in the Dongara area in recent times that quite recently show there is a fair bit of gas that will be a lot cheaper, obviously, to bring on than gas from the Canning Basin.

The member for Armadale talked a fair bit about native title, agreement acts and sovereign risks. They were fair points; he is more of an expert in that area than I am.

The member for Willagee, again, questioned the use of state agreements. I think as the infrastructure of the state develops, the case for the complexity of state agreements will diminish. This agreement is really a facilitating agreement, but it will give the proponents a long-term security to the resource. It will give confidence for attracting investment both in the project and in the pipeline. Here an agreement act is needed because the area has no infrastructure at all. As we get new projects—for example those taking place in the goldfields or in the Pilbara—the necessity for state agreements diminishes because the infrastructure is now largely developed.

The member for Gosnells is obviously not a supporter of fracking, and I guess that brought on a bit of a debate about the Labor Party policy that it has adopted. I am a bit concerned —

Mr C.J. Tallentire: I supported Labor policy; that is what I explained, which is about a moratorium until an inquiry is conducted.

Mr C.J. BARNETT: Yes, I know. I do not mind an inquiry but I think the industry will be concerned if the Labor Party talks about a moratorium on fracking, given that it has been in operation in this state for 50 years.

Mr C.J. Tallentire: It is until all the issues have been resolved—until the community concern has been allayed.

Mr C.J. BARNETT: I am not arguing with that. I am just telling the member how the industry will receive his comments.

Mr C.J. Tallentire: You just said that I was totally opposed to it.

Mr C.J. BARNETT: Yes, I know, and that will not go down well in the industry. I was just making the point.

Mr C.J. Tallentire: I just explained what my position was, which is not as you have tried to characterise it.

Mr C.J. BARNETT: Yes; all right. I do not know that the member's position is the universal Labor Party position from some of the comments made today.

Mr C.J. Tallentire: I quoted our platform position to you.

Mr C.J. BARNETT: That is right. I do not think all of the member's colleagues agree with him, but that is something for him to deal with, not me.

I found the member for Collie–Preston's anti-gas-fracking approach strange when for so many years in this place he has been an absolute proponent of coal. That seems again an inconsistency.

The member for Cannington, the lead speaker, talked about the state agreement. He showed his knowledge of the area and had some discussion about the platform and emissions and the like. I am probably a little more optimistic. I think the days of coal internationally are numbered. Countries will get out of coal as quick as they can, and the obvious bridging fuel will be gas. A combined-cycle gas plant produces about a third to a half of the emissions of a coal plant. I think the concept of clean coal has been shown to be basically a scientific fraud. There is really no such thing as clean coal. I think there are more efficient stations but not much else. There will be more requirement around the world for geosequestration of emissions, even from gas projects, as we have in the Gorgon project.

I would like to hear more from the member for Victoria Park. I think the abuse of income in Aboriginal groups and corporations is a serious issue. I believe that all companies involved have a responsibility to not simply write out a cheque, but to take some measures to ensure that the money is preserved and used for the general benefit of the community. In that sense, and although it is in another piece of legislation, I think the south west native title bill is as far as any government in Australia has gone in terms of preserving income and preserving long-term benefits. To a lesser extent in the Pilbara, the agreement for James Price Point and the Anketell project also has provisions to protect the payment of money in trust. However, it is pretty difficult for governments to impose the sort of standards on private settlements —

Mr B.S. Wyatt: It is really hard.

Mr C.J. BARNETT: It is difficult. The big companies are doing better now, but for a while they just handed over \$2 million, said "That's the deal" and walked away. I think the big companies now understand that that is not acceptable. However, the whole fracking and natural gas energy mix is an interesting and important issue for Western Australia. I am sure we will have continuing debates on that, but I thank members for their support and I think relatively minor changes will be necessary after the projects proceed.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

Consideration in Detail

The ACTING SPEAKER (Mr I.M. Britza): Just before I bring the first clause before the Parliament, I want to remind the opposition that during debate on the first clause, the short title of the bill, if I deem the question about the title is not relevant, I will say so, because I feel that there are plenty of clauses in the bill for all questions to be brought up. I am just forewarning you, in case there are questions on the short title of the bill, that I am listening!

Clauses 1 to 6 put and passed.

Clause 7: Schedule 2 inserted —

Mr W.J. JOHNSTON: Clause 7 is the guts of the bill, if you like. It reads —

Schedule 2 inserted

After Schedule 1 insert:

Schedule 2 ...

Mr Acting Speaker, my memory of dealing with schedules is that we are able to range backwards and forwards through them. I firstly want to thank the departmental officers for giving me a briefing on these issues.

I appreciate that the Department of State Development is always very professional in the way it provides information to me.

I want to go to clause 1(4) of the schedule, which is on page 6 and starts with the words —

If by 31 March 2016 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 on that day ...

My understanding is that if the bill is not passed by 31 March next year, the passage of this bill after that date would effectively make it retrospective because, as I understand it, 31 March 2016 is the date that the companies have to say whether they want to go ahead. The reason I raise this is that when I originally sought a briefing, I was told that the bill would not be debated before Christmas. At the end of the briefing it came out that if the legislation was not effectively through our chamber this week or next week, it would be too late. I want to get clarification that that is the case and that we do need the bill passed before Christmas, because otherwise it would end up being retrospective.

Mr C.J. Barnett: It will need to go through both houses by 31 March, which, all going well, we are on track to do.

The ACTING SPEAKER: Was the Premier answering that question by interjection or did the member want an answer?

Mr W.J. Johnston: Perhaps the member for Gosnells could get up and say he wants to hear more from the member for Cannington.

Mr C.J. TALLENTIRE: I do want to hear further from the member.

Mr W.J. JOHNSTON: The Premier was very cleverly trying to stop me from speaking again!

Mr C.J. Barnett: At this time of the year I am not very clever!

Mr W.J. JOHNSTON: So the answer to my question was yes, we need to get the legislation through this year, rather than next year. Clause 2(1) of schedule 2, again on page 6, deletes the date 2020 and inserts 2022. As I understand it, this is the relief from the requirement to surrender parts of the tenement under the normal arrangements that apply. This is the issue I raised briefly in my contribution to the second reading debate today, but I also raised it in 2013. We support the amendment, but the problem is that it provides a benefit to one operator in the Canning Basin and not the others, so I just wonder where the government is at in providing an equivalent entitlement to the other operators in the Canning Basin.

Mr C.J. BARNETT: The Buru Energy project is far more advanced and it is exploring a very, very large area, with a significant number of exploration permits. Yes, the purpose is to extend the period for another two years before Buru is required to start to relinquish explored or unexplored areas. With respect to other companies, to my knowledge none of them has come forward seeking an agreement; they are not at that point, and indeed, if Buru goes ahead and builds the pipeline into the main grid, they would have third party access to that pipeline. This is the first project; therefore, it has to create the infrastructure and therefore it will have a state agreement. I would not anticipate that other projects in that Canning Basin would have an agreement act; I might be wrong, but I do not think that they would need to.

Mr W.J. JOHNSTON: I appreciate the government's position on this; I just think it has to be looked at, because these are issues that are broader.

I now go on to clause 2(2), which deletes the date 2016 and inserts the date 2018. This is in respect of marketing the gas. I wonder whether the joint venture partners have advised the government of how they are going with the marketing of the gas.

Mr C.J. BARNETT: I am not sure of the latest advice the joint venture partners have given. The first target is to develop a pipeline. These pipelines have been built all around the state, so that is probably not difficult to do. I imagine their first target for gas would be Pilbara mining companies, to get them off diesel and on to natural gas and hook into that system. That would have to fund the pipeline, and probably through the contracts the buyers of the gas would effectively fund that. That would be where they are at. I do not think they are seriously looking at the liquefied natural gas stage yet; I think that is still in the future. Bear in mind that one of the principal shareholders or partners is Mitsubishi, and Mitsubishi will not have difficulty disposing of whatever the volume of gas is—say, a two million or three million tonne project. It will be able to do that with ease.

Mr W.J. JOHNSTON: This is really what I was getting at: are the joint venture partners keeping the government in the loop about where they are with the marketing of the gas? I note that the Alcoa deal has now been unwound. It obviously created great market excitement a couple of years ago when the joint venture did that sale agreement with Alcoa, but we know that that has now been unwound. I wonder whether the company is keeping the government informed about where it is at with the marketing of gas.

Mr C.J. BARNETT: Although Alcoa has stepped back because it has found some other gas supplies, I think I am right in saying that it is still committed to taking 100 petajoules, so Alcoa will be a customer. I would think that the remainder of the gas would be progressively sold to the utilities and power producers. While oil and therefore diesel prices are low, there is a really strong incentive now for mining companies to get on to securing long-term gas supply, because they know the cycle will probably take oil prices back up to \$70 or \$80 at some stage in the next two years. They will want to avoid that sort of volatility. As we see more supply of gas into the domestic market from the LNG projects and projects such as this, I think we might finally start to realise our competitive advantage in gas—security of supply and price. There are plenty of buyers out there.

Mr W.J. JOHNSTON: Yes, it is interesting we have been able to achieve a very low price of gas, having gone through that long period of very high prices. Of course, now all the gas companies are complaining to me that the price is so low that they cannot fund their investments, which is always the way! Anyway, for a range of reasons I prefer an oversupply of gas rather than an undersupply of gas.

In clause 2(3), the date of 2014 has not been achieved. I contextualise this by saying that I understand that the minister has a right to extend these time lines once in any case. Has the minister taken any action to extend any of the days at this stage?

Mr C.J. BARNETT: Not yet, because 2014 apparently is the commencement date when we start timing going forward. But with the exception of subclause (3), apparently, the Minister for Mines and Petroleum has the ability to extend.

Mr W.J. JOHNSTON: I think that might be the Minister for State Development rather than the Minister for Mines and Petroleum, but that is okay.

Mr C.J. Barnett: It's the Minister for State Development on advice of the Minister for Mines and Petroleum.

Mr W.J. JOHNSTON: Excellent; there you go. It is a while since I have read the whole agreement.

As I understand it, clause 7(5) provides for the date the agreement can be cancelled if there is no project. Again, I understand that is one of the dates that can be extended by the minister for 18 months. Clearly, in 2018 it will not be there. The year 2020 is not that far away for these grand projects. The question will always be: what if, in two years, the government asks for another two-year delay? Does the Premier see what I mean? In 2013 we were confident that by 2018 we would know whether the project was a goer. Now it is 2015, we think that in 2020 everything will be a goer. As I have discussed previously in the chamber, if we look at other state agreements, the reality is when we get to a position in which a company cannot do something, it does not do it and the agreement is adjusted in favour of the company. There might be a hundred good reasons for adjusting things in favour of the company, but at which point do we say that this will not work? How confident is the Premier that in late 2017, the state government, whatever persuasion it is, will not come back to the chamber and say the 2020 date needs to be 2022? Otherwise, what are the obligations on the proponent? If the written obligations are adjusted on a continuous basis, there is not an obligation.

Mr C.J. BARNETT: I would think, from my experiences, that by the time we get to 2020, it will be very clear whether the company can proceed with the domestic gas project. I would think that is plenty of time. Given the advancements in technology, the company will be extracting, or be confident of extracting, gas in sufficient volume, at least for the domestic market, and will not have a great deal of difficulty financing a pipeline connection. Even though it is 600 kilometres, I think there will be enough customers around to do that. Who knows?

On the member's point about when we make the decision, that is a very subjective point. Again, from my experience, the decision would basically be made to pull it if there is no confidence in the company's financial capacity to undertake the project. I am sure the technical issues will be pretty well understood. The pipeline could probably be funded and the markets could probably be found, but if the company did not have the financial resources to undertake it, we would pull it. I do not think that will be the case with Mitsubishi involved. There may be some changes in the joint venture structure—that could be possible—but from my history, such as it is, at times when projects have not proceeded, it has been very evident that the company involved did not have the capacity to do it or simply had an intent of trying to conclude the agreement and sell it on. There have been a couple of infamous cases of that. In my view, that also would be a reason for not proceeding.

Mr W.J. JOHNSTON: I appreciate what the minister said, but there is 35 years between discovery and exploitation of the Browse field, and potentially even longer. Just because the gas is in place does not mean we have a project.

Mr C.J. Barnett: I guess a domgas project is probably in the order of \$1 billion or maybe more. It sounds like a lot of money, but in that industry it isn't a lot of money anymore.

Mr W.J. JOHNSTON: I would be happy to take 10 per cent, I can tell the Premier, no trouble at all.

Mr C.J. Barnett: I would almost pay you 10 per cent to go!

Mr W.J. JOHNSTON: All offers considered, Premier! It is a genuine issue. We look at these projects and think: how will we decide when it is not working? Buru Energy Ltd is a relatively small company. I think it has recently dropped out of the ASX 200. I think that is right; I may have the wrong figure and it may have dropped out of the ASX 100. Whatever it is, for two separate reasons—a drop in the oil price and all the oil and gas players have been hammered—the project has proved to be a bit more complex than perhaps people thought it would be. It was always going to be a complex project. Those two things make it hard for them. I keep in touch with them regularly and am briefed by them on an ongoing basis.

I recognise that none of those issues relates to Mitsubishi and it is a joint venture. But Buru is the operator and is the one that most people look at, so we want to make sure that we have some understanding. There must be an obligation on the company to do something. We recently passed the Mitchell Plateau bill. I read the debates from the 1970s, during the time of the Tonkin government, and the point was made that there needed to be some obligations on the companies to do stuff; otherwise, it would hang around and go nowhere. We do not want the press-release approach to state development whereby the signing of the agreement, rather than the project, is the outcome.

Clause 2(7)(a) and (b) of the variation agreement extends the dates from 2015 to 2017 and 2016 to 2018. Can the minister explain for my benefit what those two dates specifically relate to?

Mr C.J. BARNETT: I am advised that because of some native title negotiations to be concluded and some engineering and technical issues in extracting the gas, the company is not in a position now to say whether it will go ahead, but expects to be within a further two years, and we expect it to be too. I remind the member that Woodside was a pretty small company in the 70s too. Some little fry get there; others do not. Usually the ones that add superlatives to their claims are the ones that do not get there!

Mr W.J. JOHNSTON: I remember as a kid reading *The National Times* and at the back was a list of the share prices and the total value of the companies, and there would be Woodside Burma. I was only a little kid and had no idea what Woodside Burma was. It was always fourth or fifth on the list of the top 100 companies in the country. I remember when I was older reading an article written by an Englishman about Woodside, making the point that only in Australia could a company go for that long, worth that much, and produce nothing because it had been looking for stuff and found it, but it had not worked out how to get it out of the ground on an economic basis. It is a remarkable story.

The Premier and I were both at the dinner for Woodside's sixtieth anniversary when great speeches were made by the Leader of the Opposition, among other people. The video message from the then Prime Minister Tony Abbott was not that well received compared to the speeches by others in the room. In fact he gave a picture —

Mr C.J. Barnett: Golden rocks

Mr W.J. JOHNSTON: He gave a framed copy of the front page of *The West Australian* to the CEO of Woodside.

Mr R.H. Cook: A video from Tony Abbott would still be in someone's cupboard!

Mr W.J. JOHNSTON: Yes; if members can find it, they should watch it. It is very entertaining.

Mr M. McGowan: How do you relate stopping the boats to a sixtieth anniversary? I don't quite understand.

Mr C.J. Barnett: We all have our stump speeches; only the venue was wrong.

Mr W.J. JOHNSTON: Yes; one has to tailor their stump.

Mr M. McGowan: I have never heard such a grind!

Mr W.J. JOHNSTON: This is an interesting agreement. The Labor Party continues to make some critiques of the agreement. We are supporting it because we do not want to create sovereign risk. Unlike the National Party, we think that government should have the right to make decisions, even when we do not agree with it. We will argue against them and we will tell people why they should vote against them and that that is why they should change the government, but the government is still the government and it is entitled to make decisions. We look forward to this agreement proceeding through Parliament and will watch with interest the future development of the project.

Clause put and passed.

Title put and passed.

Third Reading

Bill read a third time, on motion by **Mr C.J. Barnett (Minister for State Development)**, and transmitted to the Council.

**NOONGAR (KOORAH, NITJA, BOORDAHWAN) (PAST, PRESENT, FUTURE) RECOGNITION
BILL 2015***Second Reading*

Resumed from 18 November.

MR R.H. COOK (Kwinana — Deputy Leader of the Opposition) [3.51 pm]: I am immensely proud to be speaking today on the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015. Of all the speeches I have made in Parliament to date, this is the one I have anticipated the most. I begin by acknowledging that we are meeting in the Parliament of Western Australia on the lands of the Whadjuk people of the proud Noongar nation. I want to acknowledge their elders, past and present, their ongoing connection to this country, and the protection and enhancement of their beautiful culture. I also want to begin with a little act of self-indulgence by acknowledging the passing of Mr Brian Wyatt, who left us recently. Many people would not be aware that Brian was a tireless and long-term advocate for Aboriginal rights, particularly native title. He was the Executive Director of the Goldfields Land and Sea Council and did some very important work on the native title challenges in very difficult circumstances in that area of country. He later became the head of the National Native Title Council. Sadly, he has left us. We should remember that he was one of those people, along with Peter Yu, Patrick Dodson, David Ross and the many great land rights advocates, who were there from day one when they were negotiating the original Native Title Act. In that sense, his passing is a milestone in the point at which we find ourselves now.

When I was the policy coordinator for the Western Australian Aboriginal Native Title Working Group, Brian Wyatt was the chair, and in leading the WA land councils group, he was leading them to promote agreements around native title and to try to overcome the division and the opposition, particularly from the Western Australia mining and farming communities, towards Aboriginal land rights. Through his quiet but strong leadership, he was one of the generation of leaders who took that debate from the hostility, conflict and division that it represented and through to the agreement phase. At that time, people such as Brian Wyatt were talking about what we are doing today, which is confirming a comprehensive agreement that provides a settlement of not only the legal issues surrounding native title, but also the comprehensive issues that Aboriginal people would like to see negotiated when they have the opportunity to sit down and discuss these issues.

By its very nature, the Noongar agreement is in fact a classic treaty; it is a coming together between two nations to agree upon certain things, and in doing so, finding a way forward together and recognising each other's sovereignty. By recognising each other's sovereignty, they decided how they would continue to coexist in a manner that they agreed to through negotiation. Yothu Yindi sung "treaty now", and that is what we are doing here; this is a treaty between the government of Western Australia representing the newcomers, and the nation of the Noongar people. We cannot underestimate the importance of this agreement. I want people to understand the importance of this agreement. This is not just a good native title outcome; this is world's best practice. Academics across the world who examine these things and talk about treaties and agreements on land rights are looking at this particular agreement as being the most modern, comprehensive and best practice in terms of how we do these things. That makes this agreement unique and a particularly important exercise.

From my point of view, I believe this is the single greatest act of sovereignty by the Noongar nation since settlement. We know that there are Noongar people who are represented by the different clan groups: Ballardong, Wagyl Kaip, Yued, Gnaala Karla Booja, South West Boorjarah and of course Whadjuk. This bill represents all those groups coming together as one to agree upon a course of action. I do not think that has happened since settlement. This nation of people has been the most dispossessed, the most confronted by white settlement, the most dislocated and, in that sense, the most oppressed in terms of continuing cultural practices. This is the most single deliberate and important act that they have taken. I want to put on record just how proud I am that they have got this far. It is pretty humbling stuff. I am sure that one day the Premier will look back on his political career and think, "What did I do? What did I achieve in my time in government?" People might look to Elizabeth Quay or to the football stadium and great monuments to his time in office, but this agreement is the single most important thing this government can do. I take my hat off to the fact that it has been achieved. It is incredibly important.

I also want to talk about how difficult this stuff is. In my time at the South West Aboriginal Land and Sea Council I was constantly confounded at just how complex and difficult it is for Aboriginal land councils and native title representative bodies to conduct their work. They are dealing with a very complex and difficult piece of law. The Native Title Act would do anyone's head in. The best possible advice I ever received early in my time in native title was from a lawyer at BHP who said, "Son, whatever you do, don't try and learn the act because it will kill you." I think that was great advice. He said, "Leave that up to the lawyers." This guy was a lawyer himself. I am a lawyer too, but I am not going to try to do it. It is an incredibly complex piece of law, so state and commonwealth governments absolutely hammer the land councils in terms of trying to prove native title and get rights under this particular act. It is tough work. I want to pay my respects to that generation of

young lawyers inside the native title representative bodies who often come quite inexperienced into the legal area and take on some of the most experienced state and commonwealth solicitors in the employ of the governments and achieve incredible outcomes.

The other difficult part of this lies with the stakeholders. I have talked before about the shameful conduct of organisations such as the farming and mining lobbies back in the 1980s and throughout the 1990s when the Native Title Act was being settled. I started my involvement in native title in the early 2000s and even then the level of conflict from stakeholders was difficult to manage. They always used to say, “We’ll send in a Roger”, which meant to send in a smiling face to pave the way for discussion with an industry group, a company or a government. One of my jobs was to drive around the south west talking to local governments and trying to convince them that they had nothing to fear from native title. It was a tough job because there was so much hostility and suspicion about what native title represented and what people were trying to achieve under it. We really had a great deal of difficulty with that process. Finally, the native title representative bodies had to deal with communities that had been done over, generation after generation, by laws designed to oppress and dispossess them and make them lose their culture. To get them to come together under this sort of regime, which is a regime that is not particularly easy to work with, and get advantages out of native title was incredibly difficult because of their suspicions of the land council, the organisations, the governments and the businesses with which they had to negotiate. They were suspicious of each other because everyone was afraid that somehow their family, their people and their community were going to miss out. Members can understand the incredible difficulty that native title representative bodies or land councils must have faced in trying to bring them together to make a decision. In the case now before us, the South West Aboriginal Land and Sea Council has got to the point of deciding to surrender its native title rights for these other rights, interests and outcomes. What an extraordinary achievement!

The gall of this organisation was to first of all go out and say, “We are going to combine all of our claims and bring them together under the single Noongar claim. We will negotiate as one and make a deal with the government about how native title might exist in the south west.” Quite frankly, we were saying these things at the time and governments of all persuasions were simply laughing at us. They were saying that we would never achieve this or get this together. It was an extraordinarily bold-faced exercise. When the government continued to put on the pressure, the South West Aboriginal Land and Sea Council took its case to the courts. Through the incredible work of Vance Hughston and Tina Jowett, the council actually won the court case. I think that the government of the day, and I am very ashamed to say that it was a Labor government, thought that the case would just wither on the vine. Here is this dispossessed group of Aboriginal people and the government has said, “There is no way they will win their case in the courts. We will let them have their day in the court but then we will just flick them off.” Such was the tenacity and the preparation put into the witnesses, the evidence and the preparation of the case that they won. It is to our eternal shame on this side of Parliament that the government of the day marched into this chamber upon the court’s saying that it had approved native title, and said that it would appeal that case. Out of that debris and dishonour brought about by that decision, we set up a negotiation process, but it is to the absolute credit of this government that it decided to continue that negotiation process and we find ourselves where we are now.

I want to talk about some of the extraordinary people I have worked with. I know that it is a dangerous exercise when a person starts naming names, but I want to talk about some of the many people involved in this process. First I will pay credit to Mr Darryl Pearce, the controversial chief executive officer of the land council who originally proposed this idea of the single Noongar claim, and Mr Murray Jones who was the chairperson at the time. I also pay credit to Ms Lyn Lund who was an amazing second-in-charge and provided a lot of the stability for the organisation at the time. The legal team of Maxina Martellotta and Christine Cooper pulled together and did a lot of the leg work with the legal arrangements for this legislation, and Kate Morton, Ophelia Rubinich and Chris Owen are the anthropologists responsible for pulling together a lot of the research.

I also want to pay my respects to Etienne van Tonder, a South African lawyer. This was the first job he came to upon arriving in Western Australia as a future act lawyer. He must have thought he had come to a madhouse in trying to deal with native title. I also want to pay my respects to some of the board members at the time, in particular Mrs Janet Hayden and her daughter Charne Hayden. Her other daughter, Geri, was also a fellow staff member at the land council. Mr Glen Colbung played a great stable role as a long-term board member. Mr Jack Hill and Mr Graeme Minter were responsible for being involved in a lot of the negotiations.

I want to acknowledge some of the other staff who were around at the time—Mr Michael Blurton, Mrs Pat Rutherford, Ms Vanessa Ugle, Darlene Summers, Kevin Fitzgerald and John Hein, the long-suffering chief finance officer at the time. I also want to pay my respects to Mrs Geraldine Martin who I have very fond memories of working with at the time. I want to pay my respects to some of the senior Noongars who were involved in the native title debate at the time—Mr Charlie Kickett, Mr Spencer Riley, Mr Dennis Eggington, Gordon Cole, Eric Wynne, Farley Garlett, Glenn Shaw and Ms Colleen Hayward. I also want to acknowledge Ms Cherry Hayward, whom I did not get to work with at SWALSC. I now know she was the chair for some time

but I worked with her when I was at the Yamatji Land and Sea Council. I did not have an opportunity to work with Mr Oral Maguire but I knew him as a school student and a leader in the Noongar community. I want to acknowledge Mrs Theresa Walley not in the native title context but as an important member of my Kwinana community. I understand her ambivalence towards this agreement but I assure her it is an important one. I also want to acknowledge Mr Ted Hart who is the current chair of the South West Aboriginal Land and Sea Council. I worked with him for some time when I was there and he is a great character and a strength to the community. I want to acknowledge some other important members of the community—Mr Bill Lawrie, who played a role as a senior manager at the South West Aboriginal Land and Sea Council; Mr Stuart Bradfield, who was involved in the negotiations; and Ms Gail Beck. I also want to pay my respects to Mr Kim Scott who I understand was responsible for a lot of the wording in the draft before us.

[Member's time extended.]

Mr R.H. COOK: In particular, I would like to pay my respects to and display my huge admiration for Mr Glen Kelly and Ms Carol Innes. I do not think we will ever understand how hard it was to lead the community to reach this point. I think they have done an extraordinary job. At times we thought that the job was probably a bit too difficult and it would be a bit too hard to pull the community together as they have. Given that they have achieved what they have to reach an agreement in the most difficult of circumstances is an extraordinary credit to their leadership and strength. With the support of the organisation, they were able to bring people together to reach this agreement. What they have achieved is extraordinary. They have taken the organisation from a situation in which, slightly before their time, this positive determination on native title was achieved. They have kept the organisation together through very difficult financial circumstances, through very difficult community and legal circumstances and through circumstances in which a bunch of stakeholders were banking that at some point the organisation and the negotiations would fall over, but they did not. It is an extraordinary achievement.

In some respects, this is a totally uncharacteristic outcome. As I said—the Premier was not in this place earlier so I will say it again now—what he has done with this legislation will be the single biggest achievement of his government. I think it is an extraordinary outcome—reaching agreement about what is essentially world's best practice in native title outcomes. I do not understand how the government can do this on the one hand—achieve an incredible outcome that acknowledges sovereignty, respect, negotiated outcomes and sustainable futures—but on the other hand sponsors a bill such as the new heritage bill into this place, which in some respects is complete anathema to what we are achieving here. I do not understand how the government can introduce this bill, which is so well informed, so well intentioned and such an important part of a process but then talk about closing communities in the way that it has. I understand that we have retrieved some of that situation. Hurtful things were said in that context. Why do we now have this legislation?

I also want to draw to Parliament's attention the fact that during the court case, the court convened on some country that was considered so important to the Noongar people that they wanted the court to convene on this piece of land so that they could talk about the importance of country and how important this particular piece of country was in practising their culture. That piece of land is now subject to the Roe 8 construction process. On the one hand, we acknowledge the importance of country and culture and sacred sites and so forth, but, on the other hand, we are about to construct a highway right across this country. The irony should not be lost on us when we look at these things.

Perhaps the team that the Premier had negotiating some of these things need to be put in charge of other aspects of government policy because it is clear that this group of public servants has got it and other groups of public servants are so behind in modern thinking about how we deal with these things that we find ourselves in these circumstances.

Under this agreement, I understand that the South West Aboriginal Land and Sea Council is proposed to be recognised as the central service organisation. The central service organisation is, of course, that charged with implementing a lot of the community development programs and outcomes that result from the native title agreement. I also want to draw Parliament's attention to the fact that the South West Aboriginal Land and Sea Council has had over 50 per cent of its funding cut since the agreement was made. This organisation is under extreme pressure. One of the cruel aspects of the Native Title Act is that native title representative bodies are funded by the commonwealth government to determine whether native title exists and to reach native title outcomes. The great irony is that the commonwealth then devolves itself of responsibility for funding or, as the Premier pointed out previously, under the last two federal governments, it is responsible for funding parts of the compensation packages associated with it. Native title groups find themselves with native title but are then unable to access any funds to enjoy those native title rights. I think there is an obligation on the government to not only reach agreement on native title matters and other matters that relate to this agreement, but also bring resources forward so that the South West Aboriginal Land and Sea Council can realise its role as the central service organisation. This is an important part of the process. It is no use reaching an agreement if they cannot then implement that agreement in a manner that upholds their role as one of the partners in that agreement.

It has been pointed out to me that there has been no funding, for instance, to the land council for its authorisation meetings. I have heard conspiracy theories that there was a view in government that it would prefer the agreement to fall over rather than succeed and that is one of the reasons the authorisation meetings were not funded by the state government. I do not believe those conspiracy theories but that is something that was put to me. I ask the Premier whether he could clarify what role he sees the state government playing in providing resources so that the South West Aboriginal Land and Sea Council can realise its role as the central service organisation, and what ongoing resources will be made available until the organisation can use other forms of revenue and streams of income. As I have said, we have often seen people around the country achieve native title but then they do not have the resources to enjoy that native title. It would be a great pity if we get to this point of passing this important legislation and having the native title agreements ratified by the tribunal in the Federal Court only to see all this goodwill undermined by the ongoing tension between the parties to achieve best outcomes. I think it is important that we make sure that SWALSC can provide that role because getting to this point has been a superhuman achievement for SWALSC.

As I said earlier, this is an incredibly important process and the single most important thing this government can do. I want to ensure that we secure the benefits of this agreement and that we can now move forward to secure those benefits and make sure that the Noongar community can realise them. This is a comprehensive package that, although it surrenders native title, secures all kinds of other economic, cultural and material benefits. It is a complex package—by its very nature it has to be complex—and resources have to be made available for them to achieve the result. It is a very respectful piece of legislation.

I have said in this place before—I will take advantage of the fact that Mr Speaker is currently in the Chair—I join the member for Mandurah in calling on the Parliament to fly the Aboriginal flag on the flagpoles of Parliament House, as is done in every other house of Parliament in the country, to acknowledge our recognition of Aboriginal people, as we are doing in this legislation today. As a sidenote, we should also each day acknowledge the traditional owners of the country. As we commence the day's proceedings with a prayer, we should also do so with an acknowledgement of country.

I place on record my absolute admiration for the Noongar people for achieving this extraordinary outcome, and congratulate the people who have worked in that organisation who, against all the odds, have managed to achieve this great native title settlement agreement, and I look forward to them realising the benefit of this agreement through ongoing resources and capacity and to continue to take the Noongar nation forward.

MR T.K. WALDRON (Wagin) [4.21 pm]: I rise to make a relatively short but extremely genuine contribution in support of the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015. The Noongar people are the traditional owners of the south west land—there is no doubt about that—and this bill gives recognition to that. I say well done to the Premier and to everyone involved. The member for Kwinana mentioned the South West Aboriginal Land and Sea Council with which I have had quite a bit to do over the years, and all the Noongar clan groups. I did not attend the meeting, but I spoke to many groups in my area who said that the process has been long and sometimes hard. But here we are today, and it is a wonderful thing. There is no doubt this bill is extremely important to our Noongar people and will provide certainty going forward. I think it will create lots of opportunities for not only our Noongar people, but also all Western Australians. It is a really good thing.

The Wagin electorate that I represent covers around 73 000 square kilometres of land that is under this agreement. A lot of Noongar people live right across that area. I have lived in this area over my lifetime and have been fortunate to have had strong links to and associations with Noongar people ever since I was a little kid. It has probably helped me in my life. Dad always employed local Noongar guys in the Kojonup area where we farmed. I think he liked to employ them so that he could get them to play football as well, because they were outstanding footballers! My dad and mum had really strong relationships with the Noongar people. I remember that my mum, in the late 1950s, did a lot of work with Aboriginal women in our area, particularly with mothering and birthing and those types of things. It was a really good experience for me. I attended a little school at Jingalup, where quite a large number of Noongar kids attended. I was very friendly with two kids, who I would like to remember today, Michael Cox and Wayne Daly. Wayne was heavily involved in Aboriginal movements. Unfortunately, they have both passed on. We were the same age. I am 64, but Wayne passed away in his mid-50s and Michael passed away last year. I always remember them because they were very good at sport. I could take it up to them a bit with cricket and footy, but not when it came to marbles! I do not know whether any other members went to school with Noongar kids, but when it came to doogs they used to clean us up all the time! My relationship with those kids through sport helped me understand Noongar people better in my own area.

I want to mention sport. As members know, I love my sport and sport is one thing that has really helped not just Noongar people but all Indigenous people. In my area, sport is probably the main thing that has helped reconciliation with Noongar people and for us to understand the Aboriginal culture better. It has played a huge role in the local area, particularly around Narrogin, Kojonup, Katanning, Wagin and those sorts of areas, where there are highly respected Noongar sportspeople right across that area. I am glad that sport contributes in that way.

I also remember the early years when there was racism; there is no doubt about that. I remember the native reserve in Kojonup. I remember as a kid—I could never understand it—going out with my dad to pick up people to work at the farm. I remember asking dad why they lived up there in funny little houses. I did not quite understand it, but as time went on I got to understand it. If members ever attend The Kodja Place in Kojonup, which is a wonderful facility on the main highway, they will see that it has a replica of the little buildings the Indigenous people used to live in on the Kojonup reserve. That reserve was still there when I was playing cricket as a teenager. Thank goodness it is no longer there. That was part of life in those days; there was a segregated bar for the local Noongar people. When I think about it, it was ridiculous, but that is the way it was. We have come a long way and I congratulate everyone who has brought us to where we are today. What we are doing today is a huge step and I again congratulate the Premier.

I want to mention a couple of issues in my electorate, where some good work has been done. I mentioned The Kodja Place because the process to establish it is the one thing that I have seen in my home area that represents genuine reconciliation and genuine recognition of Aboriginal people. That brought together the local Noongar people, the traditional owners locally, with the huge Italian community and, if you like, the white Caucasian community. The process of getting The Kodja Place together, the building works and programs, has made a lot of white people in that region recognise the full worth and talents of and to learn the culture of Aboriginal people; and vice versa, I think it has given the local Noongar people a better understanding of how our society works. It has been a great thing.

I want to mention Jack Cox, who I think is 81. Jack Cox is a legend of our area. If members go to The Kodja Place, they will probably see Jack; he does a bit of Aboriginal cooking and takes people for walks et cetera. Jack is featured in George Stewart's book. George Stewart used to take his famous boxing troupe to the shows, and Jack Cox used to fight in George's boxing troupes. He was a state champion and, had Jack gone on, he would have had a great career. He is a terrific bloke and a leader of not only the Noongar people in Kojonup, but also the whole community.

One of the great things that has happened is the return of the Carrolup artworks. Carrolup was a mission where children of the stolen generations were taken. It is located between Kojonup and Katanning and I remember travelling there with my mum when she provided mothering services there. I never knew about the Carrolup art until it was rediscovered at a university in New York.

Mr B.S. Wyatt: It was Colgate University.

Mr T.K. WALDRON: I should remember Colgate because it is the toothpaste! The return of that artwork has been a wonderful thing. I have been to a few functions at Carrolup, and recently I met a lady who I went to school with at Jingalup, which I talked about before. I never knew until the other day that this lady had been through Carrolup. It is amazing to see where those people are now, knowing where they have come from. The return of that artwork has made a lot of local people recognise what happened in the past, which is poignant. If ever members get a chance to see the art that those young Aboriginal boys did at Carrolup in the 1940s and 1950s mainly, they will see that it is absolutely outstanding. It was bought by someone and ended up at Colgate University. It was found stored away in boxes where it had been for years. It is now back in Western Australia, which is a wonderful thing, and it means a lot to those local people.

We talk a lot about multiculturalism. In Katanning, which is major centre in the electorate I represent, Noongar people have always played a big role. It is interesting that Katanning is probably the most multicultural place outside of Perth because of the influx of people from other parts of the world, starting way back about 40 years ago when the Cocos and Christmas Islands people came with the opening of the abattoir. Multiculturalism has brought together the town of Katanning, which I can remember being a very split town. The people of Katanning are now proud of their town and embrace multiculturalism. The Noongar people have played a big role in that important change in our region.

I would like to close by saying that I have been lucky. Over the years I have learnt a lot from Noongar people and I am proud to think that I have been able to help a lot of Noongar people. This bill, which gives them recognition, is a great thing. I say well done to the Premier. From a government point of view, he has led this, and it would not have been easy. I congratulate him for that. I hope that we can continue to work closely with the Noongar people and all Indigenous people. I am confident that we will, because I think that most people in our community have a desire to do that. I look forward to being more involved. With that, I say, well done. I support the bill.

MS J.M. FREEMAN (Mirrabooka) [4.31 pm]: It is an honour to speak to the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015. I acknowledge the traditional owners of the land on which this Parliament stands, the Whadjuk people of the Noongar nation, and their elders past and present. I thank the previous contributors to the debate, in particular the member for Kwinana who from his previous work has a very good understanding of native title and reconciliation. Like the member for Kwinana, I also congratulate and thank the South West Aboriginal Land and Sea Council, in particular Glen Kelly, Carol Innes and all the people in SWALSC for the amazing work they did, along with the government, to bring this bill to

fruition. I congratulate the government for bringing this bill to the house, because it is something we should be very proud of.

In preparing for this debate, I got hold of a copy of *It's Still In My Heart, This Is My Country: The Single Noongar Claim History*. I recall that in 2009 every member received a copy of this book; I certainly got one. I could not find my copy but I know I have received one. I probably took it home and it is sitting on a bookshelf somewhere. The book was written by John Host and Chris Own and released in 2009 and is based on the South West Aboriginal Land and Sea Council Single Noongar Claim. I will quote from it extensively in my contribution to this debate.

I note that the Noongar nation is made up of a number of different groups: the Amangu, Yuat, Whadjuk, Pinjarup, Wardandi, Ballardong, Nyakinyaki, Wilman, Wirlomin, Ganeang, Bibulmun Mineng, Goreng, Wudjari and Njunga. The member for Kwinana put it so well when he said that bringing all of those groups together in one claim is worthy of our praise. I understand that this is an Australian first because it is the only claim that has ever been resolved in a metropolitan area, and the Western Australian Parliament should be proud that it has managed to do that. As the member for Kwinana rightly pointed out, this bill will be a well-studied document in the settlement of native title claims and in delivering a native title agreement. I understand that six Indigenous land-use agreements will be entered into with the Noongar people. This bill before us is part and parcel of the agreement and the settlement with the Noongar people. That will also include the Noongar boodja trust, the Noongar corporations, the Noongar land estate, the cooperative and joint management of the south west conservation estate, land access, Noongar standard heritage agreement, Noongar heritage partnership agreement, the Noongar housing program and economic and community development capital works program and a Noongar land fund, all of which are testament to the great work done by the South West Aboriginal Land and Sea Council and the government, but mostly by the Noongar people. I quote from the book —

The resilience of Noongar people with their strong familial networks coupled with their traditions, laws and customs is responsible for their strength.

Those strong familial networks remind me of an elder who lives in the area that I represent, Doolan Leisha Eatts, who I have spoken about in this Parliament many times. I remember Doolan Leisha telling me about Wally, her husband, and his search for his family and whose mother was part of the stolen generation. Doolan Leisha said to him, “You know, Wally, I’ve never known an Aboriginal person not to have a big mob, and you’ll find yours.” That trust in family, in familial networks and in people, that feeling of belonging, is what this bill before us is all about. The need to belong is one of the many hurts that the Noongar people have felt living on their land since colonisation. It is a heartfelt need of all humans, but particularly for Noongar people whose identity is so strongly tied to familial networks. This recognition bill and previously the changes to the Constitution speak very much to that feeling and need to belong.

I have told this story before, but I will repeat it. I took Doolan Leisha Eatts to the garden party at Government House for the Queen’s visit. I thought that taking her was something that I could do for her, out of respect, so that she could meet the Queen of Australia, not necessarily of Noongar country. While we were standing there, Prince Phillip came up to her and said, “Oh, hello, and what are you doing here?” She responded quick smart, straight off the bat, with, “I belong here. This is my people’s land”, to which his startled reply was, “Oh, well, thanks for loaning it to us.” To the delight of the surrounding crowd, she pointedly and quickly responded, “We didn’t. You took it.” I marvel at her wit and ability to look past so many hurts and issues. She knows who she is and how strongly she feels. Her presence of mind comes out through that story. That good-natured interchange summed up for me that our perspective on this still comes from afar. When we look at this land, we are still looking at it from afar. Our history has the illusion of starting somewhere else, in Britain, with the Queen, instead of potentially being rich and rewarding if we were only to embrace and celebrate this nation’s first people and their inherent sovereignty of this land. I am referring not to a foreign sovereign, but a people’s sovereignty.

During a question and answer debate at a recent housing conference hosted by Tony Jones, Mick Gooda, the Aboriginal and Torres Strait Islander Social Justice Commissioner, was asked whether the sharing economy would be able to meet the needs of homeless people. The sharing economy includes Uber and Airbnb, which is using this model to design a new way of finding spare rooms and sharing them with homeless people. Tony Jones asked the other panellists about the sharing economy and whether it could be used as an effective tool to tackle homelessness. Tony Jones turned to Mick Gooda and asked what he thought of the sharing economy. Mick Gooda looked at him and said, “Our mob has been sharing forever. We know that economy; it is our economy we’ve been sharing.”

That was to the delight of everyone in the crowd who laughed and enjoyed it. Again, it shows that capacity for wit and the capacity to share with us, the *wetjala*, this aspect of a culture which, frankly, we did not want to know about when colonising the country, and that we still have not necessarily embraced as our own. This bill before us is part and parcel of embracing it as our history.

This legislation before us disguises the many years and work that have gone into getting it to this place. The bill recognises the people who owned this land before the British settlers came to establish the Swan River Colony. Captain Stirling, having convinced the Crown that the soil was fertile, argued for the colony. I understand that previously people had looked at the land and said, “No, it’s pretty sandy soil.” Then Captain Stirling came, went along the river, did not get far out of the boat at Ellenbrook and found fertile soil. I understand this took place in 1827. He went back to Britain and petitioned the Crown to establish the Swan River Colony. I could not find a copy of the story but I have heard that it was called the “Swan River Land Development Corporation”. I am not entirely sure about that. When I asked the education officers to clarify that for me, they said that they were not particularly sure but they do know that when he came, the land was divided into long strips with the idea of selling it to the younger sons of the landed gentry. We all know that in Britain during that period the first son in such a family got the land, the second son went to the military, the third son went into —

Mr C.J. Barnett: The church.

Ms J.M. FREEMAN: Yes, he went into the church. The fourth, fifth, sixth and seventh sons—for example John Septimus Roe was a seventh son—had to go out and find their wealth in the world. When the Swan River Colony was first established, the idea was to divide the land into strips so that they would have an estate.

Mrs G.J. Godfrey: The reason for that was so that each had river frontage.

Ms J.M. FREEMAN: There we go! I thank the member for Belmont; it was so that they would have river frontage. They would not want an estate without river frontage, would they?

Mrs G.J. Godfrey: It was to set them up.

Ms J.M. FREEMAN: Is it not true, though, that if we were going to set ourselves up in an estate, of course we would want river frontage?

Mrs G.J. Godfrey: They had to get access for transport on the river.

Ms J.M. FREEMAN: That is true too. Okay, I will give that to the member as well; it was not just because they were the landed gentry and wanted the views! Obviously that did not come quite as easily to some people. I note that the British military established an outpost in 1826 at King George Sound. When Captain Stirling went back to Britain to petition the Crown, he said that it would not cost anything to develop the colony. That is because at that stage the New South Wales and Victorian colonies were costing the Crown a bit.

While talking about King George Sound, I must say that I was captivated by the remarkable capacity of Kim Scott in his book *That Deadman Dance* to take the reader back to that time in King George Sound. He illustrated what could have been a remarkable history of collaboration and development, with Aboriginal people sharing their knowledge of the land and the sea that was so rich with whales and the bounty it brought to the settlers but it was not enough because disease, drought and racism overcame the rich potential of that era. While we are talking about opening up the Swan River Colony, I note that Captain James Stirling was predisposed to doing that as he was related to the leaders of the British East India Company and could see the potential for the Indian Ocean trade.

As I said, this bill before us does not indicate how long it has taken to get to this place. The South West Aboriginal Land and Sea Council lodged the Single Noongar Claim on 10 September 2003. The book *“It’s Still In My Heart, This Is My Country”*: *The Single Noongar Claim History* is based on evidence given by the claimants in 2004 and 2005. The book and the claim establish that the rich heritage and history are unknown to many, including me, a seventh generation Australian. My family arrived on the *HMS Drummoyne* in 1831, and would have settled on some of that land carved up for settlers who came here for a new life. What a loss it is to not know that history for someone like me; I have no other history than being a seventh generation Australian. I work with a lot of people who have come from all over the world as newly arrived Australians and their multicultural heritage and history frames who they are. I am framed as a seventh generation Australian by a post-colonialist history without a good knowledge of the Aboriginal history of the area to which my family came to live. Unlike the member who spoke previously about that, I grew up in a city. There were Aboriginal kids at school, but there was no recognition of them and no discussion of their history. I have said in this place before that in fact we were taught more about apartheid in South Africa than about our own history and Aboriginal people.

As outlined in the book, the early histories of WA were produced by a variety of men but were predominantly narratives of colonial achievement. The book details how the early histories were for the promotion of the sale of land, and how they referred extensively to Aboriginal people but always in terms of their relevance to colonial development and the capacity to use them to develop the land—not as in employment as such but more as a resource. The book then goes on to illustrate how this changed in further histories, so that Aboriginal people had to be dealt with as “a problem” when they questioned authority. That certainly came through in *That Deadman Dance* by Kim Scott. He illustrated how the early settlers in King George Sound worked with

Aboriginal people to set up a whaling industry, who showed the settlers where the whales to migrated through the sound. Then they worked with them to establish sheep stations. But, again, when drought and famine came to the area and Aboriginal people could no longer provide food for themselves, they started to take squatters' sheep. The ramifications of that were that Aboriginals came to be seen as “a problem” and massacres ensued.

[Member's time extended.]

Ms J.M. FREEMAN: *That Deadman Dance* eloquently illustrates that decisions were made during pivotal periods to include Aboriginal people as part of society, and then they were excluded as “a problem”.

The preface to *“It's Still In My Heart, This Is My Country”*: *The Single Noongar Claim History* outlines the flawed nature of some of the anthropological work until recently on the Noongar people. The studies assessed them as a dying race and were driven by ideological perspectives of assimilation policies and views based on “problems”, not people, focusing on reducing the conflict of people aggrieved by the removal of land and the killing of those people. The book highlights the recent anthropological work that concluded that Noongar culture is multifaceted, diverse and maintains a structural integrity all of its own.

Justice Wilcox made a determination in the case of *Bennell v State of Western Australia*—the Noongar claim—after taking evidence at Towerrining Lake on 19 October 2005. In his determination that there was a native title claim, he noted —

- the most notable feature was the surprising proportion of the witnesses who claimed they still continued to hunt and/or fish, either for themselves or in order to teach their children or grandchildren, ...

He went on —

[I]n carrying out these activities, the witnesses strive to follow traditional laws and customs and ... many of them ... are actively teaching their skills, and those laws and practices, to younger members of their families ...

That is certainly my experience. In fact, strangely enough, I am aware that happens in the community I represent. I represent around 1 200 Aboriginal people in the Mirrabooka community from a total surveyed population of about 41 705 Aboriginal people, which is about 2.9 per cent of the electorate. The proportion of Aboriginal people in greater Perth is about 1.6 per cent, so the proportion of Aboriginal people in Mirrabooka is a good 1.5 per cent above that average. Working with Aboriginal leaders in the area, I know they strive to teach and follow some of the traditional laws and customs. It is a responsibility and a joy they take on to equip young people and that is certainly evidenced by Len Yarran and Shane Garlett of Wadjak Northside Community Group. As they tell me, they take “young fellas” out to country to demonstrate how they belong and the strength of that knowledge in their hearts. That capacity to belong and knowledge of country can give them resilience in their day-to-day lives in the city. I am sure that there are a few kangaroos killed for tucker.

I was extraordinarily proud just last week, on Wednesday I think, when the Minister for Aboriginal Affairs came to Balga to attend the opening of the Wadjak Northside Community Group building. Alongside Balga Senior High School, this group of people has been working with young people to equip them with tools for life around education, resilience, compassion for other people, recognition of their culture and pride in their culture. It was great being there when the Minister for Aboriginal Affairs came and the young men taught Aboriginal dance by Len and Shane predominantly, but other people as well, went out the back of the centre where there is a large corroboree area—a decorated sanded area—and danced in celebration of the opening. It was so heartening and such a beautiful thing to witness when afterwards Len Yarran spoke of his vision for the Wadjak Northside Community Group and the building, and the work it wants to do.

The Premier would be aware of this organisation because in 2014 it won a Premier's Award for working with the City of Stirling on cultural orientation and the Mooro Country tours. I took one of those when they were first established and it was amazing. I was taken to Lake Gwelup, which I grew up near. I grew up in the Innaloo–Karrinyup area. The suburb we lived in changed its name over the years and is currently called Karrinyup, but it is not far away from Lake Gwelup. I used to go there as a young 12-year-old and have a sly cigarette when we were not supposed to, and there I was going as an adult and being taught about the most amazing history around Lake Gwelup. I found it had been a hunting ground and different parts of it had been birthing areas. When there were slaughters of Noongar people in the area of the city, I think probably in the area of Kings Park, but I am not entirely sure—history has been written on this—they sought refuge in Lake Gwelup. They would go to Lake Gwelup from the sea at certain seasons, when it was not a season to be near the ocean because of the cold and wind. They went back to Lake Gwelup as it was a water source.

As we all know, because we have all seen the painting upstairs, Noongars have six seasons, not our four, and those seasons determined when they moved. That was an amazing experience. I reiterate that I find it amazing that I am a seventh generation Australian who is 50 years of age and I only started discovering these things at age 49 years. I hope this bill opens up this whole history. I went to Lake Gwelup as a kid, and to know that it has

this rich past and history and that other people belonged to the land must frame our society and give it a different textural context for the future. Hopefully this bill will give this different texture and a capacity to move into the future with a shared history, not a separate one.

In Justice Wilcox's determination, he found that the evidence showed overwhelmingly that the Noongar people shared spiritual beliefs, which included feeling good or safe on their boodja because of the presence of familiar or friendly spirits or the description of spirits; ways of getting rid of unfriendly spirits, especially before fishing or hunting; places to avoid, regardless of cleansing, because of bad spirits; and creation stories for particular country, spiritual totems and wayyls. This is certainly borne out in the stories that Doolann Leisha May Eatts has put in her book *Doolann: our country, my Nyungah home = ngullah boodjah ngaadj Nyungah myah*. She writes about her experience growing up as a Noongar, but she also has at the back of her book some of the stories that her grandmother passed on. There are other stories in "*It's Still In My Heart, This Is My Country*" that people's grandparents passed on to illustrate some of the teachings and some of the things that need to be known about living on the land. Both books are in the Parliamentary Library. The member for Belmont is reading Doolann's book at the moment. I have a copy that I will bring her and the member for Victoria Park. If anyone else wants a copy, I have signed copies I can bring in to make sure that Doolann enjoys her story being shared throughout the Parliament.

Justice Wilcox also found on evidence that there was a common language in the south west. The same Noongar language that was recorded at King George Sound by Matthew Flinders in 1801 and Phillip King in 1821 was being spoken by Noongar people in oral histories recorded in 1998. As I said, the journey to this bill has been a long time coming and the respect shown by Justice Wilcox was rejected by the state and federal government in their appeal and the subsequent High Court judgment, which referred the claim back to the Federal Court for a re-hearing to establish whether observance of the laws and customs had continued substantially uninterrupted.

As so aptly put in the book "*It's Still in My Heart, This Is My Country*" —

... the more scars colonialism leaves on Aboriginal groups the less likely a determination of Native Title will be made and upheld.

The more difficulty brought on by colonialism, the more difficult showing uninterrupted laws and customs would be. It is with a heavy heart that I also acknowledge the role that the Labor government of the time played in this and note that the end of the preface to the book serves as a lesson to me and my colleagues. It states —

At the time of writing, —

The book was published in 2009 —

the issue of Native Title in the South-west remains unresolved although positive signs have emerged with the newly elected Liberal-National State Government of Western Australia indicating they will adopt a more conciliatory mediation based approach to native title.

In December 2009 the WA government entered into a heads of agreement with the South West Aboriginal Land and Sea Corporation to commence negotiations. This government should be congratulated for that. We on this side have a heavy heart that we did not do that. I was certainly outside protesting when the state government sought to appeal Justice Wilcox's determination. There is a picture in the book, but I cannot see myself.

In closing, I think we have moved this far, and there is not much further to go to fly the flag of the Aboriginal people of this community outside this house, because the land on which we stand is Noongar land—always was and always will be.

It is only appropriate that each day we acknowledge the Aboriginal people and their elders, past and present. I congratulate everyone on bringing this matter to fruition. They should be very proud of themselves. I will put this book back in the library so that it is available. It is a very good read and gives us a context of the history and the anthropology and refers to Daisy Bates and the damage she did and how she treated Aboriginal people in this area. It contains really great stories, such as the Lilly Hayward story, which I have not had a chance to talk about which, most importantly —

... reveals the Noongars as industrious and enterprising people.

Let us celebrate Noongar people; let us celebrate this Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015.

Debate adjourned, on motion by **Mr J.H.D. Day (Leader of the House)**.

CHILD SUPPORT (ADOPTION OF LAWS) AMENDMENT BILL 2015

Receipt and First Reading

Bill received from the Council; and, on motion by **Mr P.T. Miles (Parliamentary Secretary)**, read a first time.

Explanatory memorandum presented by the parliamentary secretary.

Second Reading

MR P.T. MILES (Wanneroo — Parliamentary Secretary) [5.01 pm]: I move —

That the bill be now read a second time.

As members will be aware, the commonwealth child support scheme was introduced with the object of ensuring that separated parents shared equitably in the financial cost of supporting their children. The scheme provides for the assessment of the financial support required to support the children, and the enforcement, collection and transfer of child support payments. Prior to the implementation of the scheme, child support could be obtained only by parents reaching agreement or by instituting proceedings for an order of the Family Court.

The scheme operates under two commonwealth statutes—the Child Support (Registration and Collection) Act 1988, and the Child Support (Assessment) Act 1989. However, as members may be aware, in this context the commonwealth Parliament has constitutional power to legislate with respect to only children of a marriage. For the commonwealth child support scheme to apply uniformly to married and unmarried couples and their children, state Parliaments must refer legislative power to the commonwealth Parliament or afterwards adopt the commonwealth acts by state legislation. All states except Western Australia have referred legislative power to the commonwealth Parliament. Western Australia has not referred power but has adopted the commonwealth acts, initially by the Western Australian Child Support (Adoption) Act 1988 and subsequently by the Western Australian Child Support (Adoption of Laws) Act 1990.

The adoption method means that amendments to the commonwealth acts, and therefore changes to the child support scheme, do not apply to unmarried couples and their exnuptial children in Western Australia until the Parliament of Western Australia amends the Western Australian Child Support (Adoption of Laws) Act 1990 to adopt again the commonwealth acts once those commonwealth amendments have come into operation. The Western Australian Child Support (Adoption of Laws) Act 1990 was last amended in November 2014 and adopted the commonwealth acts in the form in which they existed as at 1 July 2014. Since the last adoption date of 1 July 2014, the commonwealth acts have been amended by two pieces of commonwealth legislation that have come into operation—the Tribunals Amalgamation Act 2015 and the Treasury Legislation Amendment (Repeal Day) Act 2015. The bill will amend the Child Support (Adoption of Laws) Act 1990 to adopt the commonwealth acts as in force on 1 July 2015, which will ensure that the amendments made by those pieces of commonwealth amending legislation are included in the commonwealth acts as adopted by Western Australia.

The first commonwealth amending act, the Tribunals Amalgamation Act 2015, commenced on 1 July 2015. It amalgamated the Social Security Appeals Tribunal, the Migration Review Tribunal and the Refugee Review Tribunal and the Administrative Appeals Tribunal. The SSAT previously had jurisdiction to review certain decisions in respect of an administrative child support decision to which objection had been taken and an internal review was unsuccessful. Appeal from the SSAT on a question of law was to the Family Court. The amalgamated tribunal now has a social services and child support division and a migration and refugee division, reflecting the jurisdictions of the SSAT and the MRT–RRT respectively. Members, staff and registries of the SSAT and the MRT–RRT were transferred to the amalgamated tribunal, including registries in Western Australia. The amalgamated AAT is established under the commonwealth Administrative Appeals Tribunal Act 1975. Matters previously determined by the SSAT are now determined by the social services and child support division of the AAT. Most of the amendments relate to making the appropriate changes to provisions to substitute the AAT for the SSAT as the body that will hear review of decisions under the child support scheme in the absence of the SSAT.

The two-tier review provided for in certain child support matters—first to the SSAT and from the SSAT to the AAT—has been retained. Both reviews come under the jurisdiction of the AAT and will be known as the AAT first review and the AAT second review.

Dr K.D. Hames interjected.

Mr P.T. MILES: It is from the upper house.

The AAT first review retains for the most part the same jurisdiction, powers and procedures as the former SSAT. However, unlike the SSAT, the AAT first review will include the jurisdiction to review a decision of the Child Support Registrar to refuse to make a determination because the issues are too complicated. Previously, jurisdiction for review of this decision was with the Family Court and the Federal Circuit Court of Australia. The commonwealth explanatory memorandum to the Tribunals Amalgamation Bill 2014 explained that the reason for this change of policy was that the SSAT had developed a level of expertise such that review by a court was no longer necessary. The commonwealth explanatory memorandum also explained that to streamline pathways of judicial review, jurisdiction for child support matters would no longer lie with the Family Court but with the Federal Circuit Court and the Federal Court. However, when proceedings are before the Family Court, that court has retained its jurisdiction under section 116 of the commonwealth Child Support (Assessment) Act 1989 to make an order departing from an administrative assessment when the court considers this to be in the interests of justice.

The second commonwealth amending act, the Treasury Legislation Amendment (Repeal Day) Act 2015, commenced on 25 February 2015 and applies to the child support legislation as of 1 July 2015. The amendment, which effects no material change to the child support legislation, is consequential upon a change to the definition of “Australia” to simplify its meaning and to make it uniform across all laws relating to income tax. The definition of “resident of Australia” in the commonwealth Child Support (Assessment) Act 1989 and Child Support (Registration and Collection) Act 1988 incorporated a reference to section 7A(2) of the commonwealth Income Tax Assessment Act 1936, which was repealed by the amendments. Accordingly, the definition has been redrafted to remove the reference to repealed section 7A.

As members will be aware, commonwealth amendments that effect changes to the scheme do not apply to exnuptial children in this state until the Parliament of Western Australia amends the Western Australian Child Support (Adoption of Laws) Act 1990 to adopt the commonwealth Child Support (Registration and Collection) Act 1988 and Child Support (Assessment) Act 1989 as in force on or after the day on which those commonwealth amendments commenced.

During the hiatus period between the 1 July 2015 commencement of the amendments to the commonwealth child support legislation and the adoption by the Parliament of Western Australia, decisions on child support matters for exnuptial children in Western Australia are not able to be taken on review to the amalgamated AAT. I understand that the AAT has been consulted about the limited number of applicants in WA who may be affected and is aware of the transition occurring in this jurisdiction. The AAT has advised applicants and parties that in the interim, they may wish to seek legal advice about whether there may be an avenue of appeal to a court, such as the Family Court of WA. Following the passage of this bill, affected applicants will have the opportunity to seek an extension of time for their matter to be considered on review by the AAT. This will be able to be considered by the tribunal once its jurisdiction in these matters is confirmed.

I trust that all members will agree that it is appropriate and desirable that the recent commonwealth amendments be adopted by Western Australia, as proposed in the bill.

I commend the bill to the house.

Debate adjourned, on motion by **Ms S.F. McGurk**.

**BELL GROUP COMPANIES (FINALISATION OF MATTERS
AND DISTRIBUTION OF PROCEEDS) BILL 2015**

Returned

Bill returned from the Council with amendments.

House adjourned at 5.11 pm

QUESTION ON NOTICE

Question and answer is as supplied to Hansard.
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TRAIN STATIONS — BASSENDEAN — ELEVATORS**4611. Mr D.J. Kelly to the Minister for Transport:**

I refer to the three lifts at Bassendean Train Station and I ask:

- (a) how many incidents have occurred between 1 January 2013 and 5 October 2015 which resulted in at least one lift at the train station breaking down;
- (b) if breakdowns of lifts have occurred during this period, what is the number of breakdowns by month; and
- (c) if breakdowns of lifts have occurred during this period,:
 - (i) what was the cause of each breakdown;
 - (ii) which lifts have been affected; and
 - (iii) how long were the lifts out of order on each occasion?

Mr D.C. Nalder replied:

- (a) Between 1 January 2013 and 5 October 2015 there have been a total of 80 incidents of lift failure at Bassendean station.
- (b) 2013: February — 5; March — 2; April - 7; May — 10; June — 3; July — 1; August — 2; September — 1; October — 1; November — 1
 2014: January — 7; February — 2; March — 1; April — 2; May — 3; June — 2; July — 2; August — 3; September — 5; December — 2.
 2015: January — 1; February — 1; April — 5; May — 1; June — 2; July — 6; August — 2.
- (c) (i) Facilities breakdown, failure due to vandalism, failure due to wear and tear, failure due to equipment design, failure due to human error, failure cause unknown, failure due to environmental issues, failure due to site power loss, power out of spec, fouling, CB tripped/fuse blown, third party cause.
- (ii) Bassendean Station Lift 1, 2 and 3.
- (iii) Lifts out of service by average hours per month.
 2013: February — 2.67; March — 24.24; April — 16.68; May — 35.45; June — 8.87; July — 83.56; August — 1; September — 0.91; October — 0.5; November — 0.83.
 2014: January — 17.16; February — 1.03; March — 1.33; April — 12.04; May — 3.33; June — 3.34; July — 1.58; August — 42.72; September — 22.62; December — 1.17.
 2015: January — 1.83; February — 2.45; April — 5.802; May — 8.83; June — 1.48; July — 5.44; August — 32.87.

