Parliamentary Debates
(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
2022

LEGISLATIVE ASSEMBLY

Thursday, 16 June 2022

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

AUSTRALIAN MUSEUMS AND GALLERIES ASSOCIATION

Statement by Minister for Culture and the Arts

MR D.A. TEMPLEMAN (Mandurah — Minister for Culture and the Arts) [9.02 am]: The Australian Museums and Galleries Association is the national association and the peak arts service body representing public museums and galleries, and their staff, in Australia. AMAGA encompasses a diverse range of national, state, regional and community museums, galleries, historic sites, botanic and zoological gardens, research centres, Indigenous cultural centres and keeping places across Australia. It welcomes both institutional and individual members. The national conference for this organisation is taking place in Perth at this moment between 14 and 17 June. The 2022 Australian Museums and Galleries Association National Conference, "HEAR.US.NOW: turning conversations into action", features more than 100 speakers. Keynote speakers from the United Kingdom, India, Egypt and the United States of America are being joined by an outstanding cohort of national and Western Australian speakers.

It is fitting that the national conference is here in Boorloo—Perth. We have the magnificent Western Australian Boola Bardip and the revitalised Art Gallery of Western Australia, including the monumental Christopher Pease work *Targets* on the redeveloped rooftop, which also features a function and bar space. The McGowan government is committed to the development of a major Aboriginal cultural centre and further investment in the Perth Cultural Centre Precinct to create both a community and cultural tourist destination that I believe will rival any other in Australia.

Meanwhile, yesterday, I launched the regional collections tourism portal, WAnderland, which was created by the WA Museum, working with colleagues in the Department of Local Government, Sport and Cultural Industries, and funded by the McGowan government's election commitments in 2017. WAnderland is an online gateway to 220 of the most intriguing private and public collections across Western Australia. The interpretive website brings to life some of the most interesting places, stories and collections in Western Australia, inspiring people to hit the road and experience these pieces for themselves. This special tool will enable people to build their own bespoke itinerary, so they can see exactly what they want and experience the culture of WA's diverse Aboriginal peoples at centres like Bilya Koort Boodja in Northam, where a bold and beautiful display of the region's Ballardong Noongar culture is revealed through a mesmerising mix of projected video art, light and sound that evokes the Dreamtime. WAnderland not only showcases locations and the surprising items people can see, but also shines a light on the people behind the collections. There people can find interviews with some of the warmest and most knowledgeable people from across the state as they share their stories.

MARTUMILI ARTISTS — VIVID SYDNEY

Statement by Minister for Culture and the Arts

MR D.A. TEMPLEMAN (Mandurah — Minister for Culture and the Arts) [9.04 am]: I was very fortunate to attend Vivid Sydney 2022 over the weekend, which is the annual centrepiece of the Sydney Opera House's yearlong contemporary music program. During Vivid Sydney, Sydney is transformed into a large outdoor gallery of immersive light installations and projections. In 2019, it attracted a record 2.4 million people to the harbour city and was worth $172 million to the New South Wales economy.

The highlight of my Vivid experience was the new digital artwork *Yarrkalpa—Hunting Ground*, which illuminates the sails of the Sydney Opera House. Two years in the making, the projection is a collaboration between the East Pilbara–based Martumili Artists and Sydney-based creative technologists Curiious. The artwork is inspired by the remarkable Martu Artists collective painting *Yarrkalpa—Hunting Ground, Parnngurr Area 2013* and the video artwork *Yarrkalpa—Always Walking Country 2014*, directed by internationally renowned artist and filmmaker Lynette Wallworth, in collaboration with the Martu Artists and Anohni. The complex, bold and striking painting by eight Martu women represents an intimate connection with country, cataloguing seasons, traditional burning practices and cycles of regrowth, hunting, land management and vital natural resources, as well as abstract ancestral stories.

The Sydney Opera House is the perfect canvas on which to showcase this incredible Western Australian work and share the talents of Martu Artists with the world. The work celebrates Martu stories and offers fresh new perspectives into Western Australian First Nations ancestral practices and their knowledge of country. This work will be seen by millions of Sydneysiders and visitors, alongside the nation's best artists. It signals to the world the calibre of Western Australian talent and offers a fitting tribute to Martu Artists.

CORRUPTION AND CRIME COMMISSION, STATE SOLICITOR'S OFFICE AND OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS — MEMORANDUM OF UNDERSTANDING

Statement by Leader of the House

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [9.07 am]: I have a ministerial statement on behalf of the Attorney General. In August 2021, the Attorney General tabled the *Review into prosecutions arising from Corruption and Crime Commission investigations*. The review was carried out by the Department of Justice on the Attorney General's behalf to fulfil a recommendation by the Joint Standing Committee on the Corruption and Crime Commission. The review outlined the current process whereby the CCC will refer a prosecution brief of evidence to the State Solicitor's Office for consideration if it forms a view during an investigation that an offence has been committed. If the State Solicitor believes that there is a prima facie case against the accused and that it is in the public interest to prosecute, the SSO will commence proceedings. When the alleged offence is a simple offence, the prosecution will be conducted by the State Solicitor. When an offence is an indictable offence, the prosecution will be taken over by the Office of the Director of Public Prosecutions at the committal stage.

The review noted that these processes had not been set down in any formal policy or procedure, which may have contributed to delays in the handling of certain matters. To address this, the review recommended that a memorandum of understanding be struck between the three agencies with agreed procedures, time frames, standards for briefs of evidence and arrangements for monitoring the process. This recommendation was directed at the independent CCC, SSO and ODPP, and that it was not for the Attorney General to accept it or to direct that it be accepted.

Having said that, the Attorney General is pleased to report to the house that the agencies accepted the recommendation and entered into such an MOU last month. The Attorney General is confident that formalising these arrangements will strengthen the consistently high standards of prosecutorial services delivered in Western Australia.

JIM LOVRETA — TRIBUTE

Statement by Minister for Planning

MS R. SAFFIOTI (West Swan — Minister for Planning) [9.09 am]: I rise to pay my respects to the friends and family of Jim Lovreta, a significant Swan Valley identity. Jim played a central role on the Swan Valley Planning Committee for fourteen and a half years—from 21 January 2007 to 12 July 2021. He was a significant contributor to many committees and organisations in the valley.

Jim was born in the Swan Valley on 12 May 1952 to parents Stipan and Karma Lovreta. He was the eldest brother of Mary and Tony. They grew up on the family property in the Swan Valley. Jim was educated at Caversham Primary School and then at Hampton Senior High School. Jim and Tony learnt how to run the vineyard from their parents, and together they took over and grew their vineyard. The Lovreta table grape vineyard became very successful, due to the hard work and smarts of the Lovreta brothers. The Lovreta grapes were sold at the markets, and then directly to Coles. Many of you would have bought and eaten Lovreta grapes over many years. Jim's experience in the vineyard and keen interest in politics and all policy matters made him a significant figure in the valley.

Jim took a keen interest in issues that might have impacted on the Swan Valley, serving as a member of the Swan Valley Planning Committee for a number of years. He became somewhat of an authority on the general principles of planning laws, both at a state and local government level. He was fully conversant with water licences and spraying techniques that were so important to producing quality fruit. Being the selfless man that he was, he spent an inordinate amount of his time helping many local property owners with advice on how to work their way through the complex range of different planning rules at both state and local level.

I met Jim as a fresh-faced candidate for West Swan in 2008. Jim very quickly took me under his wing. Jim schooled me in all things about the valley. He introduced me to so many people. He was always trying to help a friend in the valley or helping me understand in more detail the issues of the valley. Many a day and evening was spent in the Lovreta gazebo, talking about how we could make changes to improve the future of the valley. In developing the new Swan Valley Planning Bill, many of the concepts and ideas came from the many discussions I had with Jim. Jim never missed any of my events. I remember my first real community event at Christmas 2008, held in at Caversham hall. As the new member, I did not have a lot of contacts, but Jim was there lending his support. He did not miss a Christmas party or valley event.

Sadly, and somewhat unfairly, and despite his courage, it was the return of cancer that took his life on 3 May, just nine days short of his seventieth birthday. Fortunately, I was able to visit Jim just hours before his death, cutting short a trip to the wheatbelt to say my final goodbyes.

Jim leaves behind his loving partner, Anna, her son, George; siblings Mary and Tony; Barba to Sue and Michelle; great-Barba to Are, Theo and Ava, Shari and Kyle, and Blake.

Rest in peace, Jim.

NATIONAL RECONCILIATION WEEK

Statement by Minister for Aboriginal Affairs

DR A.D. BUTI (Armadale — Minister for Aboriginal Affairs) [9.12 am]: The Western Australian government's strong commitment to partnering with Aboriginal elders, community, and representative bodies to further reconciliation in Western Australia was demonstrated during National Reconciliation Week. National Reconciliation Week ran from 27 May to 3 June and commenced nationally with a virtual breakfast. Hosted here by Reconciliation WA, the format meant many Western Australians could participate, and thousands did. Many government agencies and community organisations hosted their own events, tuning in to watch a program filled with voices from across the state.

In partnership with the Museum, Reconciliation WA also activated yarning circles and a reconciliation hub at Boola Bardip and the WA Maritime Museum, with regional museums running local programs. The program enabled Western Australians to access and engage in truth-telling about WA's history, and celebrate the strength and vibrancy of Aboriginal culture in a COVID-safe manner. Other Reconciliation Week events—too many to name individually—were held virtually and in person throughout WA.

In Perth, the week culminated in the always-powerful Walk for Reconciliation that journeyed through Kaarta Koomba in controlled COVID-safe waves, immersing attendees in culture and affording the opportunity to reflect on our shared histories and hopes for the future. This year also marked the thirtieth anniversary of the High Court Mabo decision, which recognised native title as part of Australian law. However, our government understands that there is still more to do on our journey to reconciliation. Like many Western Australians, I am heartened by our new Prime Minister's commitment to the Uluru Statement from the Heart.

Members may also be aware that National Sorry Day is acknowledged on 26 May, the day prior to Reconciliation Week. This year, this important day marked the twenty-fifth anniversary of the tabling of the Human Rights and Equal Opportunity Commission's *Bringing them home* report in federal Parliament. To commemorate the day and this anniversary, Yokai and the Bringing Them Home Committee (WA) Inc hosted a livestream event in front of the stolen generation commemoration in Wellington Square. It was a privilege to speak as part of that event. There is growing sentiment, which I support, for National Sorry Day to be formally included as part of National Reconciliation Week.

By listening, working and partnering with Aboriginal Western Australians, as detailed in the WA government's Aboriginal empowerment strategy, we are walking a path that each day brings new opportunities and lessons, and takes us closer to true reconciliation.

PILA NATURE RESERVE

Statement by Minister for Aboriginal Affairs

DR A.D. BUTI (Armadale — Minister for Aboriginal Affairs) [9.14 am]: Yesterday I was honoured to attend the Pila Nature Reserve consent determination, which recognises the exclusive native title rights and interests of the traditional owners of the Pila Nature Reserve. The Federal Court sat on the country of the Yarnangu people at Mina Mina, some 170 kilometres north of Warburton, in the Gibson Desert, amongst the spinifex grasses, red sandhills and plains. I was proud to represent the Western Australian government on such a significant occasion, the first of its kind in Australia. The Federal Court has recognised the connection that the Yarnangu people have had to this country since time immemorial. This is a momentous achievement for the Yarnangu people, the Pila Nature Reserve traditional owners, who have fought tirelessly for this for decades. Their tenacity overcame being moved off their country so nuclear testing could take place, learning that the Gibson Desert Nature Reserve had been created, without consultation and extinguishing native title. The long journey to yesterday formally advanced in 2005 when native title was recognised in the area around the nature reserve, but not over the reserve remaining. Former Deputy Premier Hon Eric Ripper was the minister responsible for native title back then, and he was also present yesterday.

I also wish to acknowledge my colleagues and good friends, former Minister Ben Wyatt and Minister Hon Stephen Dawson, who went to Mina Mina in 2020 to sign the Gibson Desert Nature Reserve Compensation and Lurrtjurrlulu Palakitjalu Settlement Agreement with the traditional owners. The commitment to recognise native title was included in that agreement. The agreement also commits the Warnpurru Aboriginal Corporation and the WA government to work together and develop a sustainable and mutually beneficial relationship based on the principles of respect, fairness and trust. The agreement provides for the Pila Nature Reserve to be jointly vested and managed by the traditional owners and the WA government. It establishes opportunities for Aboriginal people to work on country as rangers, providing meaningful work and training opportunities for traditional owners and young people to be on country, caring for country and sharing traditional knowledge of the land.

I know that many members have a strong affinity for the Aboriginal People's Room here in Parliament House. They will be delighted to know that the blown-glass panels come from the Pila Nature Reserve traditional owners and their lands. I am sure members will join me in extending sincere congratulations to the Pila Nature Reserve traditional owners and their future generations.

OUT-OF-HOME CARE SERVICES

Statement by Minister for Community Services

MS S.F. McGURK (Fremantle — Minister for Community Services) [9.17 am]: I rise to update the house on the important work that the McGowan government is doing to create better outcomes for vulnerable children in our state. The Department of Communities is responsible for the delivery of out-of-home care services through direct service delivery and via contract and grant agreements to community service organisations. Out-of-home care provides children with stable and nurturing care, enabling them to heal from trauma and supporting them to develop and maintain long-lasting relationships with their family, carers and other significant people.

Over the past 10 years, there have been significant changes in the out-of-home care system, including population growth and increasingly complex behaviour of children entering care. Reform was required to reset models of care, funding arrangements and to align WA with national frameworks and Closing the Gap targets.

The out-of-home care commissioning project is focused on the best interests of the child; is coordinated, flexible and innovative, will deliver quality services accountable to high quality standards, and is sustainable. This work has included an extensive consultation program with community sector organisations and Aboriginal community–controlled organisations to inform the procurement process. The aim is to facilitate and increase the number of ACCOs delivering out-of-home care services to meet the needs of Aboriginal children and young people, whom we know are overrepresented in the child protection system. An expression of interest for ACCOs was released to encourage them to provide care arrangements and supports to children and their families. Registrations of interest were received from 43 ACCOs.

I am happy to announce the request for tender for out-of-home care services will be released today, and will close on 11 August 2022. This is a key milestone in our commitment to closing the gap for cultural safety. To further support Aboriginal community–controlled organisations to build capacity to deliver out-of-home care services, the Department of Communities is offering one-off $25 000 grants.

Make no mistake, the previous Liberal–National government's priority was on permanency and legislating time frames for children in care. Since coming to government, our focus has been on keeping children safe and maintaining their connections to family and culture through early intervention, cultural support and prioritising contracts to ACCOs.

CYRENIAN HOUSE — FORMER ESTHER FOUNDATION FACILITIES

Statement by Minister for Community Services

MS S.F. McGURK (Fremantle — Minister for Community Services) [9.21 am]: I rise to inform the house about the new provider for the former Esther Foundation facility. The Western Australian government's swift and decisive response to allegations of abuse and mistreatment of young women and girls at the Esther Foundation continues, with the recent announcement of a new provider to step in and commence delivery of services from the former Esther Foundation properties.

As many in this chamber are already aware, the Esther Foundation was a faith-based residential treatment facility for women and teenagers that recently entered voluntary administration after a number of allegations came to light about the treatment clients received inside the program. The foundation was supporting 19 women and seven children when it went into administration. These clients were spread across several properties, two of which are owned by the Department of Communities. A number of women and girls have reported historical experiences of abuse and mistreatment at the Esther Foundation, including former residents, former staff and family members of ex-residents.

Community services provider Cyrenian House has now taken over the facility previously occupied by the Esther Foundation. The immediate priority is the safety and wellbeing of current Esther Foundation clients, and the Department of Communities has been working closely with the Mental Health Commission, which has a well-established relationship with Cyrenian, on the establishment of an interim service. Cyrenian is providing support to the remaining Esther Foundation residents and developing a new service that will provide support to young women and girls, and young mothers at risk or in crisis. The interim service will deliver a residential therapeutic community service that addresses substance misuse and will include support for mental health concerns, transitioning over time to help young women with a range of complex needs, including family and domestic violence and homelessness. The state government has funded Cyrenian via a grant agreement for a two-year period at a projected cost of $2.2 million a year, while the longer term options for the facility are examined.

Earlier this year, I referred the Esther Foundation to the Education and Health Standing Committee to launch an inquiry into the concerns raised. The committee is examining complaints from former residents, staff and volunteers and the steps taken by the organisation in response to those concerns. The inquiry will also look at how current regulations and legislative provisions address the concerns and allegations made about the foundation to ensure that history does not repeat itself.

I want to take this opportunity to thank the Department of Communities, the Mental Health Commission and Cyrenian House for working very quickly to find a solution to ensure that those needing support receive appropriate care.

WATER CORPORATION — KIMBERLEY COMMUNITY GRANTS SCHEME

Statement by Minister for Water

MR D.J. KELLY (Bassendean — Minister for Water) [9.23 am]: Last week, I had the pleasure of attending the annual Water Corporation Kimberley community grants scheme presentations along with the member for Kimberley. Recipients were announced at two ceremonies—one in Kununurra on Wednesday, 8 June and the other in Broome on Thursday, 9 June. The Kimberley community grants scheme supports not-for-profits to kickstart projects across the Kimberley. This is the eighth round of the grants scheme, which is delivered by Water Corporation in partnership with the Lions Club of Broome.

This year, Water Corporation is providing more than $70 000 in funding to 11 worthy grassroots projects that build an appreciation of nature, foster community wellbeing and make a positive difference to the lives of Kimberley residents. Schools and community groups in Kununurra and Broome will benefit from the newly funded projects, which include art exhibitions, play equipment, youth events, mental health programs and cultural education materials. The scheme is funded by proceeds of the sale of Rhodes grass hay produced at Water Corporation's Broome North wastewater treatment plant as an environmentally sustainable way of recycling wastewater. With the impacts of climate change felt widely across Western Australia, it is more important than ever to continue pursuing innovative water-recycling practices that help prolong the life cycle of water.

The member for Kimberley and I had the privilege of visiting a few of the completed projects in Kununurra and Broome and were blown away by the wonderful outcomes achieved. I extend my congratulations to all recipients of the grants.

CARNARVON FASCINE

Grievance

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [9.25 am]: My grievance today is to the Minister for Transport regarding the condition of the Carnarvon Fascine.

When we think about why people decide to live, work and invest in regional Western Australia, we find there are many reasons they make the move—family, jobs and, importantly, amenity. One community that should be very attractive to people is Carnarvon because it offers an outstanding lifestyle. However, over recent years, one of the tourist and amenity jewels of this community has been under-utilised directly as a result of inaction by the McGowan Labor government. Periodically, since the 1980s, sandbars have been across the fascine. In April 2017, a major weather event saw Pelican Point wash away into the fascine, blocking the navigable channel. It effectively closed off this asset to the community, impacting business and water users. The community has waited patiently for a resolution. After five years and two months, the Carnarvon Fascine remains closed off.

The government has conveniently argued about who has responsibility for the waterway, as it is managed by the Shire of Carnarvon. However, I am informed that the Carnarvon Fascine is owned by the Department of Transport and, as anyone knows, the landlord has ultimate responsibility for the assets they own, and when it is a structural issue such as this, it really is up to the state to make sure that it is open for business. For the last five-plus years we have had a waterway that is non-navigable. This has negatively impacted on the tourism sector, directly resulting in lost revenue to the local economy.

The fascine has long been an important, vital community asset and tourist attraction, but, equally important, it has provided a haven for vessels in a strategically important location along the coast. The impact of this closure has had far-reaching and direct impacts. The Carnarvon Yacht Club has seen the loss of the use of pens, but the Department of Transport has still been charging pen fees in some circumstances. The community cannot use the Carnarvon boat ramp. The impact of this closure on local business is real. The impact is direct and significant. It has affected the fish and tackle shops, support services, providers of fuel and supplies and many other businesses. The Carnarvon Yacht Club has spent hundreds of thousands of dollars of its members' hard-earned funds and funds raised by the community at large to enable volunteers to dredge the channel, showing the true value that the community places on this asset. However, cyclonic weather undid those community-driven efforts.

When governments do not have the will to lead and make decisions in the best interests of the community and instead do study after study, they are really just kicking the issue into long grass. The Carnarvon community has been subjected to some five studies by the Department of Transport on the impacts of the silting and how to manage the blockage in the fascine. There is still no decision, and no directions have been made and conveyed to the community. The last community newsletter on the Department of Transport project website is dated August 2021. There was $2.438 million allocated to the project in the 2021–22 state budget and the community is asking what those funds have delivered. What tangible outcome has the community received from those funds? Following on from that, how can the most recent state budget say that the project is complete when there are still more questions than answers on the future of this asset? The Carnarvon boat ramp is sitting idle because community members cannot launch their boats and exit the fascine. The boat ramp has effectively become a white elephant. How much of the $7 million committed in the 2020–21 budget has been delivered and spent on the project? The community is also asking what the final cost will be to rectify this issue.

When can the community expect to finally see the fascine open? Can the minister guarantee there will be completion of the outputs on the published project time line? Will it really be not until 2024 before the community of Carnarvon will see the fascine finally open and able to be properly used? This ongoing ugly situation has come at a huge cost to the community, many volunteers, businesses and the local tourism industry. The community is exhausted by the ongoing delays. If this situation were replicated in Mandurah or Hillarys, it would have been rectified immediately. Herein lies the problem with this government: the communities of the regions such as the Gascoyne are secondary to its decision-making. The government has made a commitment to fund the project, but, again, the facts do not match the spin. As the budget papers show, this project will not be completed until 2024, some seven years after inaction has choked the fascine waterway and the local economy.

I finish by saying that it has been over five years since the 2017 storms. The government cannot control the weather—everybody knows that—but it can control how to respond to the management of the fascine. It has also been well over two years since the community rallied for action, with hundreds of locals and over a hundred floating vessels and devices coming out to show a wave of community support, and still the community waits. While the government talks up its economic management and budget surpluses, this community and the Gascoyne waits. While the people in this community wait and think about that $5.7 billion surplus, they rightly ask: how does this add up?

MS R. SAFFIOTI (West Swan — Minister for Transport) [9.30 am]: I thank the member for Moore for that grievance. I found it to be highly political and using a lot of emotive language. Members know that I take grievances seriously in this place, but when the person who represents a region is not in the chamber and is quitting, and a member who does not represent that region stands up and reads a political attack word for word, I find it quite absurd. Where is the member for North West Central? He has only a couple more weeks left in this place; one would think he would turn up. As I said, I found the member's statement to be completely political and without fact.

We take all issues seriously. I think that people across the state understand that. That is why we have far more representatives in this place than the Nationals WA. The National Party tries to promulgate a divide mentality that somehow Labor does not have the interests of regional WA at its heart. We are the party of regional WA! Members can look at the expenditure across all our portfolios. They just have to look at my portfolio to understand that we are spending record amounts in regional WA. The opposition can continue on this divide and conquer mentality, but it is not working and it has not worked. Maybe the member for Moore is standing up because he thinks he might pick this region up in the redistribution; I do not know. I do not understand the logic of why the member who represents the region is not making the grievance. Maybe the National Party has already dismissed the member for North West Central. Maybe that is why he has resigned—because his party did not take him seriously and did not take his region seriously. Maybe that is what has happened in the National Party. Again, I find it absurd that the member for Moore is standing up and making this grievance. It is absurd that he is reading it word for word. As I said, when a member launches a political attack, I find it is much better not to stand there and read the political attack word for word. It does not hold true. It looks false. It looks manufactured. That is what I think this whole thing is—a manufactured attempt to try to show that the National Party somehow should be taken seriously in a by-election. I think that is what it is; it is no more than a political stunt.

Anyway, let us go through the facts, because I like going through facts. The fascine issue is serious and we are spending a lot of time and money on it. The key point I want to make is that we do not want to do something that becomes unravelled in the next cyclone or storm. That is the key point. When we come to dredge or to address the issues of the fascine, we want to make sure that all that work is not washed away at the next storm event. The whole state is littered with projects, some of which commenced under the Liberal–National government, which said, "Let's go and spend some money, let's go and look like we're doing something", without the proper studies, and then the next major storm event comes and all that is unwound. Projects are washed away. No-one wants to see that. No-one wants to see millions of dollars of taxpayers' money spent and then undone in the next major storm event.

When I initially met with the shire in the first couple of years of winning government, it put to me that it had been trying for probably about 10 years to get the Department of Transport to manage the fascine. It had been trying to hand it back for year upon year upon year. I sat there and thought: Hang on, did we not have a coalition government in power for eight and a half years? Why did they not take this shire seriously? Why did they not take back the management of the fascine? I was told that, I think for at least 10 years, the local shire had been trying to ask the state government for help with not only studies and funding, but also management. I was the first minister who said that we should take this seriously. This is a big project for the shire to manage. Let us help manage it and take it back. That is what we have done.

As the member highlighted, we committed $7 million in 2020 for a range of different issues. The member stood and asked us to show him the tangible impact of that $7 million—it is there! We have spent over $2 million on 16 new floating boat pens at the Carnarvon boat harbour. I visited it last year and I saw the work that is underway. We have already created—they are nearly finished—16 new floating boat pens, and that is to support the boats that are currently in the fascine and also the local community. This project is for the demolition of the old infrastructure and the introduction of new walkways with 16 modern floating pens accommodating vessels up to 15 metres long, increasing by 50 per cent the number of pens and berths available at the Carnarvon boat harbour. We are also going to work with the Carnarvon Yacht Club in relocating those boats and doing what we can to support the community. The boat pens will be opening very soon. That is a good thing; that is something we have delivered since 2020. Of

course, in relation to the fascine, we have undertaken major engineering studies into what form of dredging would be needed and where those cuts should be to allow for a permanent entrance into the fascine, noting the actual annual costs to support that, too. All these things have to be taken into consideration. A community forum was held on 29 May. The idea that the community has not been informed since there was a newsletter is, again, wrong. A community forum was held less than a month ago, and some of these studies and facts and figures were presented.

We will continue to work on both the temporary or shorter term solutions like the new boat pens and the more permanent solutions for the fascine, because we want to do it right. We do not want to spend millions of dollars and have it washed away in the next storm, as the National Party would have done.

SCREEN INDUSTRY

Grievance

MS C.M. ROWE (Belmont) [9.37 am]: My grievance is to the Minister for Culture and the Arts and concerns the McGowan government's investment and commitment to supporting and developing the WA screen industry.

The film industry is one I am deeply passionate about, having previously served as a board member and chairperson of the Film and Television Institute WA for 10 years, and I actually completed a diploma of screenwriting from the FTI many moons ago. During my time with the FTI, I saw firsthand how impactful its programs are, supporting so many emerging filmmakers as they learn and hone their craft and helping to launch careers for many Western Australian creatives. My passion for film stems from the ability of screen content to capture our stories and culture in such a truly powerful way. It shapes our perception of the world, affects Australian culture and promotes our national identity, and that is why it is so vital that we see local content on our local screens here in Australia. But there is also another benefit to the screen industry, and that is the economic value. Globally, the economic value of the screen production industry was estimated at approximately $245 billion prior to COVID-19, and Australia's share of that is around $4.6 billion, which is very significant. In the 2020–21 financial year, Screen Australia reported Australian drama expenditure as $1.9 billion. In that same year, the McGowan government has provided over $11.5 million in screen production funding, which has resulted in over $39 million expenditure to the WA economy. This investment in the WA screen industry content created 3 839 full-time equivalent jobs and generated $269 million in total economic income.

Naturally, screen productions set in our beautiful state promote Western Australia interstate and internationally, driving domestic and international tourism, with visitors seeking to experience our breathtaking locations that they have seen on their screens. This is supported by Deloitte Access Economics, which found that 230 000 tourists visit or extend their stay in Australia each year because of the screen content they have seen.

Screen production is a highly technical, skilled and job-intensive sector. WA is home to many talented creatives. Local feature film *How to Please a Woman* has enjoyed a successful run at the Australian box office since its release in May this year. It was filmed in Fremantle and around Perth. *How to Please a Woman* is the first feature film by WA writer–director Renée Webster. The film stars UK actress Sally Phillips, Australian actors Erik Thomson, Alexander England and Cameron Daddo, and Western Australians Hayley McElhinney, Tasma Walton, Caroline Brazier and Roz Hammond. It was produced by Western Australian—and friend of mine—Tania Chambers, from Feisty Dame Productions, and Judi Levine.

WA's documentary, or factual, sector continues to produce award-winning productions, reaching audiences globally. *Outback Truckers*, from WA's Prospero Productions, reached a hundred episodes last year. Over its nine seasons, *Outback Truckers* has created over 450 jobs and supported the development of WA creatives. *Shipwreck Hunters Australia*, by Fremantle-based VAM Media, was the first Australian documentary commissioned by Disney+. Artemis Media's landmark documentary series *Australia's Health Revolution with Dr Michael Mosley* revealed how new science can reverse Australia's type 2 diabetes epidemic. I would like to take this opportunity to give a shout-out to a good friend of mine, Levon Polinelli, who is making his feature film, *Emu War*, here in WA.

As the capacity of the WA film industry grows, the opportunity to attract increased federal government incentives and international investment has the potential to support increased screen production and employment in the state. The federal government's $540 million location incentive has attracted 35 international productions, generating over $3 billion in private investment and creating over 22 500 employment opportunities.

I would like to ask the minister what the McGowan government is doing to support screen production in the state and to outline its commitment to growing the WA screen sector. Thank you for taking my grievance.

MR D.A. TEMPLEMAN (Mandurah — Minister for Culture and the Arts) [9.42 am]: I would like to thank the member for Belmont for her very important grievance. I know she has a deep and abiding interest in the culture and arts sector more broadly. She highlighted that her passion was ignited, in film in particular, through her wonderful work on the board of the old Film and Television Institute, but I think the member is being a little modest about her real history. Her love of the arts was actually ignited at The Mount Players in Macedon. I have heard stories from her sister—who is, of course, my parliamentary secretary, Hon Samantha Rowe—about both of their escapades on the stage with The Mount Players.

Ms C.M. Rowe: An illustrious career!

Mr D.A. TEMPLEMAN: It was illustrious, and I understand that you were both very enthusiastic but were considered by one director as not necessarily great singers. You were told, "Look enthusiastic but please don't make too much sound." I can only say that that is the rumour.

Seriously, though, the member has raised an important point. We are absolutely focused on making sure that the screen industry in Western Australia grows for all the reasons that the member outlined, including, of course, the important economic considerations. The screen industry worldwide is going through a remarkable transformation in many respects. Audiences around the world are hungry for content. They are hungry for unique stories, which puts Western Australia, and Australia, in a very good position. There is intense interest in filming in Australia for the reasons that the member highlighted. Not only are we a safe place to film and to be engaged in film, but we also have some remarkable backdrops in which to host film activity.

Ms C.M. Rowe interjected.

Mr D.A. TEMPLEMAN: That is very true. Indeed, in Western Australia we are gifted and blessed with respect to daylight hours as well. Let me assure the member of some important things. The first is that the McGowan government is absolutely committed to making sure that the screen industry not only grows but becomes a legitimate new industry job creator for the future. We have already been successful with the regional film fund, now called the Western Australian Screen Fund, which has funded and continues to fund activity in regional Western Australia. There are productions like *Itch*, series 1 and 2; *Mystery Road*, series 1 to 3; *Breath*; *H is for Happiness*; and *Red Dirt Riders.* All of these more recent film activities continue to not only tell, in many respects, local stories to the world, but also use unique and highly desirable filming locations.

The member mentioned an interesting statistic in terms of tourism. One of the focuses of the screen fund is to increase the amount of filming that takes place in Western Australia, be it documentaries, series or movies, and that is happening. But, as the member highlighted, the importance of infrastructure remains a critical factor as well. That is why the government is absolutely committed to the $105 million investment in the screen facility, and the Minister for Transport; Planning is working very closely with me in delivering that. That work continues. Our $20 million screen production attraction fund sits alongside that, and that is an important investment in enticing activity to Western Australia. I can assure the member that Screenwest—and, indeed, the government—is continuing to look at all opportunities for film activity to take place in Western Australia.

The week before last I hosted a round table with a number of key players in the Western Australian screen industry because we are developing our state's screen strategy. This screen strategy is going to map out and guide us in terms of the investment in the film industry going forward. Members need not be concerned; we have a very good story to tell. I was recently in Melbourne and visited Docklands Studios, which has been developed in the old Melbourne Docklands area. It has recently completed its sixth sound stage—some 20,000 square feet of production space. The program of work continues to increase, which is the missing piece of the jigsaw for Western Australia in terms of film screen infrastructure. That is going to mean that the momentum that we already have will be fulfilled.

I want to thank the member for raising this. I think it is important to understand that in Western Australia we have some remarkable filmmakers, creators, writers, directors and crews. When we create an ongoing pathway or pipeline of work, it means that that expertise and creative talent stays here. It also means there is a clear career pathway for actors and actresses, for performers who are studying at the Western Australian Academy of Performing Arts and for those who are studying and practising in the technical side of filmmaking and film production in our other institutions.

The member has raised a very important grievance today, one which highlights and underpins the McGowan government's faith in the screen industry as a genuine creator and creative industry driver. But the member has also highlighted that the screen industry is an employer. I am going to a film set in a couple of hours' time at the Claremont Showground. There is a *Kid Snow* scene being filmed there. They have just finished filming in Kalgoorlie. When you go to a set you will see over 150 people working on the ground, creating. Thanks for your grievance, member.

SCHOOL BUS SERVICES — COWARAMUP

Grievance

MS L. METTAM (Vasse — Deputy Leader of the Liberal Party) [9.49 am]: My grievance is to the Minister for Transport, and I thank the minister for taking this grievance. The issue surrounds eligibility criteria for primary and high school–age children in the growing locality of Cowaramup who wish to attend St Mary MacKillop College in Busselton but have been unable to secure a seat with School Bus Services. The minister will be aware that I have written to her on this matter, and I am aware that the families have also written directly to the minister and been in contact with School Bus Services to highlight this issue.

School Bus Services provides an invaluable, efficient service to families and their children throughout regional Western Australia. This service respects and supports a choice in education by providing public transport to the nearest appropriate school of choice. For private schools, this may be based on religious denomination. This is clearly

a fair policy in many circumstances. In the case of my constituents in Cowaramup, a growing number of families wish their children to attend St Mary MacKillop College in Busselton for a number of legitimate reasons. However, they have been informed that their nearest appropriate Catholic school is St Thomas More Catholic Primary School in Margaret River. As the policy considers St Thomas More to be a non-government school of the same religious denomination, these families are not eligible for transport by SBS to St Mary MacKillop College in Busselton. Although both schools are the same religious denomination, the key difference is that St Thomas More Catholic Primary School is a primary school only, whereas St Mary MacKillop College goes from pre-kindergarten to year 12. The families want the choice to have continuity of education for their children. The school supports this decision, and in a letter dated 2 December 2021 it states —

> Growing demand at our Catholic feeder schools in Dunsborough and Margaret River mean that it is becoming increasingly difficult for students to enroll into Year 7 if they are not one of our designated priority students—Catholic students, students at a Catholic primary school, or siblings. Enrolling into our Primary school means a guaranteed place in Secondary school for these children.

This issue first arose in late 2021. Some of the students who lived on the school bus route of the Busselton–Augusta 22 bus did not meet the eligibility criteria for transport assistance but had been allocated a seat under complimentary status. This allocation was provided on the basis of spare seat capacity. However, this allocation was withdrawn when an eligible student requiring a seat on that bus applied to travel on the service, resulting in no further capacity for complimentary passengers. Availability under complimentary passenger status will become increasingly unlikely for these families, with St Mary MacKillop College already confirming 24 student enrolments for year 7 for the 2023 school year from families living in the Cowaramup–Margaret River region.

Cowaramup is one of the fastest-growing regions in the south west. Census data confirms that population growth in Cowaramup doubled in the five years from 2011 to 2016, with the area having a median age of 37 years. According to parents, there are now at least 30 children who are unable to obtain a seat on the SBS bus. These families are being significantly impacted. Children have had to be withdrawn from their school of choice to keep siblings together. Logistically, it is not possible for parents to drive their children to school or for families to have children attend different schools, as both parents generally work to support their families. These two schools are significant distances apart and in opposite directions, with Cowaramup located between Busselton and Margaret River. For example, from St Mary MacKillop College in Busselton it is 35 kilometres to Cowaramup and 48 kilometres to Margaret River.

I am aware that the Public Accounts Committee is inquiring into the student transport assistance policy framework. Under this policy, students who live in regional areas are given transport assistance to attend mainstream and non-government schools. The committee encouraged submissions to address the terms of reference, but the closing date for submissions was Friday, 29 October 2021. Unfortunately, the families in Cowaramup were affected by this issue after that date. There is fair concern about whether this inquiry and the government's response will lead to any immediate improvement to the issue facing these families and students. Families are prepared to compromise and have proactively suggested alternative solutions. They have explored chartering their own bus, but there is not one available in the region. They were also frustrated that the bus used on the Vasse–Carbunup service was withdrawn and replaced with a smaller bus. These families would have been happy to drive their children the shorter distance to link in with this or other bus services in this rural area that had capacity; however, we were led to believe that the logistics involved in altering or extending the bus route for complimentary passengers to ensure that a safe and suitable stop was provided would go against SBS's complimentary travel policy guidelines. Families have been advised that taking this option could potentially void an allocation for the Cowaramup service.

Recognising that the Public Accounts Committee will be collating information to report to Parliament in August 2022, we are hopeful that consideration will be given to cases like this. School Bus Services plays an invaluable role in our local communities. Given the unique nature of the situation impacting the Cowaramup community and the significant level of demand for high schools in Busselton, there is a great opportunity to support these students with the obvious benefits of public transport. I urge the minister's reconsideration of this matter and thank her for taking the grievance.

MS R. SAFFIOTI (West Swan — Minister for Transport) [9.56 am]: I thank the member for Vasse for the grievance. If I looked at which issue across my portfolio creates the most letters to my office and most concern, it would be School Bus Services. That is why we asked the Public Accounts Committee to examine the existing regime and gain an understanding of the challenges that arise from the existing set of criteria. The member highlighted those criteria. To be eligible for transport assistance, students must be enrolled at their nearest appropriate school, be enrolled in pre-compulsory or compulsory education, regularly use the bus service, reside more than 4.5 kilometres from the school and reside outside a designated public transport area. Those criteria have been in place for many years. One challenge that continues to emerge—I experienced it myself; I went to a district high school and then a secondary high school in Roleystone—is that one's choice of school can be impacted by the years that are offered by the local school and, sometimes, the courses offered. That is very much the case in regional WA, where there may be district high schools or K–12 schools, which is an option that many families now choose because their child will be at the same school from kindergarten to year 12 and they will not have to do a double drop-off.

St Mary MacKillop College is a K–12 school and St Thomas More is a primary school. St Thomas More Primary School is closer to Cowaramup. Even though I am Italian, I cannot roll my Rs, so I always find this town's name very hard to say; I will say "Cowaramup" quickly. The policy requires children to go to St Thomas More Primary School as it is the closest school; therefore, free travel to St Mary MacKillop College would not be provided. Of course, there are also capacity issues. I understand the concerns. It is very difficult to make exceptions to rules up and down the state. Once we do it for one school, there will be demands for other schools. I will say, with Catholic Education officers watching, that it would be good if St Mary MacKillop College, for example, automatically included St Thomas More Primary School students in its cohort, because that school would then be a feeder school.

One thing that the member highlighted that I think sounded a bit odd is that one would hope that this secondary school at St Mary MacKillop College would automatically take children from St Thomas More Catholic Primary School because that would allow families more certainty, and allow children who go to the primary school certainty that they will automatically go to the high school. Again, that is the same as a situation in my electorate with a new catholic high school that goes K–12 and other primary schools feed into that high school even though other high schools are also K–12. We would hope that a bit more concession be given to children going from the Margaret River school into the Busselton school. We will re-examine it, particularly the student numbers and number of bus services. I will get my office to re-examine the option that was put forward late in the member's piece when she talked about trying to move to a central point, and then maybe doing some pickups from there. We will re-examine it, as I said.

I have the Public Accounts Committee looking at this because as families try to choose the best options for their children, they try to have options that suit their children and also their family circumstance. It is very hard to get a bus service to deliver the best option to every family in the state. That is why I have the inquiry to look at the matter to see whether any other options or mechanisms give families a bit more flexibility, understanding that moving children from school to school and drop-offs is one of the challenges many people face across the state. We will re-examine some options put forward, but it is very hard to make exceptions in this case, because I would then expect the same exceptions to be asked for around the state. It is a real issue. That is why I had the committee look at it, too.

KING EDWARD MEMORIAL HOSPITAL FOR WOMEN — FAMILY BIRTH CENTRE

Grievance

DR K. STRATTON (Nedlands) [10.02 am]: My grievance is to the Minister for Health; Mental Health, and I thank the minister for taking my grievance on what I know is an issue important to both of us—that is, birth choices for the women of Western Australia.

The Nedlands electorate, my electorate, is a centre of excellence for health care in Western Australia. We are home to three public tertiary hospitals, including the only paediatric hospital and the only dedicated women's hospital in our state. The very first formal discussions about establishing a women's hospital were held in the Government House ballroom on 8 November 1909. The Women's Service Guild, of which Edith Cowan was a founding member, advocated for and led these discussions. I tell this story because women always have and always should lead decisions about the nature of care provided, the nature of service provision and the birth options that are available to them.

The McGowan Labor government has undertaken a significant investment in women's health, including the commitment to build a new women's and babies' hospital. This commitment represents a $1.8 billion welcome investment. It comes because King Edward Memorial Hospital for Women is a building that is no longer fit for purpose, with additions and extensions made as not only our population grew, but as specialist care for women expanded. The hospital is now home to many specialist clinics and services, including the adolescent antenatal clinic, the childbirth and mental illness antenatal clinic, the next birth after caesarean clinic, the women and newborn drug and alcohol clinic, the menopause clinic and more. I think it is fair to say many of these services could not have been imagined by those founding women in 1916. It is really important that our facilities and models of service provision that we provide are reflective of our evolving understandings of what is known to be best-practice care.

The new women's and babies' hospital will provide a state-of-the-art facility. It is to be co-located with Perth Children's Hospital and Sir Charles Gairdner Hospital in Nedlands. This co-location is important, as it means women and babies can access the tertiary care provided at Sir Charles Gairdner and Perth Children's Hospitals if required. It reflects modern and integrated care for women and their babies. Like many Western Australians, I was born at King Edward Memorial Hospital, and it was the only place that I ever considered delivering my two children. For me, a public hospital that sees all the complicated and high-risk pregnancies in Western Australia would be the safest option, but one where I knew that I, too, would have the most choices in how I give birth and I have an active voice in making those choices.

Almost 6 000 babies are born at King Edward hospital each year, accounting for about 20 per cent of all births in Western Australia. King Edward has always led the way in providing a proud history of leadership and advocacy on a range of sensitive, complex and challenging women's health issues, advocating for all women's reproductive rights, the rights for all babies to born in a safe environment, and committing to the promotion of positive health and social outcomes for women, families and newborns. When I worked there as a social worker, we dealt with

many complex and challenging issues around profound grief and loss, family and domestic violence, child protection, complex ethical decision-making, and advocacy for women's and babies' rights to deliver babies in ways that were dignified and respectful of their cultural and social contexts and of their choices.

I have had an ongoing commitment throughout my career to ensure that people have an active role in the choices and decisions that impact them, and a particular pursuit in progress on issues of gender equity, and am, as such, a passionate supporter and advocate of women having choices in the birth of their babies—a passion that I know is shared by the Minister for Health. One such innovation was the opening of the family birth centre on site at King Edward Memorial Hospital some 30 years ago now. The family birth centre provides women a home-like environment in which to deliver their babies. Birth centres are an option for healthy women with low-risk pregnancies and uncomplicated births. Care is midwifery-led with experienced registered midwives with particular expertise in normal childbirth. Family birth centres operate with a philosophy of continuity of care with a known midwife who has a relationship with the woman and can support her physical, emotional and social needs during labour and delivery. It has been demonstrated that when women see the same midwife throughout their pregnancy, they often feel more comfortable and therefore more confident in asking questions and discussing different and difficult aspects of their pregnancy, lifestyle and home situation. With their level of expertise, these midwives provide women with personal attention, careful assessment and holistic care. Partners or other support persons are able to stay continuously to support women in childbirth. Women are providing with active childbirth choices with supported input into their birth plan, and the birth experience is one of low medical intervention. Women and their babies are discharged early—from four hours post-delivery—so they can get to know their newborn in their own home environment with less disruption to other children and family life.

The family birth centre at King Edward is in high demand and is a choice many women and families make for an empowering midwifery-led, woman-centred birth experience. As the business case for the new hospital progresses and given recent sensationalist media coverage, I have been approached by a number of stakeholders—doctors, midwives and women—in my electorate who are concerned that the capacity of the family birth centre will be reduced when King Edward Memorial Hospital closes. The concerns raised regarding the availability of the family birth centre option also highlights the importance of community consultation in the development of models of service provision at the new hospital, including the most appropriate location for services. The location of the new women's and babies' hospital will be on a significant tertiary medical site, and it is important that women have input into whether this is what they consider an appropriate environment, given the kinds of benefits being sought after through birthing at the family birth centre. The planning for a new women's and babies' hospital means that we have an opportunity to consider and respond to advances in best practice, as King Edward has always done.

I am today seeking reassurance from the Minister for Health to the women of Western Australia that there will be no reduction in the provision of the family birth centre when King Edward Memorial Hospital closes, the location and service at any family birth centre will reflect contemporary best practice, and that women and midwives will be consulted on the best model and location of the family birth centre.

MS A. SANDERSON (Morley — Minister for Health) [10.09 am]: I thank the member for Nedlands for her grievance and her decades of advocacy in not only birthing choices, but also women's health more broadly and certainly in access to protecting and ensuring the reproductive rights of women in Western Australia.

One of the most exciting things that I will get to do as the Minister for Health is oversee the development of the new women's and babies' hospital. As the member for Nedlands rightly pointed out, Labor has a strong record and history in this area, with Western Australian Labor women in particular at the forefront of ensuring that women have access to women's health reproductive services as well as birthing rights. In the development of King Edward Memorial Hospital for Women, one of my personal heroes along with Edith Cowan is May Holman, who was the first Labor woman elected to any Parliament in Australian. She represented a blue-collar working-class electorate in the south west. She worked hard to ensure the development of King Edward Memorial Hospital for Women and the provision of those services. Another Labor woman, Hon Carmen Lawrence, opened the family birthing centre in 1992. At that time, 30 years ago, it was really at the forefront of maternity care. We did not get to choose where the centre went; it had to go to the only women's and newborns' hospital. It was the only location at which it could possibly be located.

When we are working through the women's and babies' hospital project, we will determine the best location to provide those services. I will not make that decision, the member for Nedlands will not make that decision and the opposition will not make that decision; rather, the women of Western Australia will make that decision. If it were up to the opposition, it would have me make that decision on behalf of Western Australian women, but I will not do that. I made a commitment to the women of Western Australia that they will be front and centre of the decision-making around where we locate that birthing centre. There are a number of other services around that site and we need to determine the most suitable location for them. We will work with those services, some of which include the Sexual Assault Resource Centre and the Mother Baby Unit, which was also opened by a Labor government when Jim McGinty was the Minister for Health. I think it was one of the first in Australia, but such units had been used in Europe.

There has already been significant consultation about the women's and newborns' centre. One of the principles that I would like to see maintained around a family birthing centre is a standalone site. There are other models; for example, Fiona Stanley Hospital has a family birthing centre, but it is welded into the hospital. Personally, I would like the family birthing centre to be located on a standalone site with a separate entrance. It may be that it ends up being located at Queen Elizabeth II Medical Centre or on another site that has high-quality obstetric services. That is also the view of senior midwives in the state with whom I have spoken and my office is in consultation. That sense of a standalone centre is really important for the natural birth that women want without the feeling that they are going to a hospital to have a baby. Ultimately, it is as close to a home environment as we can get without being at home to give birth.

At the end of my tenure as the Minister for Health, I would like to see an expansion of family birthing centres and choices in birthing. It is cost effective, safe and natural and the level of trauma is significantly less for those women who have those experiences and partners and families are integrated. Overall, it is an incredibly positive experience for women. I give a very firm commitment to the member for Nedlands and the women of Western Australia that this will absolutely be a priority and we will make sure that Western Australian women are front and centre of the decision-making around that centre.

The other important choice that is available that I have advocated for strongly over the last few years—the former Minister for Health will attest to my persistence—is access to privately practising midwives in state maternity hospitals. It has been challenging to get up this model in Western Australia for various reasons. It is used extensively in Queensland in particular and very effectively. It is a continuity-of-care model and it is Medicare rebated. Because of the very significant financial gaps, it is not available for women universally, particularly for the actual birth, which can run up to a cost of $5 000. That model provides genuine continuity of care because the midwife does all the prenatal appointments with a woman at home or at work if she is working—the midwife goes to the woman—and she sees her through the birth and does all the postnatal appointments with the family. The midwife genuinely gets to know the family.

I used this model when I was pregnant with my second child and it was the best experience I could have had. I had my son at King Edward Memorial Hospital for Women and was home two hours later with my midwife. I had the safety of a hospital birth because of some risks that were associated with my pregnancy, but with all the benefits of not being admitted and so on and so forth, which was fantastic. King Edward Memorial Hospital for Women has nine endorsed midwives on the program, and I will be writing to other hospital service providers to encourage them to ensure that midwives from Armadale, Osborne Park, Joondalup and all our hospitals provide that ability, because it is a policy of this government and we want to make sure that they have it.

I will briefly touch on the comment made that women are freebirthing because they cannot get access to community midwifery practices and that somehow that is linked to funding. That is an absolutely objectionable comment. It is linked to the range of restrictions in those women accessing those services. There is significant trauma with medicalised births and women make very difficult and often informed decisions about the birthing they want. I give a commitment that we will ensure that there are better choices for women in the future.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Second Report — Annual Report 2021 — Tabling

MS C.M. TONKIN (Churchlands) [10.15 am]: I present for tabling the second report of the Joint Standing Committee on Delegated Legislation titled *Annual Report 2021*.

[See paper 1189.]

Ms C.M. TONKIN: The report that I have just tabled advises the house of the key activities of the Joint Standing Committee on Delegated Legislation for the reporting period 1 January 2021 to 30 December 2021. The committee scrutinises instruments made under statutory delegation and determines whether the instruments are beyond the scope of the delegated power or otherwise in breach of the committee's terms of reference. Like its predecessors, the committee continues to scrutinise large volumes of delegated legislation.

During the reporting period, the committee scrutinised 369 instruments, including 180 regulations and 118 local laws. Motions for disallowance of delegated legislation usually do not proceed if the committee receives satisfactory undertakings. The committee recommends disallowance only as a last resort. During the reporting period, the committee received departmental and ministerial undertakings covering seven instruments and local government undertakings covering 33 local laws. The committee tabled one disallowance report recommending that the City of Kalamunda Dogs Local Law 2021 be disallowed for breaching section 3.12(4) of the Local Government Act 1995. This local law was significantly different from the one publicly advertised. This was a systematic issue in local laws in the reporting period. While acceptable undertakings were received in most instances, the committee strongly encourages local governments to ensure that explanatory memorandums justify why a local law is not significantly different from the one advertised. Local governments should also restart the local lawmaking process under section 3.12 of the Local Government Act 1995 if any significant changes are made following public advertising.

The committee worked with the Department of the Premier and Cabinet to update the Premier's circular. A number of changes were made to assist the committee and other agencies. One change requiring agencies to provide free public access to standards referred to in regulations is a key reform. This addresses the committee's longstanding concerns about free public access to standards.

Some proposed reforms announced by the Minister for Local Government as part of the local government reform process are relevant to the committee's work. The committee looks forward to receiving feedback from the minister in due course.

The committee trusts that the matters noted in this report will assist those making delegated legislation understand the committee's processes. I commend the report to the house.

EDUCATION AND HEALTH STANDING COMMITTEE

Co-option of Member — Motion

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [10.20 am]: I move —

> That the member for Scarborough be co-opted to participate in the Education and Health Standing Committee's inquiry into the Esther Foundation and unregulated private health facilities.

I will speak very briefly to this motion. The member for Scarborough has indicated a deep interest in the inquiry that is currently underway on the Esther Foundation, and his co-option is supported.

Question put and passed.

CHARITABLE TRUSTS BILL 2022

Third Reading

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [10.21 am]: On behalf of the Attorney General, who, unfortunately, is not well, I move —

> That the bill be now read a third time.

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [10.21 am]: It is a pity that the Attorney General is not here. I am sorry to hear that he is unwell. I want to raise a couple of things about this bill. As we know, we had quite an extensive discussion in consideration in detail. The Attorney General went to some lengths to explain to me—a layman—the rationale behind, and the importance of, the bill; the fact that some charitable trusts were operating, and had been known to have operated, in ways that were not benefiting the person or the purposes for which they had been established; and that this bill was about enabling the Attorney General, through the newly established Western Australian Charitable Trusts Commission, to properly investigate and regulate charitable trusts in Western Australia and to align those with the federal legislation to enable the tax deductible donations et cetera to those trusts to continue, which is something that had been problematic since about 2013.

It was a thorough investigation, or as thorough as it can be when led by someone such as I, who does not know much about legal matters. But thanks to the detailed explanations from the Attorney General, I think we got to the bottom of the need for the legislation and how it will operate. I would like to thank the Attorney General's advisers who were here. It was a valuable exercise. As I said at the outset of the debate on the bill, the opposition supports the bill, and we look forward to its progress through the rest of the Parliament and its implementation in the future.

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [10.23 am] — in reply: On behalf of the Attorney General, to close the debate on the third reading stage, I thank the member for Moore for his contribution and other members who contributed. I acknowledge that the number of issues that were highlighted in the consideration in detail stage were explained by the Attorney General; therefore, I acknowledge that a proper process of interrogation was carried out successfully.

The Attorney General is responsible for protecting charitable trust property. He formed the view that for charitable trust property to be properly protected in today's context, the Charitable Trusts Act needed to be updated. The *Report on Njamal People's Trust* further demonstrated the need for changes to this legislation. The report recommended several important changes and the bill responds to these needs.

On behalf of the Attorney General, I thank those members who spoke about native title holders and noted the significance of the thirtieth anniversary of the Mabo decision, which, as we know, is a very significant event in Australia's history.

This bill provides a general modernisation of the law on charitable trusts, but in the Western Australian context that requires special consideration of Aboriginal communities and native title. In this state, millions of dollars in native title benefits are held in charitable trusts, intended to benefit the native title holders' communities. This government supports Aboriginal communities' rights to self-determination, including through being properly informed about these trusts and having their rights under the relevant trust deed enforced. The interests of these communities and the need for the benefits of the charitable trusts to properly flow to them have been front of mind when drafting this legislation.

Of course, these rules apply equally to all charitable trusts and will benefit all the many forms of charitable trusts in this state. Some of these were discussed by members in their speeches in the second reading debate and the consideration in detail stage. I look forward to all these varied charitable purposes benefiting from the improvements to charitable trusts set out in this bill.

I commend the bill to the house.

Question put and passed.

Bill read a third time and transmitted to the Council.

MINING AMENDMENT BILL 2021

Second Reading

Resumed from 15 June.

MR C.J. TALLENTIRE (Thornlie) [10.26 am]: I am very pleased to resume my remarks supporting the Mining Amendment Bill 2021, and I commend the Minister for Mines and Petroleum for bringing these amendments to the house. These amendments will enable the mining industry to maintain its high-quality operations while gaining approval for various projects more rapidly. That means this state will have a more efficient approach to a very high quality, well-administered mining sector. This is very important because it means that we can gain the benefits of the wealth that is generated by that sector and the community can maintain its confidence in the operations of the sector and have a sense that the industry honours a commitment to ever-continuing improvement. There is no doubt about it; in the past we have seen poor levels of practice. In fact, there have been cases in which various exploration operations and operational mines have not received the necessary rehabilitation effort that the broader community would expect. That, I think, is the past. Nowadays, we will see, and it will be enshrined in these amendments, that the industry must not only put together its project proposal, but also present its mine closure plans all in one go. These amendments will also deliver to us a facilitated—indeed automated—assessment process for those eligible mining activities, or EMAs, so this is all very welcomed.

These amendments are predicated on the fact that we must have a strong understanding of where the environmental risks or operational risks to the community might be. Where those risks occur, we can be sure that those cases will in fact go through a more thorough and rigorous level of assessment than these amendments are designed for as these amendments are designed for those low-risk cases. Essentially, we are talking about risk management and making sure that the low-risk projects can quickly get up and running. We know that timeliness is very important in the mining sector. When there is global demand for a particular mineral or commodity, we need to ensure that our mining operations can quickly move to meet that demand. When we look at the level of investment, infrastructure and capital works that is required to get a mining operation off the ground, we see that running in a timely fashion can be extremely challenging, but it is essential to the profitability of an operation. A number of projects are targeting rare earths and other minerals that are in high demand. There is much discussion now about lithium operations and the realisation that they have an integral role to play. Lithium batteries, which we are such big consumers of, contain not only lithium, but also cobalt and copper. I know the Minister for Mines and Petroleum will be able to remind me of the other essential ingredients in a lithium battery.

This legislation is based on a risk management approach. It is about understanding where the sensitive environments are so that if someone is going into a sensitive area, they are deflected into perhaps an environmental protection assessment or a whole round of community engagement and discussions, which is as it should be. Interestingly, today on ABC news, I heard reports of our two biggest miners, BHP and Rio Tinto, being heralded as the top two mining companies in the world. There is no doubt that our companies are key players on the global stage. I know from my dealings with those companies that they have very rigorous processes in place to make sure that their general operations are only ever of the highest standard. Having said that, we know of some failings that have happened and they have justifiably received great public attention and criticism when that has been warranted. We are really in this space of seeing continued improvement and those companies welcome criticism when it is warranted. That has been my understanding; they really do welcome it.

We are talking about smaller operations here. It is interesting to compare the mining laws around the regulatory system in Western Australia with other jurisdictions. It is interesting that one of the most feared jurisdictions for mining operators is California. I think it is almost impossible to get up a mining operation in California. The mining industry hates the state of California, one of the most powerful, successful and diversified economies on the planet. For many reasons, people aspire towards the wealth, success, creativity and diversity of economic activity in the United States in the state of California, but from the mining industry's perspective, the regulatory framework there makes mining just about impossible. The Fraser Institute does global rankings on the friendliness of various jurisdictions towards mining activities. I think it is based in Canada, but it is very respected in the mining industry, and Western Australia continues to rank highly for its regulatory framework and the ease with which a proposal can get up in the Western Australian jurisdiction. We can keep an eye on that and continue to assess it. I note that the Fraser Institute's general assessment table of economic freedom—it talks a lot about freedom—also rates the

states of California and New York in the US as being particularly "unfree", if there is such a word. It sees those states as not free, although I believe the states of New York and California are among the wealthiest in the world, so I sometimes question the criteria used by institutes such as the Fraser Institute, although it is nevertheless respected in the mining sector.

This issue of risk analysis and determining whether a mining activity will be eligible for that expedited pathway depends on us having the very best information available. I have been long concerned about this because we need to know, especially from an environmental perspective, the biophysical characteristics of a region so that we can then determine whether a proposal, even if it is a very small one, will put environmental values at risk. That is why we need to be sure that the mining industry in general and individual proponents are contributing to funds that drive that gathering of information. We can bring together information that has been collected by various proponents so that we have a good picture of a region's biophysical characteristics to quickly make a decision. There may be no need to assess or, on the contrary, we make the decision that there is a need for approval to be conditional on a field survey, which can happen only at a particular time of year.

That is often the case and would be incredibly annoying for a proponent. If in January–February a proponent wanted to get up a mine quickly and their financial plan was lining up nicely and they were getting everything organised, the markets were turning and demand for their product was going to be there—everything was lined up—but they were told they needed to do a field survey for particular environmental values and the only time that could be done was September–October, members can imagine how frustrating that 10-month delay for a field survey would be. My response to that is: why had that field survey not been done in anticipation? Western Australia is a good keeper of all biophysical data, with various institutes such as the Western Australian Biodiversity Science Institute able to gather all the information together so that we can make that risk assessment and companies do not have to go into this much-feared situation of a 10 or 12–month delay and sometimes double that, a 24-month delay, which is sometimes essential for us to be really sure about the biophysical features in a particular area.

How do we manage that data? We do so with geospatial analysis, which is a really exciting thing that the mining sector is driving. Geospatial analysis ensures that we have all the information that is readily accessible. The Department of Mines, Industry Regulation and Safety has done a fabulous job over the years, gathering all sorts of geospatial information and making sure that it is available on Tengraph. Now we have a program of works spatial system, which is what the provisions in this amendment bill feed into, so that we capture activities proposed by explorers and prospectors and can overlay them on existing known features of a landscape, so it can work in a very efficient, expedited way. I pay tribute to those people in the mining sector who have championed the need for this gathering of data and for it to be as publicly available as possible.

Field survey work around the floristics of a region might be of interest to one company's proposal, but there is a need for that information to be shared—even though company X paid a few million dollars for the field survey work—and be accessible to other companies that might even be competitors. How do we do that? That is why we have to accept that once biophysical information is provided for an assessment, it should then become available in the public realm. It cannot be held back as something that is a competitive advantage for a company. On the contrary, it should be accessible to other players.

In the general public's mind, mining conjures up images of either the massive iron ore mines in the Pilbara or indeed some of the bauxite operations in the Darling Range. I know there is always a degree of concern about some of those operations, but one observation that I made when I was on the Munda Biddi Trail not too long ago, riding past the Alcoa operation, was that it was nowhere near as severe as I had feared. Of course, I was seeing only a transect as I went through, but I was pleasantly surprised by how well managed those operations were from what I could see.

Dr A.D. Buti: You were riding too fast!

Mr C.J. TALLENTIRE: I would like that to be true, minister, but no, I was able to enjoy it. In fact, it was quite fascinating to see features such as the conveyor belts; I was in a very wild and isolated area of state forest and I saw a massive conveyor belt just quietly delivering bauxite to the processing facilities. I note that the minister will have the pleasure of seeing that as he does not the Munda Biddi, but the Bibbulmun Track. The minister will have a fantastic opportunity to see how our forests are managed and the sometimes difficult interplay between the protection of those forests and their preservation in mining operations. Yes, there is quite a bit of state agreement act territory there. I acknowledge the contribution Alcoa has made towards maintenance of the Munda Biddi Trail. I suspect Alcoa also contributes towards the maintenance of the Bibbulmun Track. For the benefit of members, the difference between the Munda Biddi and the Bibbulmun Track is that the Munda Biddi is for mountain bike riding and the Bibbulmun Track is for the hikers and runners, such as the minister. That is an interesting side angle.

This legislation is very much welcome because it really will help filter out those cases that can be expedited, making sure that they get the assessment done quickly so that people have that degree of certainty and their approvals are in place as quickly as possible, and that is very much appreciated.

[Member's time extended.]

Mr C.J. TALLENTIRE: I want to touch on some of the awards in the sector. Going back some years now, I was involved with the Golden Gecko Awards for Environmental Excellence, which now come under the Resources Sector Awards for Excellence. That is a combination of the Golden Gecko Awards and the Community Partnership Resources Sector Awards. These rewards are very much an opportunity for the broader community to learn about the progressive nature of the mining sector—the initiatives and the developments that are all about making sure that where there is impact, it is as reduced as possible and that there are indeed many positive outcomes. I well recall seeing on some of the field trips that I was able to do as a member of the Golden Geckos panel in 2004 some of the incredibly detailed and elaborate work done by the mining sector. I really acknowledge the contribution of people working in that industry. It is important to note that the biggest employer of environmental scientists in Western Australia is the mining sector, and that is often around the rehabilitation work and making sure that those projects are as well managed as absolutely possible.

I want to touch on the mining rehabilitation fund as well. I know the Minister for Mines and Petroleum is very familiar with this important fund. Firstly, it provides for tenement holders to contribute towards the maintenance of data about disturbance. If someone has a tenement, they have to report any disturbance so that we know how much land across the state has been disturbed through mining. That is part of the mining rehabilitation fund legislation. Secondly, this money is there for the rehabilitation for any abandoned mine sites. Of course, the act has powers that allow for moneys that are owed for rehabilitation to be recovered through the courts as well. We are really covering off on all bases.

Earlier I mentioned a concern about how in days gone by mines, exploration shafts and drill caps were abandoned. We now have the capacity to not only fix those legacy cases, but also make sure that they do not happen in the future. Members can rest assured that money is available for the rehabilitation of abandoned mines and that is an important thing to know. I think it is all about maintaining that very important social licence that the industry needs. We are definitely a mining state. We are the beneficiaries of the wealth of mining, but that social licence exists only so long as the industry can assure the community that mining operations take place in the best circumstances and that there are no long-term degradation issues. Legislation such as this helps us target our assessment effort to those more difficult and challenging cases. It takes out the more benign cases so that attention is on the riskier cases that need the expedited treatment. This is valuable legislation. I am very thankful to the minister for bringing it forward and I look forward to its progression.

MR S.J. PRICE (Forrestfield — Deputy Speaker) [10.47 am]: It gives me great pleasure to talk about the Mining Amendment Bill 2021. As always, I acknowledge the great work that the current minister is doing in this very important area. He certainly has put his shoulder to the wheel in making some significant improvements within the mining industry over the past couple of years that he has been the minister, and this is just another example of that.

It is interesting when we talk about mining because we have a preconceived idea about what it is we are talking about, but a lot of preparatory work goes into a mine. As new members of Parliament, we all got to do a tour, if we wanted to. I think it was the Association of Mining and Exploration Companies or the Chamber of Minerals and Energy of Western Australia that took new members of Parliament on a tour of the north west to look at some of the mines and gas facilities. We saw the end result of a lot of work. This legislation will help way back at the beginning of a lot of these kinds of projects.

I want to start by touching on the second reading speech by the Minister for Mines and Petroleum. The minister said —

> The purpose of the Mining Amendment Bill 2021 is to amend the Mining Act 1978 to increase the efficiency of applications and assessments for mining activities. The amendments will modernise activity approvals under the Mining Act and embed a risk-based, outcomes-focused regulatory framework. In addition to reducing the administrative burden on industry for applications and ongoing approvals, these amendments will assist to target the government's efforts to effectively regulate the sector and minimise risk to the environment.

The key tenet of the bill is to minimise risk to the environment. If we go back a while, the mining industry regulations used to be very prescriptive, whether that was through the approvals process, which we are now seeking to improve, or on the safety side through the Mines Inspection and Safety Act, about how companies had to deal with particular risks associated with their enterprise. Over the years, there has been a change of thinking that that might not be the best approach to deal with issues in the safety space and also for managing environmental risks at mining operations. The offshore petroleum industry was the first to embrace what is called a safety case. Under a safety case, a business that wants to develop a particular asset must identify not only all the risks associated with that asset, but also a solution to those risks. The business is then assessed on whether it is managing those risks according to what it said it would do. This amendment bill seeks to provide clarity around that. It provides that all mining activities must be undertaken in accordance with the conditions of their approval. Mining companies will be assessed according to how they deal with risks, as opposed to being told how to manage risks. A lot of other information is also provided to help companies.

I will go back a bit further to touch on what we are talking about here, because it all stems from the Mining Act 1978. The act provides the following definitions of "mine" —

> ***mine***, as a noun, means any place in, on or under which mining operations are carried on;
>
> ***mine***, as a verb, includes any manner or method of mining operations;

That is quite interesting in helping us to understand what a mine is. The act provides further definitions. It also provides some exceptions. One of those exceptions is that it does not include mining activities that are undertaken on private land.

The act also provides a definition of "mining operations" That is also interesting. Mining operations come in multiple different sizes. We all see the big BHP and Rio iron ore operations in the Pilbara. In Newman, there used to be a demographic called Mount Newman. That is not there anymore. It is now just a hole. It is a bit like Rio's former Argyle diamond mine. That has had a similar outcome. The act states —

> ***mining operations*** means any mode or method of working whereby the earth or any rock structure stone fluid or mineral bearing substance may be disturbed removed washed sifted crushed leached roasted distilled evaporated smelted combusted or refined or dealt with for the purpose of obtaining any mineral or processed mineral resource therefrom whether it has been previously disturbed or not and includes —

It then goes on to describe other things. This is an important definition. Mining activities are being undertaken all around and in close proximity to this city. Mention has been made of Alcoa's operations. There are also the Boral quarries at Boya, which is just outside of my electorate. There are also multiple sand and limestone extraction operations. A lot of areas are covered by the definition of "mining operations". Mining is not something that happens just in remote locations, although that is where we see some of the larger occurrences of mining.

As I have said, this bill seeks to streamline the application process. A lot of stages need to be gone through to develop a mining operation. The first is the early stage of exploration. The Department of Mines, Industry Regulation and Safety provides geological surveys of the mineral formations across Western Australia. That is a fabulous service. Previous to the department making that information available, companies had to undertake that work themselves, at significant expense. That helps identify areas that have interesting geological formations that might hold the prospect of mineralisation. If a company finds an area that it likes, it will stake a claim on it and put its exploration team onto it. That entails people going out with drills to, quite often, the middle of nowhere, and to cut through the tenement to create what are referred to as gridlines. They will then take drill samples to a certain depth. Depending on the outcome, they might then identify a particular area that has greater prospectivity than another and put in some more gridlines and drill some more areas that have less separation and are closer together to identify the prospectivity of any future development. That will continue over a period of time, because, depending on the results, they might need to use different drilling methods and go to different depths. The overall intent, of course, is to develop a resource that will make some money for them. However, in order to do that, they need to get approval. That is the start of developing a mining operation. I do not know what it is now, but the reference used to be that it took eight to 10 years from discovery to development of a mining operation. That is why the exploration sector is so important.

The McGowan Labor government, under the stewardship in the resource sector of the Minister for Mines and Petroleum, has continued to support the exploration incentive scheme in Western Australia. I refer to a press release from the minister dated 28 April. It states that 107 applicants submitted proposals for round 25 of the scheme, which is the second highest number of drilling applicants since the exploration incentive scheme began in 2009. It states also that $6.74 million has been offered to 47 drilling projects. It goes on to say that 22 of the successful explorers are searching for battery metals such as nickel or nickel-cobalt, lithium, and rare-earth elements. We can see from that that the type of minerals that companies are looking for these days, and the demand for minerals by industry, is changing. However, it does not matter what explorers are looking for, it is still captured under the Mining Act. That is why this legislation is so important.

The press release goes on to say —

> "It's especially pleasing to see lithium, nickel and cobalt at the forefront of exploration activity; these efforts can help position WA at the centre of the global battery minerals supply chain."

That is very important. Once mining companies have proved up that they have a resource that is viable and worth developing, they have to engage in an intensive drilling program to identify the boundaries of the resource. Once they start to dig a pit, they need to know the end point. They have to start it at a point on the surface that will allow them to safely reach the resource at the bottom. It is very difficult to change the angle of a batter when they are halfway through that work. They then have to identify a particular profitable part of the mine site at which to commence operations, and they then engage in ongoing brownfields exploration around that to identify more resources. Quite often they have to do a cutback or make some changes to the original design.

All these things need to be reported and approved along the way. The easy part of mining is extracting the mineral; the difficulty is finding it. The easy bit is digging it up, but the hardest part is managing the by-products associated

with it. This is why the environment aspects of this bill are so important, because they will bring in streamlined and standardised requirements, with flexibility to adapt to particular issues as technology or best practice improves. This will allow the department to have a clearer view over what it is looking for in breaches of compliance. This is the biggest issue of them all, because the environmental impact of mining is forever in a lot of cases. Whether it be clearing or excavating or creating new structures as a result of waste or tailings from a processing plant, that then becomes a long-term challenge for management.

An important aspect of this amendment legislation is the closure plan. Companies plan for the closure of their operations, but they should also plan to fund that closure, as opposed to just upping and leaving everything behind and letting the government deal with it. That is another important part of this, depending on which mineral we are dealing with.

I worked in a fly-in fly-out goldmining operation for five or six years. The little mine I worked on employed only a couple of hundred people. This was back in the early 1990s, when FIFO was rare. The industry was modernising and changing, and safety policies were refocusing. It was an interesting time. The throughput of the little mine was not great. It would process 80 tonnes of ore an hour through the mill, at an average grade of four grams per tonne. In mining, that is pretty good. The process was interesting. It was called CIL, or carbon-in-leach, and later changed to carbon-in-pulp. For those who do not know much about goldmining, the gold goes into the process in which it is turned into a liquid and then gets attached to carbon, which is a bit of a sponge. The gold is then taken out of the carbon and poured into a gold bar. It is not a complex process, but that is a really simplified explanation of it. This mine produced 4.3 grams from 80 tonnes of throughput an hour. We used to build dumps for anything less than one gram, although these days we would be out there digging it up. At that time, gold was $US400 an ounce. It was incredible. We started with 80 tonnes of dirt, which then had to be turned into a slurry through the addition of 2 000 to 3 000 litres of water. We do that, 80 tonnes an hour, 24 hours a day, 365 days a year. We do not stop the mills, because if they are not turning, we are not making money. A lot of waste product results from the extraction of the product we are after, and that is only once it arrives at the mill. If we go back to the mining operation, gold is fairly deep in the ground, so a lot of overburden has to be removed to provide access to the ore body. In Kalgoorlie, for example, the big pile of waste at the back of the Super Pit is all dirt that had to be removed to enable them to get to the ore. That is a separate environmental issue that needs to be managed over time as well. The process of taking several grams of product out of 4 000 to 5 000 litres of liquid is another process that needs to be managed over time. It has chemicals such as cyanide added to it. The environmental aspect of mining is undervalued, underrated and under spoken about. I went from that little mine to a bigger place that processed 800 tonnes an hour at one gram or less. It was about three-quarters recovery. It had low-grade gold ore, so it had to put lots of it through to get the gold.

As we come closer to Perth, the most obvious mine operation that we do not hear much about—it was touched on by the member for Thornlie—is Alcoa, which has been mining the Darling scarp since 1963 or 1964 when the Kwinana refinery opened. It has a lease that runs almost all the way down to Collie, except when it runs into a lease of BHP or South 32. Over time, the company added the Pinjarra and Wagerup refineries to the Kwinana operation. Collectively, these mines remove a lot of bauxite ore from the Darling scarp. Once again, the process is a liquefied one, whereby the ore is turned into a liquid for the extraction of the alumina. A whole heap of waste is associated with this process. Driving down the Kwinana Freeway, looking towards the Kwinana refinery itself, the mountains that can be seen are not natural.

[Member's time extended.]

Mr S.J. PRICE: That process uses a lot of caustic, which is quite a nasty chemical as well. Each of the places has a waste dump that needs to be managed over time, and there is nothing that can be done with them. How companies deal with the environmental contamination at the conclusion of their operation is very interesting. All eyes will be on Alcoa Kwinana over the coming years, because it is getting close to the end of its life. A number of environmental challenges are associated with that. As a matter of disclosure, I worked at Alcoa for 12 years, so I have a pretty good understanding of its operation. The interesting thing with Alcoa is that, even though it has been working its way down the Darling scarp, in my view, the company has quite a good rehabilitation process. It has its own nursery and research and development facility. It bred, developed and planted dieback-resistant jarrah trees. It is a struggle, because bauxite is different from gold. Bauxite exists quite close to the surface, so deep pits are not necessary. It is normally five to 10 metres from the surface. It is covered by cap rock, so it has waste material. The process involves moving all the topsoil and cap rock out of the way, digging up what is needed, and filling it back in and revegetating over the top of it. Depending on the view on the rehabilitation areas, they are often said to come back better than the way they started, which is interesting. The company does its environmental management through the scarp quite well. The challenge can be made that if it did not mine the area to begin with, it would not have to fix it up at the end. Once again, it is a very important part of the mining process that we do not see or hear much about.

After my mining career, I became secretary of the Australian Workers' Union, so for another 10 years I was looking after workers in the mining industry. That gave me the opportunity to have a look at a lot of operations and how they handled things.

At the end of the day, the mining industry is very important to Western Australia. It employs a significant number of Western Australians at all levels, not just in big companies like BHP, Rio Tinto or Alcoa. The other day, the Deputy Leader of the Opposition spoke about a garnet mine just outside Kalbarri, at the back of Northampton, and there is a lot of mineral sands mining on the way to Geraldton through places like Eneabba. Further south, near Kemerton and Brunswick, lithium is mined, and mineral sands are mined at Capel. Tin was mined at Greenbushes, where there are lithium deposits, too. Mining is dotted all around us. Members may or not know that there used to be a goldmine at Manjimup. Western Australia has a long history of mining. It is all around us and we do not really notice it going on. Western Australia does mining really well; it has done so for a long time, and this amendment bill will improve the way we do mining.

It is interesting that peak industry bodies such as the Association of Mining and Exploration Companies and the Chamber of Minerals and Energy of Western Australia have said that this is a good bill. The minister could easily have just read AMEC's media release, because it says it all. It states —

> "The introduction of a single approval instrument and the eligible mining activities framework are significant reforms that will cut red tape and reduce approval timeframes," said Warren Pearce, Chief Executive Officer of AMEC.
>
> "A single approval instrument will remove unnecessary administrative duplication by bundling multiple tenements together."
>
> "The Eligible Mining Activities framework will simplify the approvals process for certain activities that are low risk and have a negligible environmental impact."
>
> "The legislation promises greater clarity and certainty for proponents to invest in new mineral exploration projects and will free up departmental resources to prioritise compliance and more complex approvals."
>
> "This Bill composed of sensible changes that will reduce the Government's administrative burden without impacting the strong environmental protections currently provided in legislation," said Mr Pearce.

It is not often that industry organisations say that the government is doing good work and making positive changes. Normally, they say that the government is tying their hands behind their back or limiting their ability to do something. For an industry organisation such as AMEC to say what it has is, once again, testament to the work that has gone into this amendment bill. It is also testament to the future consultation with the industry on the regulatory process amendments that will help to facilitate these changes and indicates the overall positive relationship that the government has with the industry in Western Australia.

On that point, I will finish by saying that the Mining Amendment Bill 2021 will certainly make activity approvals under the Mining Act more efficient, and the conditions and compliance obligations of mining operations more transparent and enforceable. Transparency and enforceability is key to everything. It will enable the department and proponents to have clarity on what is expected and make it easier to identify any corrections that need to be made to the operation of businesses covered by the Mining Act 1978. This bill is a very positive step forward and it gives me pleasure to commend it to the house.

MS D.G. D'ANNA (Kimberley) [11.14 am]: I rise today to speak on the Mining Amendment Bill 2021. The bill essentially creates reforms to simplify and streamline approval processes in the mining industry. In this state, it is important to make amendments that target the government's efforts to both effectively regulate the sector and minimise the risk to the environment. It is no secret that WA's resource sector has been very successful in navigating the global COVID-19 pandemic. This is due to the McGowan government's strong commitment to keeping WA safe and strong. Border restrictions allowed industry to continue to operate in a COVID-free state for a long time. WA's mining industry, also, importantly gives a lot of people in our state the opportunity to be employed in jobs that enables them to put food on the table every night. In 2021, the mining industry in WA directly employed 149 500 people, and up to three times that number were employed in service companies that support resource companies.

Currently in my electorate of Kimberley, many resource projects are underway. There has been a long history of mining activity in the Kimberley also, although perhaps not as extensive as in the Pilbara or Kalgoorlie. That history commenced with the discovery of gold at Halls Creek in 1885 that led to a brief gold rush that opened up the East Kimberley, the port of Wyndham, and established a number of cattle stations, creating an economy. The construction of one of the first iron ore mines in the Kimberley began in 1944 on Cockatoo Island, with the first shipment of iron ore occurring in 1951. In the 1980s, diamond, zinc and lead deposits were discovered and mines were commissioned at Argyle and Cadjebut. Those mines were famous for diamonds, zinc and lead. Further exploration for a variety of resources, including gold and now rare earths, is continuing near Halls Creek, as well as for mineral sands in the West Kimberley.

The value of resource production in the Kimberley in 2021, by commodity, is petroleum and iron ore being worth $375 million; diamonds, gold and silver being worth $200 million; and construction materials, dimension stone, limestone and dolomite being worth $7 million. Mining is an important industry that not only employs lots of Western Australians, but also generates millions of dollars for the state's economy.

One of the key parts of the reforms in this bill includes the establishment of the eligible mining activity notification framework that will allow for small-scale and low-impact mining activities to be streamlined. Of course, these activities include only those that will be able to be managed under standard conditions and create minimal disturbance. There will be an online system on which activities that meet certain criteria will be lodged and from which automated assessments and approvals will be generated. The intention is that notices will be lodged via the program of work spatial system, which the department has been operating effectively for several years now. Criteria will be developed via consultation and then implemented through regulations. This is a key point of the legislation.

I look forward to engaging in further consultation once the bill passes, including talking to a wide variety of stakeholders on specific activity types and the nature and scale of an activity. I note that there will be certain locations across the state for which these notices cannot be lodged. This will include reserved lands and other areas gazetted at the minister's discretion. The automation and creation of this framework will allow the department to focus on complex and higher risk assessments, as well as compliance monitoring, which is a key role for the department to undertake.

Another new feature to be introduced by this bill is approvals statements. Approvals statements will identify what an activity is, any conditions and other relevant information. The idea behind the approvals statement is that it will include whole mining project sites and be constantly updated as operations develop and change. This will create better flexibility and reduce the administrative burden of seeking further approvals over and over for minor changes to approved activities. Essentially, approvals statements will increase the flexibility of mining operations by allowing a list to be generated of all approved activities across multiple tenements. Importantly, proposed part 4AA clearly outlines the conditions requiring approval for all mining activities and that activities must be undertaken in accordance with approvals. It is important to note that noncompliance could make tenements liable for forfeiture. There must be consequences when noncompliance occurs. This is crucial. Too often, the effects of noncompliant activities are irreversible. The approvals statement will also more clearly identify the approval conditions for mining projects in one location, rather than having them distributed throughout multiple mining proposal documents. To ensure greater transparency, approvals statements will be made public. It is important that we ensure transparency of the activities, conditions and closure obligations of these operations.

There will be a new lodgement document for mining proposals. The bill will combine the existing two documents that are required at the proposal stage into a single consolidated document called a mining development and closure proposal. This change strives to make a holistic risk assessment of the whole life of a mine, with clear consideration of closure outcomes to be undertaken up-front. It also targets the information required on these matters and will enable ongoing planning and implementation information to be appropriately deferred to the ongoing mine closure plan requirement. In the event of the closure of a mine, it is important that all risks are mitigated and the land is properly considered. Although the current Mining Act allows for variations to the standard three-year planning cycle for lodgement of closure plans, the bill will ensure that the mine closure plan requirement is targeted to the adequacy of the site's planning and the mine life of each site, rather than defaulting to three years.

I would like to reflect on some of the work I have done in the Kimberley over the years on the impact of mining. I have never been employed in the mining sector, but many members of my community and my family have participated in the mining industry through either direct work in processing plants or the operation of trucks, or in offsite services, such as catering, hospitality or small businesses involved in transportation to and from mine sites. The biggest one that comes to mind is the Argyle diamond mine, which has been around for a long time. I know that its approach to engaging with the community and some of the traditional owners during that time was not the best way forward. In the early 2000s, the Argyle diamond mine participation program, which was one of the first agreements that I worked on—I had been part of the negotiations—provided opportunities for people who lived in surrounding communities to have a say on how the mine was tracking and some of the special, significant sites around the mining tenement and some of the impacts on protected areas, and on how they would get benefits that would build and empower their communities through jobs or infrastructure. There was the development of the good neighbour policy for Woolah or Warmun or the back of the Bow and Ord junction. I was an admin/project officer. Back then, I was one person with four roles in a team of four people. There were regular meetings with mining companies, which gave them an opportunity to engage with traditional owners and tell them about the next steps that were planned and about mine closures.

Back then—it is almost 18 years ago now—one of the jobs that I really enjoyed was taking the old people, and some of the young people, from Kununurra to the back of Lissadell lease, which is what we call the Bow and Ord junction, not far from the mine site. These trips would happen once a month and would involve 50 or so people. We had a team of five back then. There were only five people, but we could mobilise and do all this stuff ourselves. It now takes 20 people to coordinate only half that number of people, and it still cannot get done right. I guess that is one of the benefits of streamlining! I remember those old people talking to me during that two and a half or three-hour trip from Kununurra to the site. I was telling someone the other day about the old ladies talking in the car. It was a form of education and storytelling. We would be going hell for leather and they would say, "That hill, there; that's the emu dreaming." I was not from there—I was from the other end of the Kimberley—so I felt really privileged that they would share these stories with me. We would have the odd stop. They would see burnt-out trees on the

side of the road and would say, "Girl, girl, you've got to pull up and get the cheeky ashes for us." I was one woman with seven old women in a troop carrier and I would have to run into the bush and collect all the ashes for them. One day when I was collecting the ashes, they noticed a tree with little flies hanging around it. It was a sugarbag tree. These old girls needed help with their eyesight—they needed glasses—but, by God, they could see that sugarbag tree because of the little miniature flies! I spent three hours chopping to get that sugarbag out for those old ladies, but it was an experience. As I was working with those old ladies and gaining these experiences, they were passively telling me and sharing stories about what that area and the mine site was doing for them. It was about gathering them at a place to really think about what was happening on their country and what they wanted to see, knowing that they could not go back from what had already started. It was about how they would move forward when the place closed—what we would look at, how we would put it back and what skills our young mob, our grandchildren, and our communities would get from it. To emphasise the point about closure plans, it is essential that they are always at the front of people's minds before they start something.

I have also spent time working throughout the Kimberley on the many hundreds of exploration licences that have come through over the years. It is a tedious task trying to sort out and respond to every single one when only a handful of people are available to respond, and respond appropriately. The number of exploration licences that came in was often overwhelming and sometimes we automatically objected to them just to try to keep up. We had to focus on real, high-potential activities happening, but we were caught up in the hundreds of applications, future act notices or whatever that were coming through. We needed manpower on the ground from not only the department, but also organisations and groups that were tasked with making sure that the country was looked after and that anything that someone wanted to do on it would be done properly. In this way, streamlining the process and weeding out some of the minimal impacts to focus on the more serious and larger applications is also important.

I listened to the member for —

Mr S.J. Price: Forrestfield.

Ms D.G. D'ANNA: I knew that, but I had a mental blank; I am a bit nervous.

I listened to the member for Forrestfield saying that mining can have an effect everywhere—not only in remote communities in the Kimberley and the Pilbara, but also in the city and urban areas. I found that quite interesting. Mining contributes a lot to WA and its economy and it is also an integral part of providing opportunities for people who do not have alternative opportunities.

In summary, the Mining Amendment Bill 2021 contemplates three main changes; namely, datum updates, marking out a mining lease licence in circumstances in which land is unable to be accessed—perhaps this is in response to COVID lockdowns, but the bill contemplates other scenarios too—and giving unfettered discretion to the minister to make land unavailable for exploration, which is of particular interest. As I mentioned previously, the department's intent with this amendment is to reduce objections in the Mining Warden's Court from miscellaneous licence holders. Objections in the National Native Title Tribunal have also been mentioned. The amendments will allow the minister to mark out or excise an area at the time of the grant for the exploration licence as opposed to a grant for whole granular blocks.

[Member's time extended.]

Ms D.G. D'ANNA: An application can be made to the minister—or the minister may exercise this at their own discretion—by the applicant, objector or third party. It was foreshadowed that procedural fairness requirements will apply to the minister's decision-making. In terms of native title, for example, an excise can relate to a site of particular significance. However, the intention is that the determination of the minister be tied to the grant of an exploration licence, and such a decision will relate only to that exploration licence. The decision that an area is unavailable for exploration will not survive beyond that exploration licence. It will not sterilise the area for future mining.

This bill will help to reduce the regulatory burden on the industry, the government and the people who protect our country, and it will also strengthen and improve the environmental management of mining activities. I commend the bill to the house.

MRS J.M.C. STOJKOVSKI (Kingsley — Parliamentary Secretary) [11.34 am]: I rise to make a very brief contribution to the second reading debate on the Mining Amendment Bill 2021. I acknowledge that a number of my colleagues have outlined in detail what the bill's amendments mean. From my understanding, this bill provides a modern framework for mining to be undertaken in Western Australia. We know and certainly acknowledge that there is a delicate balance to be had with mining in Western Australia, because although it is our strongest and largest economic provider, it can also have some very serious environmental and social impacts in our communities. I commend the Minister for Mines and Petroleum for bringing this bill to the house because it will provide a needed modern update of a very important industry in Western Australia.

The bill will allow for small-scale and low-impact mining activities to be effectively managed under standard conditions and be approved more transparently and easily moving forward. It will also ease the backlog in the approvals process. Importantly, it will provide consistency for not only the mining industry, but also the communities that surround mining sites.

As I indicated, mining is one of the largest contributors to the economy of not only Western Australia, but also Australia. Because we always hear that, I thought it would be relevant to look at what that actually means. The member for Forrestfield mentioned that back in 2017, a number of new members were invited by the Chamber of Minerals and Energy, I think it was, to do a mining familiarisation tour. I have lived in Western Australia my entire life—bar a few years living in Ireland—but I have never been involved in mining and I have never seen the scale of mining. The mining familiarisation tour was a real eye-opener for me and a number of my colleagues, because until one goes up there to see how big the operations are and how much they contribute to the economy, it does not quite sink in. My brother works in mining; he is a fly-in fly-out worker who does electrical work on the shutdowns in the mines. He is always telling me how this mine or that mine is so big and what they are doing up there, but until you see it for yourself, you do not take in the enormity of the industry. I had a look at what mining does for Western Australia and how it contributes. Western Australia's gross state product per capita was $135 000 in 2020–21, which is 68 per cent above Australia's gross domestic product per capita of $80 461. A lot of that can be attributed to the mining industry. Our gross state product rose 2.6 per cent in 2020–21. The state budget that was recently handed down forecast that WA's real GSP will rise an additional 3.5 per cent in 2021–22. Those are phenomenal results for our economy and Western Australia, and it backs in what the Premier and a number of ministers have said over the last six months that Western Australia really drove the national economy during the global pandemic. Goods-producing industries accounted for 59 per cent, or $214.2 billion, of WA's GSP, with mining being the largest contributor, contributing $169.6 billion or 47 per cent.

If we look specifically at the iron ore industry, which we know is a big contributor in Western Australia, we see that Western Australia is the largest iron ore supplier in the world—not Australia, but Western Australia. It accounts for 37 per cent of the global supply, followed by Brazil, which accounts for 17 per cent. Australia and Brazil are the primary exporters of iron ore, with China, India and the Russian Federation also mining iron ore but retaining most of it for their domestic steel manufacturing. In 2020, WA's supply of iron ore rose one per cent to 916 million tonnes. In an industry that is already very significant, that is a massive amount. In 2020–21, the price of iron ore rose 65 per cent to $US155 a tonne. It always grates me when commentators and members of the opposition claim that our budget is only in the good financial position that it is because of rising iron ore prices. I guess that is true, but what they failed to acknowledge was that we were able to benefit from those rising iron ore prices because of the way that the Premier and the McGowan government handled the COVID-19 pandemic.

Essentially, we protected our industry by closing the border. It made things very difficult for a lot of people, including lots of members of this Parliament who have families and friends in the eastern states. The minister himself is indicating that he has family in the eastern states, and I know that the Premier's parents and brother live in the eastern states as well. So there was a very significant social impact to closing the border, but what we saw was the resulting effect of us being insulated from COVID-19—both from the greater world and from the eastern states when they were experiencing significant lockdowns. I have the numbers here. In Melbourne they had 263 days of lockdowns, and in Sydney there were over 150 days. They actually had a "freedom day" to celebrate coming out of four months of lockdown. In Perth, we had 12 days. Although it was socially extremely difficult for Western Australia to be locked out of the rest of Australia—to have the border locked—it meant that we did not have to experience the lockdowns.

We were criticised a lot for our hard stance on the border, but that hard stance on the border maintained the integrity of the Western Australian economy and allowed the mining sector to continue operating. The next biggest producer—which is Brazil, at 17 per cent—was hit severely by COVID and had to shut or restrict operations. When the demand came from across the world to stimulate economies, usually through construction, the demand for steel went up and so, obviously, the demand for iron ore went up. As we were still producing, we were able to capitalise on rising iron ore prices. Despite what the opposition and commentators try to claim, it was not pure luck. There was some luck, but there was a lot of hard work and planning that went into it as well.

Moving on, in 2020–21 WA's contribution to the gross domestic product was $361.8 billion, or 17.5 per cent. It is amazing that we are able to contribute that much when only 10.4 per cent of the population lives in Western Australia. Mining in our state is clearly big business, but it also allows for the growth of other sectors, such as manufacturing, which grew by 8.7 per cent and was the largest industry growth in WA during 2020–21. Much of this manufacturing was based on the production of mineral and chemical products and machinery and transport equipment.

If there was a lesson to be learnt from the global pandemic, aside from washing hands and not coughing on people, it would be that if we make things in Australia, we have security of supply and we can also value-add a lot into our economy. This has been a particular focus of the McGowan government, and I know downstream processing to add value in WA has been a very strong and passionate focus of the minister. I applaud him for the recent announcements on downstream processing and delivering WA industries and WA jobs for our people. Admittedly, we have a low unemployment rate at the moment, but it will not always stay that way. I think it is quite visionary for us to be looking at how we can provide jobs for our kids into the future.

I would also like to applaud the minister on his recent announcement, with the Premier, about the plan for retiring our coal-fired power stations, acknowledging that it will be done in a planned way to secure WA's energy future and to ensure that the people of Collie have adequate transition and adequate time. This means that we will then

have capacity for new green-power infrastructure, with a $3.8 billion investment. Our capacity in WA for renewable energies is almost infinite. We are one of the sunniest places in the world and we have very windy conditions. We are also surrounded by ocean. Although it is not as popular, we definitely have capacity, as technology improves, to increase energy production from wave energy, which has always interested me. What we seem to be lacking at the moment, or what is not quite there yet, is the storage capacity. If we were able to build the components of storage batteries here in WA, we would be enhancing our economic diversity and our strength in WA. Although still very heavily linked to the mining industry, this would actually be diversifying away from it slightly so that we start to ease out of the boom-and-bust cycles that we are so used to seeing in the WA economy.

The other interesting part of this bill for me is the clearer conditions on the approvals statements. This bill will make them much clearer for mining projects but also for the communities around those mining projects. As Parliamentary Secretary to the Minister for Planning, I have done a lot of work on planning reform. I travelled the state extensively last year, and again and again what we found in communities was a lack of understanding of the planning system. What was being done was not transparent and clear. I can only assume, from the amendments that are being made, that the same thing was found in the mining industry. This is a great change, a great amendment, to allow more clarity and transparency for communities.

Understanding, as I have indicated, that mining is essential to our economic prosperity in WA, we also need to manage the environmental impacts of our mines. This involves rehabilitation at the end of the mine's life and also the environmental impacts during the life of the mine. I want to focus very briefly on the rehabilitation of mines. We need to ensure, when extracting things such as minerals and rare earths from the earth in Western Australia, that we are mindful of what we do afterwards. This is about how miners deal with the environmental impacts throughout the life of the mine but also, once they are finished and ready to walk away, ensuring that it is not just abandoned. An important part of this bill is the closure plans and making the funding for closure plans clear and transparent up-front, rather than it being an afterthought.

Nowadays there are lots of examples of best practice for mining rehabilitation, particularly in re-use and adaptation. It is essential that we do not leave our earth scarred and abandoned, which is what was done in times past. One of my favourite examples is the Black Diamond mine, five kilometres west of Collie. This was a coalmine that was used in the late 1940s and early 1950s. The end-of-life rehabilitation of this mine has created another mini-industry around it. Filling in the pit with water has created a really great tourism and recreation spot in Western Australia. I have looked at the photographs on Instagram. I am yet to visit there, but it is on my bucket list. It is an absolutely stunning place to visit, and I am sure the kids would have a ball getting involved in the water sports and recreation there.

Over the years, the community has raised a number of concerns about the Black Diamond mine. It had become an unmanaged recreation area, unfortunately resulting in one fatality and a number of injuries on the site. The Department of Mines, Industry Regulation and Safety decided to rehabilitate the site and created Black Diamond Lake. I highly recommend that members look at the Instagram photos. This rehabilitation project was undertaken by government. I believe if miners undertake operations, they should also be responsible for what happens when those mines close. The mining closure plans are planning documents that include what happens at the end of the mine's life, which is really important. As I said, it is a balance between understanding that mining is a major economic driver in Western Australia and managing those environmental and social outcomes throughout the life of the mine and at the end of mining operations.

I commend the bill to the house. These will be great amendments to modernise this act. Well done, minister.

MR S.N. AUBREY (Scarborough) [11.51 am]: I rise in support of the Mining Amendment Bill 2021 and to contribute to debate on the importance of this bill. The bill is designed to make approvals under the Mining Act more efficient, simplifying and streamlining the process for the mining industry whilst making conditions and compliance obligations of mining operations more transparent and enforceable. This bill is important in supporting Western Australia's economic recovery from the COVID-19 pandemic, which as we all know is important not just for WA but for the entire nation.

If members know anything about me or have listened to any of my other speeches in Parliament, they will know that I have a long history in mining and in the north west of WA, but that history does not start with me. My grandfather Neil Okely, as an automotive mechanic, was one of the first workers at Hamersley Iron's East Intercourse Island project in Dampier, and 50 years later I walked in his footsteps in my first fly-in fly-out role working at the same site as an electrical technician. It was a very different environment when I arrived, although much of the original site infrastructure, buildings and machinery was still of that vintage. There is a common similarity with FIFO and mining workers and the cars that operate on mine sites in the north west—just as you can never get the red dust out of those vehicles, you can never get the red dust out of FIFO mining workers! Working FIFO is almost a rite of passage for many Western Australians. Even if someone has not worked up there directly, they will have a loved one who has been up there and know about the challenges they have faced. I have spoken on many occasions about the arduous conditions up there and the effect that has on the mental health of the workforce and how important it is that we look after that workforce and protect their mental health. But, as in any circumstance, what doesn't kill you, makes you stronger! Those who have worked FIFO come through it with a strong level of resilience, initiative, independence

and much more. Working FIFO challenged me; it shaped me and gave me a lot of opportunities, as it does for all of those who work in the mining and resources sector. That is one of the reasons it is such an important sector. It is not just because of the economic benefits it provides this state and country or the jobs it provides Western Australians; it is also the experiences it provides Western Australians and how it shapes us as a community.

A large amount of my time was spent in the iron ore sector across the Pilbara. I have worked across most of the Rio Tinto towns and operations—Parker Point and East Intercourse Island; Dampier and Karratha; the Brockman 2 and Nammuldi mine site in the central Pilbara; Tom Price and Paraburdoo; Mesa A in Pannawonica; Cape Lambert A in Wickham; and Yandicoogina. I have also worked in nickel, copper and goldmines. I spend a lot of my time advocating for better mental health conditions for FIFO workers. It is true there is an absolute need for better conditions on mine sites to promote a better mental health outcome for FIFO workforces, but today I will use this opportunity to describe the importance of the north west and the mining industry and the impact that working up there has had on my life and the opportunities it provides for those who work up there.

I also mentioned in my inaugural speech that Hamersley Iron's East Intercourse Island operations in Dampier has a history in my family. My grandfather Neil Okely was known as "Gung Gung" by mates on his mine site. For those who do not know, it is common for everyone up north to have a nickname whether they like or not—especially if they do not like the nickname! I have had many over the years as in "Big Horse", "Stuballs", "Captain Victor Stagnetti"—do not google that on a work computer!—"Stags", "Strawberry" or "Strawbs", which a shortened version of my full name, Stuart Aubrey, as in strawberry, strawbs! I talked about my grandfather and his experiences in the north west earlier and during my inaugural speech, but I did not mention that during those times workers did not have the option of FIFO; they could only spend considerable time away from friends and family to work in these remote areas. My nana Jean Okely, ever the admirable strong woman she has always been, would not take that as an option. Along with her three young children, including my mum, Christine Aubrey, my nana courageously went with my grandfather up north in their troopy and caravan, relocating to what is now Dampier. At the time, there was no running water or shower facilities. The kids had to be home-schooled, and the caravan had no air-conditioning. In the words of my nana, "Red Dog was an aggressive little mongrel." I am sorry if I have just ruined anyone's favourite movie! Having experienced the arduous conditions of the north west across many years, I have nothing but admiration for my grandparents who spent years living in those conditions without much of the comforts we have today. My nana looks back on these times as the hardest, but some of the best in her life. That is how I look at the north west as well. It forges you into being a more resilient and stronger individual, able to adapt to and overcome life's challenges. The same gruelling and arduous conditions such as heat, humidity, isolation and exhaustion that make it so tough up there, also make you tough. I have many experiences in the mining industry that are not just related to my electrical trade; I was trained as an instrumentation electrician, an underground high-voltage electrician, a hazardous area electrician and a contracts and electrical works supervisor. But further to that, and unrelated to my trade, I was an enterprise bargaining agreement negotiator, a mines rescue and emergency response team member and a safety and health representative. All these experiences shaped me. They were not all fun. A lot put me in high-risk situations, but they certainly challenged me and allowed me to grow as an individual.

One of the more challenging times I would like to highlight is my experience as a mines rescue and emergency response team member. Being in such remote locations, mine sites cannot afford to pay for full-time emergency response teams. They rely on volunteers, much like regional towns do for paramedics, State Emergency Service volunteers and firefighters. Combine those into one, and you have a mines rescues and emergency response team member—a volunteer from the site's work force. It was in this role that I learnt firefighting, an advanced level of first response first aid, rope rescue, road crash rescue, confined space rescue and underground rescue. The BG4 and underground rescue training course was the most gruelling training course I have ever experienced. I often look back at it as the pinnacle of my career. If I can overcome and succeed at that training, I can do almost anything I set my mind to. The first day of the course was in policy and procedures training. At that time there was a particularly nasty bug—the colon flu—going around site. This was well before COVID. It is well known that if a cold or flu gets onto a site, it spreads like wildfire. This is why the McGowan government's response to COVID was so important in stopping it spreading onto mine sites. Every worker up there knew exactly what would happen if COVID got onto any site. That is why it created so much fear and anxiety in the FIFO and mining communities. We were protected by the McGowan government. About three-quarters of the workforce was contending with this bout of colon flu, which made every fluid in your body come out at the same consistency; there was lots of fluid! We were determined to complete this training course, despite most of us having the colon flu. The member for Nedlands picked a great time to walk in!

On our second day, we were trained in the use of GB4 breathing apparatus, which is essentially an oxygen rebreathing device that is carried on your back that allows you to rebreathe your breath after oxygen has been replaced from a tank attached within the unit; just think scuba diving on land. The air is cooled by placing a block of ice in the circulation path. As members can imagine, when you breathe your own breath over and over, it can get incredibly hot. Once we had been trained in the understanding and use of the BG4s, we were ordered to use them for the first time. We were made to carry a stretcher across land, wearing and breathing with the BG4s. It was early October and at that time of year, the daily average temperature is around 35 degrees. The instructor wanted us all to know what it was like to breathe without an icepack, so the eight of us in the team had to suit up without ice. We carried a stretcher

about three kilometres across the surface, while the instructor kept picking up random objects such big rocks, fire extinguishers and other things to load up our stretcher to over 100 kilograms. It was not too hard at first, but as the weight grew heavier and our breath got hotter, it was a real struggle. By the time we got back to the starting point, it was like breathing straight out of a hot oven. When we stopped, he made us line up and would not allow us to remove our masks until he said so. He made us remove our masks at the same time. With most of us having colon flu, it was very much like a scene out of *Alien* as we pulled off our masks, which were full of sweat, snot and mucus. It was a gruelling experience, but it taught me resilience. The second day we went underground for what was my first experience underground.

When we reached the bottom of the mine, which was about 400 metres down—relatively small in comparison with other mines—we donned our BG4s, and the instructor then put bags over our heads so that we could not see. This was to simulate an underground fire in a smoked-out drive. We could not see our hands in front of us. Holding the stretcher and the hands of the captain and vice-captain, we were made to retrieve an object on the other side of the drive and to return. Using our memory of the drive schematics and a couple of sticks to tap against the drive walls, we proceeded through the mine. At times walking through knee-high mud, we trudged our way through. It took a long time to get the object and return. We were soaked after stumbling into a sump and exhausted, to say the least, but it taught us trust and teamwork. On the third and fourth days, we were made to rescue injured workers in the mine, several levels down, inaccessible by vehicle. They were fake injured workers, by the way. We carried our equipment, stretchers and injured workers up and down escape ways, which are essentially tubes with ladders in them to escape the mine during an emergency. There was a moment when our instructor took us down to the deepest level, to the furthest end of the drive, where he turned off the light and ventilation and ordered us to turn off our headlamps. He made us sit in a circle, remain silent and listen. It was pitch black, and there was absolutely no noise. It was a truly reflective moment to sit and take in the gravity of the work we do and the jeopardy we placed ourselves in. While we were sitting there quiet and calm, the instructor yanked out the oxygen tank from one of the team member's suits. We had to rush from calm to action very quickly, and attach one of the spare tanks we had on the stretcher. He then jumped on the stretcher and told us to carry him out to the fresh air base several levels up. The experience challenged me physically, intellectually and psychologically. It was one of the best experiences of my life, and I would not have had that opportunity if not for my time in the mining industry.

I had other experiences that were less interesting but almost as impactful. My time as an enterprise bargaining agreement negotiator put me through my paces. In the safety and health representative role, I got to understand not only my struggles, but also those of my colleagues. There were everyday safety issues, but one of the key issues I was always brought back to was the mental health of my colleagues and how it put them at risk. I fought tooth and nail with management for changes that would bring about better conditions for the workforce. I did this as an EBA negotiator and as a safety and health representative. It was a losing battle that put a target on my back for management. I had no leg to stand on, other than my own experience and that of my colleagues. But there was an ally I had not expected. It was like a scene in a movie when the good guy is getting his butt kicked, and then a big group of friends comes in and save the day. There was a change that backed me and my colleagues in the fight for better conditions. The unexpected ally responsible for delivering that change is, in fact, a colleague and a friend now. He is sitting directly across from me. When the minister, with the assistance of unions, industry feedback and departments, put together the FIFO code of practice for mentally healthy workplaces in the mining and construction sectors, I could not believe it. Everything we were fighting for was laid out in this code of practice. People have no idea of the relief of knowing that they have a government that fights for them. All I can say is thank you, minister. The difference that code made saved and changed lives in the mining industry.

We owe a lot to the minister, and the mining industry in Western Australia, and the mining industry owes a lot to Western Australia. It provides countless opportunities for Western Australians, and it forms part of our state's identity. The importance of this industry cannot be overstated. This bill acknowledges that importance and works to make sure that industry can operate effectively into the future. With that, I commend the bill to the house.

MR W.J. JOHNSTON (Cannington — Minister for Mines and Petroleum) [12.03 pm] — in reply: I am pleased to close out the debate on the Mining Amendment Bill 2021. I will make a few comments, and then we will move into consideration in detail, as I understand. I thank members for their contributions. The mining industry is the cornerstone of Western Australia's economy. The broader resources industry employs 156 000 people. That probably includes a number in the oil and gas sector, which is much smaller than the mining industry. That does not count those who work in servicing the mining industry in the mining equipment, technology and services sector, and the second and third–wave impacts of the industry in the broader community. Interestingly, of the 100 top METS companies in the world, 77 operate here in Western Australia, and 23 or 26 actually have headquarters here. The mining equipment, technology and services industries form another aspect of the opportunities that Western Australians get from our strong mining industry. Our mining industry is successful because it applies technology to solve problems. It is not a dig-and-ship industry, as it is presented on the east coast.

We dominate Australia's merchandise exports. Over half of all our merchandise export comes out of Western Australia, principally from the mining industry. Without the Western Australian mining industry, Australia could not function. Indeed, this is something that is not properly understood. Australia relies on imported manufactured goods, and

we would not be able to afford to bring those manufactured goods into Australia if it were not for our exports. Think about what our dollar would be worth without mining exports. It would be back to about US50¢, where it was in the 1980s and 1990s, and that would mean that manufactured goods would be 50 per cent more expensive than they are now. That is something that people do not fully understand. The only reason we can have the lifestyle we enjoy is the success or our mining industry.

I am pleased that so many members on the Labor side have supported the mining industry, because we know that the mining industry is about high-skilled, high-wage jobs. In doing that, we must have respect for the environment, and that is what this legislation is about. It is about the process of granting approvals to mining operations to make sure that they do not have unnecessary impacts on the environment, or, when they do have necessary impacts, those are managed in an appropriate way.

A few issues were raised by my friend the shadow minister during debate. I will rely on consideration in detail to answer most of those, but I will address a couple immediately. The first is the question of streamlining. The bill does not have the word "streamline" in it, but it comes from a streamlining process, and it is certainly part of the broader streamline agenda that is being run by the council of regulators in government, looking to improve our regulatory performance in Western Australia. Some members commented on the Fraser Institute report that shows that ours is the best regulated mining industry in the world. I think I agree with the Productivity Commission. The methodology of the Fraser Institute is probably not the best way of examining regulatory performance, but I nonetheless understand the points being made, and I think that our regulatory performance here in Western Australia is very good. As an example, the Pilbara Minerals' Pilgangoora project took four years from discovery to production. They say that in North America, it would take at least 10 years to get a mine from discovery to production. It can be seen that, in Western Australia, we have very good performance on regulatory behaviour. But we must understand what we are regulating for. We are regulating for good outcomes for the broader community. The shadow minister said that not everybody is enamoured of this bill. Some people say that we should reduce regulation. We are not going to do that, because our regulatory performance is done on behalf of the community. The judgement of the effectiveness of our regulation is not made just by the regulated entities. We, of course, are prepared to take feedback from regulated entities that leads to sensible changes to make life easier and simpler for regulated entities, but the real performance is in whether we are properly protecting the interests of the broader community, because that is the purpose of the regulations.

I am getting to the fact that we will never satisfy everybody's criticism of the regulatory framework, because we are talking at cross-purposes. We are trying to have an efficient regulatory framework that does not impose unnecessary costs, and we realise that speed is the best thing. If we can get a decision made in a shorter time frame, that is better for a regulated entity than taking a long time to come to the same conclusion. We are trying to speed up the processes to make it easier. Indeed, the government's broader Streamline WA agenda is to try to have a situation in which information is provided to the government on any topic once, and then all agencies can share that information. That is another objective. I am not saying that we have fully achieved that, but we are trying to get that.

Indeed, the work of the Western Australian Biodiversity Science Institute is designed to improve the amount of data available so that when proponents go to a new location, more data is already available. The member for Thornlie pointed out that we might need to monitor something that happens only once a year; if we can have that data already available, that will be to everybody's advantage. Members can see we have a holistic approach to regulatory behaviour and we are trying to get a good outcome on that. That was one of the issues raised by the member. He asked whether this is part of Streamline WA. The answer is yes. We do not use that name in the bill, but that is what it is about. The second point was about the attitude of some people who might be advising him and saying that this bill is nothing to write home about. We are not saying it is something to hang your hat on and that is the end of the debate. It is another step forward in the process of regulatory behaviour. We think there are valuable contributions to that improved regulatory performance.

I again thank all members for their contributions, and I look forward having a conversation with the shadow minister during our process of consideration in detail.

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

Consideration in Detail

Clause 1: Short title —

Mr R.S. LOVE: The bill is entitled the Mining Amendment Bill 2021. I wonder why it is not the same as the consultation draft that appeared to have gone out to the industry, because I have documentation from several different groups on the Streamlining (Mining Amendment) Bill 2021. The minister in his second reading speech said at some point this was obviously considered to be part of that streamlining program and it bore that name in the early iterations. I am wondering why it does not now, because I did not see that consultation draft and, as part of that, I wonder whether significant differences led to the dropping of that name.

Mr W.J. JOHNSTON: All bills go through targeted consultation processes. It is not unusual. The targeted consultation is done privately; it is not done in public. There is nothing sinister about targeted consultation. Not one bill comes to Parliament—other than emergency legislation—that has not gone through a targeted consultation process. That is neither surprising nor unusual. When the member says that he did not see the targeted consultation bill, that is because it is targeted consultation. All bills go through targeted consultation no matter who is in government.

Mr R.S. LOVE: I was not raising a point about not seeing the consultation draft as being inappropriate. I was just pointing out that I did not see it, but I have seen other documents that show it was at one point called the Streamlining (Mining Amendment) Bill. My questions are: Why was that dropped in the bill that was brought to the Parliament? Was there a significant change between that it would be a targeted consultation bill, which I have not seen, and this bill, which led to the dropping of the word streamline?

Mr W.J. JOHNSTON: No, the point I am making to the member is that often things change between the consultation bill and the final bill, and that is the purpose of consultation. I am not here to and I am not going to discuss policy decisions of government. That is not the purpose of this process. This is a consideration of the detail of the bill. If the member wants to raise policy considerations, give me a question in question time. But this is not the appropriate forum for that conversation. We are discussing the terms in the bill. The purpose of what we are doing is in the standing orders. There may have been hundreds of changes of thought of government—I am not saying there was, but there could be—but that is neither here nor there. The question is what the bill means. We are debating the meaning of the words in the bill. That is the purpose of consideration in detail. I am not here to discuss other matters. That is not relevant at this point in time.

Mr R.S. LOVE: The short title is a clause of the bill, and I am asking a question about the short title, which is different from the short title that the government took to consultation. I am simply asking why that change occurred and if the change occurred because of a change of scope between the consultation draft and the draft bill that the minister has brought to the Parliament. It is a pretty straightforward question on what is here—the clause.

Mr W.J. JOHNSTON: No, the member is asking me about what is not in front of us. What is in front of us is the Mining Amendment Bill 2021. That is the name that we propose for the bill. If the member wants to ask me why it is called the Mining Amendment Bill 2021, I will tell him it is because it is a bill to amend the Mining Act and it was introduced in 2021.

Clause put and passed.

Clause 2: Commencement —

Mr R.S. LOVE: This clause states —

> This Act comes into operation as follows —
>
> (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
>
> (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

I am looking at a submission that the Association of Mining and Exploration Companies put in to the department. It said that in briefings the Department of Mines, Industry Regulation and Safety announced that consideration was being given to a phased rollout of the prospecting exploration provisions. Will further detail on this consideration be made available to industry? A further question arising from the briefing related to excluding the area. In terms of the staging of the provisions coming in, can the minister offer any advice on how that will be managed and what interaction there will be with the industry as that develops?

Mr W.J. JOHNSTON: This provision is in almost every piece of legislation that we deal with before the Parliament. I am sure there are some other formats to the commencement clause, but this is the way bills are presented. Certainly, I think every bill that I have presented to Parliament—I have not done a lot, not like the Attorney General—has had a commencement clause in very similar wording to the one that is in this bill. This is just the way bills are written; there is nothing that swings on this.

Of course, post the passage of the legislation, we will also have to have regulations, and I am sure the member knows that regulations are written only after the bill passes the Parliament. Parliamentary Counsel's Office will not make regulations until after the passage of the legislation. To the extent that any provision in the bill requires regulations, it cannot be brought into effect until after the regulations are drafted and dealt with. Therefore, it is just not possible for some provisions to come in on a particular date because we do not know when the regulations will be completed. I am sure the member knows that there is a separate consultation process, including targeted consultation, for regulations. Nothing turns on this; this is the same provision that is used—except in other circumstances. This is the form of commencement that applies to, effectively, every piece of legislation that the member has voted on in this chamber for the whole time he has been here.

Again, there is nothing unusual about this. Inevitably different parts of the legislation will come into effect at different times because that is just the way administration is done by government. It is not like this is the first time that

a minister has brought legislation to the Parliament and said those things; this is exactly the same arrangement that happens with every other piece of legislation. The work health and safety legislation was passed by the Parliament in 2020 and came into effect on 31 March 2022. These are normal, average, everyday run-of-the-mill provisions; there is nothing unusual about them at all. The clause is written in the form that it is so that we do not have to have everything done on the one day. Inevitably, there will be necessary regulations to give effect to the provisions in the bill. As the member understands, they will be written by the PCO only after the legislation has passed the Parliament. Therefore, we have to have flexibility; otherwise, the legislation would not have effect. These are just standard provisions.

Clause put and passed.

Clauses 3 and 4 put and passed.

Clause 5: Section 8 amended —

Mr R.S. LOVE: This clause will remove the "ground disturbing equipment" definition, as this threshold is now captured and defined in new part 4AA. I am wondering where exactly it is captured and defined in new part 4AA.

Mr W.J. JOHNSTON: As outlined in the explanatory memorandum —

> This clause removes the ground disturbing equipment definition as this threshold is now captured and defined in the new Part 4AA.
>
> Additional terms are included for those introduced by the new Part 4AA and used throughout the Act.

Those definitions are in the new part, which I am sure the member has read.

Mr R.S. LOVE: I have read it, but I cannot find the exact description of ground disturbing equipment that is being removed. Could the member perhaps point it to me, in my ignorance?

Mr W.J. JOHNSTON: I suggest that the member read clause 34 because if, as he says, he has read the bill, he probably knows that that is where the definitions are provided.

Mr R.S. LOVE: We cannot really discuss clause 34 yet, but I cannot find the definition of that particular term in clause 34.

Mr W.J. JOHNSTON: Section 8 is being amended with minor wording edits to modernise the language and additional terms are included for those introduced by new part 4AA that will be used throughout the act. The term "approved form" will be added, and references to the full definition "form approved by the minister" throughout the act will be revised to be this term. The term "Government agreement" is being added and references to the full definition—the meaning given in section 2 of the Government Agreements Act 1979—throughout the act will be revised to be this term. The definition for "ground disturbing equipment" is being removed, as this threshold will now be captured in new part 4AA. The definition is being replaced in new part 4AA sections 103AB, 103AG, 103AH, 103AI, 103AL and 103AM, which describe the conditions on tenements for which thresholds of activities require authorisation. These proposed sections state that the activities will require approval when using machinery to disturb the surface of the land for the purpose of, or in preparation for, mining. For example —

> **103AB. Eligible mining activities**
>
> (1) For the purposes of this Part, the regulations may prescribe an activity done on land the subject of a mining tenement to be an ***eligible mining activity (EMA)*** if —
>
> (a) the activity uses machinery to disturb the surface of the land for the purposes of, or in preparation for, mining; and
>
> (b) the activity can be carried out with minimal disturbance to the surface of the land.

Another example is —

> **103AG. Conditions attached to prospecting licences, exploration licences and retention licences**
>
> …
>
> (2) This section applies to an activity done on land the subject of a relevant licence using machinery to disturb the surface of the land for the purposes of, or in preparation for, prospecting or exploring for minerals.

The term "mining development and closure proposal" has been added to reflect the definition from new part 4AA. A mining development and closure proposal is a document accompanying an application for a mining lease, or a document required in order to comply with the conditions of new part 4AA, whereby approval is required prior to activities being undertaken using mechanised ground disturbing equipment for the purposes of, or preparing for, mining operations or carrying out mining operations.

Mr R.S. LOVE: That is an excellent summary of where that definition is now to be found. It is actually captured as a quality, not as a strict definition of those particular words. I thank the minister for that explanation.

Clause put and passed.

Clause 6: Section 12 replaced —

Mr R.S. LOVE: I am looking at clause 6 and the inclusion of the director general in the delegations in a way that was not in the original act; that is a change. Why has it changed to include the director general when that was not there before?

Mr W.J. JOHNSTON: Section 12 establishes that the minister can delegate powers duties and functions. It is being updated to clarify the delegation powers and modernise language—for example, the removal of "his" and "him". The new provision will ensure continuity of delegations for officers undertaking their work when there is a change in the minister. Previously, a change in the person undertaking the role of minister would require all delegation instruments to be made again.

Clause put and passed.

Clause 7 put and passed.

Clause 8: Section 20 amended —

Mr R.S. LOVE: My computer has gone to sleep and I have been trying to get it up so that I can get the blue bill, but I will carry on without it; I think it is pretty straightforward.

Clause 8 and the subsequent clauses 9, 10 and 20 deal with limiting damage or injury to property. The section that this seeks to replace specifically mentions trees. In all these provisions, trees have been removed as property. Can the minister explain why that is the case, and why trees will no longer be valued as property?

Mr W.J. JOHNSTON: Section 20 of the act is being reworded or redrafted to modernise the language and provide clarity. The conditions relating to the manner in which the holder of a mining tenement or miner's right passes or repasses over any crown land have been revised with modern drafting to focus on ensuring the outcome of making disturbances safe and preventing damage or injury. Although the word "trees" has been removed, any impacts to vegetation would be captured by the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

Clause put and passed.

Clauses 9 to 21 put and passed

Clause 22: Section 70IA amended —

Mr R.S. LOVE: The explanation for this clause says —

> This clause makes minor wording edits to modernise the language to approved form and giving notice. Condition may be cancelled or varied by the Minister at any time.

What is the need for this? Is this a new power; and, if it is, when would it be used?

Mr W.J. JOHNSTON: Member, this is one of those issues on which there is not universal agreement. It is a new power, but it comes out of our experience of the current legislation. Something may have occurred and because of new information, we need to be able to vary or cancel a condition. This will provide additional flexibility to ensure that there are no unintended consequences from a given approval.

Mr R.S. LOVE: Can the minister explain how the process would operate and when the minister would undertake that cancellation? Perhaps the minister can give me an example of when it is contemplated that this would be needed.

Mr W.J. JOHNSTON: Some approvals can last for a long time. We could have a situation whereby an approval had been given and information then became available to the minister that was not available at the time the decision was made; therefore, it would be reasonable for the minister to have the power to make a fresh decision. However, do not forget that the minister is still obliged to provide procedural fairness. The minister cannot make a decision in the absence of providing proper opportunity for the affected person to be involved in that process. Any decision of the minister that failed to provide procedural fairness would be overturned by the courts. Indeed, if we look at the records of the Supreme Court of Western Australia, we see that seven or eight decisions of the Supreme Court have overturned decisions that have been made either by me or one of my delegates over the five and a bit years that I have been the minister, so it is not very unusual.

I take no offence at the Supreme Court overturning my decisions. As an aside, a friend of mine who is a lawyer very excitedly sent me a copy of a notice that a decision was coming out in the case of such-and-such company v the minister. I said, "I don't know what that's about", and he said, "I don't know either, but I'm just excited to see your name on the court list." It was in fact the handing down of a Supreme Court decision overturning a decision that had been made, I cannot remember whether by me personally or by the delegate. As is the case with the power conferred under section 111A of the Mining Act, which is extraordinarily broad, I cannot exercise those authorities without proper procedures. It is not an unfettered power. It is a limited power to be used when the circumstances justify it. I am happy to give the member an example behind the chair; I do not want to put it on the *Hansard*.

Clause put and passed.

Clauses 23 to 33 put and passed.

Clause 34: Part 4AA inserted —

Mr W.J. JOHNSTON: We might finish this before lunch!

Mr R.S. LOVE: The minister might think so, but, as the minister knows, new part 4AA that will be inserted by this clause comprises most of the bill, so I do not think we will be finished before lunchtime. We have members' statements in quarter of an hour. I think we might still be on clause 34 at that time.

This clause seeks to insert new part 4AA, which is a bundling together of all these matters that we have been talking about for eligible mining activities et cetera. One group has raised some issues about that, and I will say that that is the Chamber of Minerals and Energy of Western Australia, because its position is public. I am leaning on its stuff, because I am not ashamed to say that it probably knows more about mining than I do and its people probably have smarter legal minds than I have. Could the minister make comment about the need to make these changes to the conditions and why it would not have been possible to bring in these new conditions without creating a separate part in the act? The CME is of the view that these changes could be made without bringing everything together in this new part. I will quote from it just to explain. The CME states —

> CME does not support the restructuring of the Mining Act and recommends the current structure of the Mining Act be maintained with conditions of approval captured under relevant tenure types.

Could the minister make some comments about the need to undertake this move?

Mr W.J. JOHNSTON: I appreciate the views of the Chamber of Minerals and Energy. Of course, I have discussed this matter with the former chief executive officer and others at the chamber, and the chamber has also written to us on several occasions. This was also a matter of conversation between me and the department about whether this was the right approach. The point is that we are trying to get all the conditionings together in one location to make the legislation easier to understand. The former arrangement was that the conditionings in the legislation were related to each type of tenure. Although there are some new conditioning authorities in the bill, all we are doing is bringing all the conditionings into one area. As I say, there are some new provisions, but it is basically taking the existing provisions and putting them into a single location. The way the Mining Act manages environmental obligations—because in the end, most of these are about environmental obligations—is to attach them to the tenure. It is a condition of the grant of a tenure that companies comply with the conditions that have been issued by the minister. A tenure might comprise a mining lease or a miscellaneous licence, and there might be some retention leases and exploration tenements all in one package, all related to an individual project. I understand that the Chamber of Minerals and Energy is saying that the conditions should be distributed through the bill so that the rules for conditioning and miscellaneous licences should be in that section of the bill, but we are putting it all together in one location. I accept that we are not on the same page as the CME, but, equally, the Association of Mining and Exploration Companies supports this change. Who is the biggest user of the act? Is it the large or small companies? It is small companies. The biggest benefit of this legislation will be for the smallest operators. When we think about it intellectually, we are saying that we want to simplify the procedures that are done hundreds of times so that resources will be available to do the more complex ones. The chamber's view is that we should deal with its problems first, but we are dealing with them both at the same time. Most of the problems are at the small end of the business. We are trying to simplify the procedures for them, not reduce the obligations, so that the resources made available will help the larger people to do more complex approvals. But with all due respect to my great friends at multinational corporations, they have more lawyers than the government. They do not lack resources. The juniors lack resources, so this legislation, like almost everything else I have done in the mining sector during my tenure as minister, is about helping the exploration sector, because that is the lifeblood of the industry. If we do not support the exploration sector, we will not take the best advantage for the future of the industry. I accept that the Chamber of Minerals and Energy, on behalf of its multinational members, has a different view, but in the end I am persuaded by the Association of Mining Exploration Companies and others at the smaller end of the spectrum.

Mr R.S. LOVE: They are very wise words, minister. The small operators cite the situation for prospectors. Prospectors will be required to refer to multiple sections in the act, including new part 4AA to identify all relevant parts when applying for a prospecting licence. That will be similar for all other tenements. Will the process for prospectors now be more complex than it was before?

Mr W.J. JOHNSTON: No. I think that that is confused reasoning. At the moment prospectors get their approvals subject to conditions. I deal with APRA on a semi-regular basis. I go to Kalgoorlie regularly and talk to the Eastern Goldfields Prospectors Association—I was there in April—and meet them five at a time. I make myself available to the juniors and they have not expressed the view that the Chamber of Minerals and Energy has expressed. There is no question that this will be separated into two parts, but all the conditions will be in one spot. Whether it is a condition for a miscellaneous licence, prospecting lease or exploration lease, all the conditions will now be in the one spot. In our view, it will be simpler because all the conditions will be in one spot. Remember, the conditions are the same. There will be some new provisions, but, generally speaking, we are just translating the existing rules into a simpler format. We do not accept the chamber's position on this issue. Although we think that it is very good that it is considering people who are not its members, we do engage with those at the junior end of the market.

Mr R.S. LOVE: I have a series of questions on this and will go through them in a steady progression, but I may have to jump back at some point.

Proposed division 2 is entitled "Conditions and notices related to eligible mining activities". Proposed section 103AB is entitled "Eligible mining activities". Eligible mining activities are described as —

(a) the activity uses machinery to disturb the surface of the land for the purposes of, or in preparation for, mining; and

(b) the activity can be carried out with minimal disturbance to the surface of the land.

Can the minister give some examples of the types of activities that that relates to? Will it be for drilling or small amounts of bulldozing? What exactly are we talking about?

Mr W.J. JOHNSTON: That is a very good question. Proposed section 103AB establishes the scope for eligible mining activities. The regulations may prescribe particular activities to be eligible mining activities and requirements—that is, the standard conditions applied for undertaking those activities. The details of what constitutes an EMA will be prescribed in the regulation. Further detail to be included in the regulations will be subject to further consultation should the amendments be supported by Parliament. Proposed section 103AB(1) provides that the regulations may prescribe any activity done on land the subject of a mining tenement to be an EMA, if the activity uses machinery to disturb the surface of the land for the purposes of, or in preparation for, mining, and the activity can be carried out with minimal disturbance to the surface of the land. The addition of "minimal disturbance" is intended to retain the scope of the type of activities that can be prescribed. This will ensure that the types of activities that are applied for through an EMA notice are those that pose a low risk to the environment and can be authorised via automated assessment rather than assessment by an environmental officer. Prescribed requirements will be the standard conditions that will apply to activities authorised via an EMA notice. For example, if someone is drilling from the back of a four-wheel-drive vehicle in an area that has already been cleared or in an area that is being used for farming, they would have to apply for, be reviewed and then be granted the normal types of conditions on the tenement. Because the activity has only a small impact, the process will be sped up. For example, if the ground has already been disturbed for another purpose, the issue of native vegetation and other issues will not arise. Because it is not a full-on drill rig that is drilling to a thousand metres, it will be more manageable because the drilling is only shallow. They are some of the examples of what the member might look to. I set out a detailed explanation to make it clear that this is an enabling provision, and the regulations, which will be separately consulted upon, will contain the detail.

Mr R.S. LOVE: I am wondering about the interaction with other environmental regulations for clearing. How much clearing will one be able to do without having to get a clearing permit? Is that related in any way to the definition of an eligible mining activity?

Mr W.J. JOHNSTON: That is an interesting issue. We must remember that native vegetation clearing is done under delegation by the Department of Water and Environmental Regulation. When similar legislation to this bill was being proposed by my good friend Hon Bill Marmion, vegetation clearing came into the Mining Act, and that was a source of conflict for the eastern goldfields people because they felt that that was not properly dealt with under the mining legislation. Of course, we did proceed with that in these amendments. It must be remembered that we know where people are applying.

Debate interrupted, pursuant to standing orders.

[Continued on page 2981.]

DUDLEY JOHN MASLEN — MEDAL OF THE ORDER OF AUSTRALIA

Statement by Member for North West Central

MR V.A. CATANIA (North West Central) [12.50 pm]: I rise today to recognise Dudley John Maslen, a stalwart of the Gascoyne, who was recently awarded a Medal of the Order of Australia as part of the 2022 Queen's Birthday honours in recognition of his tireless work and dedication to the Gascoyne region and the community of Carnarvon. Dudley was born in Carnarvon in 1948 and raised with his siblings on Mardathuna station in the Gascoyne. He has forever remained a passionate advocate for the region, with this deserving award representing the culmination of a lifetime of dedication and commitment to the region. He has been a president and member of the Carnarvon shire council, justice of the peace, board member of the Carnarvon Trustees Aboriginal Corporation, chairman of the Gascoyne Water Co-operative, chairman and board member of the Gascoyne Water Asset Mutual Co-operative, member of the Gascoyne–Murchison strategy executive, former member of the Ningaloo sustainable development committee, president of the Carnarvon Chamber of Commerce and Industry, former chairman of the Carnarvon regional advisory committee, deputy chair of the Pastoral Lands Board, chairman of the Gascoyne–Minilya district committee, former member of the pastoral committee, pastoral representative for the Carnarvon shire council, and member for Gascoyne in the Legislative Assembly. The role Dudley has played has been significant for the town and the region. This recognition of his commitment and achievements is very well deserved.

PAUL LIONETTI — TRIBUTE

Statement by Member for Albany

MS R.S. STEPHENS (Albany) [12.52 pm]: Albany is mourning the loss of its very own captain of industry, Paul Lionetti. Paul was our family friend, my mentor and the "lionheart" of the Albany community. He arrived from Italy with a suitcase half full of nothing and half full of dreams. From this, Paul built a towering legacy for his family and the City of Albany—the city he loved. Paul started with a single deli and built an empire, which included a significant real estate and business portfolio consisting of two IGA supermarkets; Albany's biggest hospitality venue, Due South; a Containers for Change depot; and, launched last year, his great crowning achievement, the Hilton Garden Inn, a $27 million hotel on the Albany waterfront.

Paul was a community man. Both my sister and I, along with many other locals, were given opportunities to work in his supermarkets. When Pindan went into receivership last year while building his hotel, he took over and paid all the subcontractors and contractors, ensuring the project was completed. Paul was extremely hardworking. You could always find him stacking shelves late at night or driving the forklift at the Containers for Change site. If there was a fundraiser in Albany, he was there to support it. He saw opportunity and embraced it. Paul Lionetti loved his family, his kids and his businesses. He loved Albany more than anything.

Vale, Paul Lionetti, the humble baked bean seller.

McGOVERN FOUNDATION — WANDERER PROGRAM

Statement by Member for Moore

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [12.53 pm]: I rise to acknowledge the important work of the McGovern Foundation's Wanderer program. Founded by Andrew McGovern, the program assists Aboriginal and disadvantaged youth to get and keep their driver's licence. It is about creating and building relationships between the trainee driver and a mentor. Acknowledging the important work of the mentors who work with driver trainees, Andrew says that much of the focus is on building self-belief.

Having worked with the Clontarf Foundation for 19 years, Andrew could see the impediments that disadvantaged youth face to getting a driver's licence, including cost, access to a vehicle for the practical test and making up the 50 hours of supervised driving needed to complete the logbook requirement. Andrew knew that having a driver's licence would be life-changing for these people and their families. He can recount plenty of stories of the sheer joy his students experienced when they passed their driving test, and the opportunities that presented, including finding work.

So far, 51 students have passed through the Wanderer program, gaining their P-plates. There are around 130 trainees within the program at present. Andrew says that he cannot keep up with demand. The Wanderer program currently has two full-time and one part-time mentors working with trainees. Andrew says he could easily use five full-time mentors but is limited by funding. His ultimate aim is to also establish the program in regional centres, including Northam, Kalgoorlie, Bunbury, Geraldton and Broome.

PATRICIA (TRISH) BRIGGS — TRIBUTE

Statement by Member for Murray–Wellington

MRS R.M.J. CLARKE (Murray–Wellington) [12.55 pm]: Today I rise to honour a very special lady in my life and in the life of many others. I would like to acknowledge in the Speaker's gallery family members of Patricia (Trish) Briggs—Peter, Rodney, David, Daniel, Tayla Busher, Leone Becker and Donna Monson. Her husband, Paul, could not make it today but our love and thoughts are always with him.

Born on 7 December 1938 in Fremantle, Trish spent the majority of her life caring for others as a nurse. She passed suddenly on 20 May 2022 at the age of 83. Trish was not only valued in my life and the life of my husband, Charlie, and a big part of my office, but also the definition of a community champion. She was small in stature but a huge character with a devilish sense of humour. She was a staunch Labor supporter and member. She ran for the seat of Murray–Wellington in 2001 and came within 500 votes of claiming the seat. Trish was a Shire of Murray councillor from 2005 to 2017, and a volunteer and communications officer with the South Yunderup/Ravenswood Bush Fire Brigade from 2004 until her passing, with her 20-year service medal presented to her sons and husband, Paul, at her memorial on Saturday, 11 June. Trish was awarded life membership of the Labor Party in 2020. At the 2022 Shire of Murray Australia Day awards, she was awarded the Shire of Murray Senior Citizen of the Year Award. She sat on many committees and boards.

Most importantly, Trish was a mother, grandmother, my mentor and our office guardian. She will be greatly missed by my staff Jayde, Sarah and Fiona. Trish was an avid poet, with many of her poems recited at Anzac Day, Remembrance Day and Australia Day events.

Trish, you will be deeply missed in all our lives. Although you are no longer with us, you will live in our hearts and thoughts forever.

Vale, Trish.

WENDY LEE-ANN PRICE — AMBULANCE SERVICE MEDAL

Statement by Member for Roe

MR P.J. RUNDLE (Roe) [12.56 pm]: I would like to acknowledge one of the 2022 Queen's Birthday honours recipients who resides within my electorate. Wendy Lee-Ann Price of Ravensthorpe received an Ambulance Service Medal. This medal was granted in recognition of 13 years' service as a volunteer emergency medical technician with St John Ambulance. Mrs Price has attended many hazardous frontline call-outs, including a hazardous cliff rescue in Hopetoun and a traffic accident that resulted in her helping a patient trapped in a truck containing beehives. She is described as someone who can always be counted on to attend the scene and organise additional resources that would normally stretch and test the most experienced professionals. She does so with a grace and conviction admired by those around her, especially those in her community.

The award recognises not just Mrs Price's courage under pressure, but also her significant contribution and outstanding service to the community of Ravensthorpe and the great southern region. As a respected volunteer and role model, she is described as always going "beyond the expectation of her normal duties". She is regarded as integral to the community of Ravensthorpe and the operation of the St John Ambulance Ravensthorpe sub-centre. I would like to take the time to acknowledge the impact that Mrs Price has had on her community and let her know that we value deeply her commitment and the role played by people like her in inspiring others to follow their lead.

SERPENTINE–JARRAHDALE MEN'S SHED

Statement by Member for Darling Range

MR H.T. JONES (Darling Range) [12.58 pm]: I rise to acknowledge the efforts of the Serpentine–Jarrahdale Men's Shed in providing a safe and welcoming venue for men and women, often retired, to enjoy a fulfilling life, building their skills and confidence, creating connection with the community, as well as making meaningful and long-lasting friendships. The SJ Men's Shed commenced operations in 2014 with fewer than 10 members, and has since grown to over 80 members, placing pressure on the outdated facilities. The shed members undertake metalwork and woodwork, projects using epoxy resin, small projects and larger projects, building five-metre live edge wooden tables and benches. They are currently working with the Water Corporation to restore the old engineer's cottage at Canning Dam.

In the last 12 months, the shed has worked on a number of charity projects, including undertaking a joint project with the Community Bank Byford and Districts, part of the Bendigo Bank; making sunflower boxes for Baptistcare Graceford, with 50 bags of soil donated by Matthew Pham of the Byford IGA; donating benches and games to local primary schools; undertaking projects supporting Black Dog, Beyond Blue and Pink Ribbon; undertaking heavily discounted projects for community groups; building wooden toys as Christmas gifts for local children from families experiencing domestic violence; and fabricating a bike trailer for local teen Lochy Glover to run a lawn-care business. I commend president Stephen Brown—happy birthday for Sunday—vice-president Barry Johns, secretary Ray Schmidt, treasurer Grant Eakin and master welder Trevor Wales for their efforts. I make special mention of former president Peter Cuttriss, who has since move to Tasmania, for making me feel welcome during the precarious election period. I ask all the councillors of the Shire of Serpentine–Jarrahdale to visit the shed, see what they do and facilitate its relocation to Keirnan Street at minimum cost.

Sitting suspended from 1.00 to 2.00 pm

QUESTIONS WITHOUT NOTICE

HUAWEI — METRONET CONTRACT

374. Dr D.J. HONEY to the Minister for Transport:

I refer to Paul Murray's opinion piece of July 2018 —

Several members interjected.

The SPEAKER: Order, please, members!

Dr D.J. HONEY: I refer to Paul Murray's opinion piece of July 2018 when he stated that Huawei is under such a cloud internationally that any competent government in Australia would have second thoughts about doing business with it, and a memo provided to the Premier's office that states, and I quote, "The project may not be able to support a level of security required to support future uses of the network, particularly automatic train control and public safety module broadcast." With these red flags, why did the Premier's government still pursue Huawei as the preferred proponent for this project, and is it fair that WA taxpayers should now foot the $6.6 million bill for this ill-advised decision?

Ms R. SAFFIOTI replied:

I thank the member for that question, but it also needs to be highlighted that the state government received advice from both state and federal government agencies all along the way. In relation to Huawei products, the member might have realised that they have and are being used in these types of systems across the nation, particularly in New South Wales. The member would also be aware that it was used in a lot of componentry for a lot of telecommunications

throughout the states. We sought and received advice, and went through with the procurement process. Now, of course, because of the massive diplomatic and trade issues that occurred between Donald Trump and China, the situation has changed. We were not to know what was going to occur between Donald Trump and China and, as a result, that changed the course of events.

We acted on advice all along the way and we have now gone out for a new process and new tender and, of course, the market has changed. We now have very few suppliers to choose from, but we are very keen to continue to invest in Metronet across the state to ensure that we can deliver world-class infrastructure to the people of Western Australia. Again, we know that the opposition does not support Metronet; it does not support any aspect of Metronet.

Another point on this project and high-capacity signalling is that we approached the commonwealth to partner with us on the rollout of new signalling across the system, and we have been able to secure another $250 million from the commonwealth to deliver these projects. It is cost effective, we took advice and we are delivering world-class infrastructure to Western Australians.

HUAWEI — METRONET CONTRACT

375. Dr D.J. HONEY to the Minister for Transport:

I have a supplementary question. Would this money have been better invested—for example, on a $240 increase in the Country Age Pension Fuel Card—instead of being wasted on this pyrrhic exercise?

The SPEAKER: Before you answer, minister, the supplementary question introduced a brand new topic, which it should not, but I will ask the minister to respond briefly.

Ms R. SAFFIOTI replied:

This is the Leader of the Liberal Party that increased electricity prices by 97 per cent while spending $25 million on the Metro Area Express light rail. It also spent more than $20 million to prepare the sale of Fremantle port. We acted on advice. We were caught up in one of the major diplomatic disputes across the world between Donald Trump and China. That is what happened. The Leader of the Liberal Party is not correct. We have been through this a number of times. We acted on advice from federal and state government agencies. We were not to know exactly what Donald Trump and China were going to do. As a result, the government's radio replacement program for the state transport network was caught up in what has been one of the major diplomatic disputes between two nations.

TRANSPORT — AFFORDABILITY

376. Ms E.L. HAMILTON to the Minister for Transport:

I refer to the upcoming national cabinet meeting of state and territory leaders at which the Premier will urge those on the east coast to move to Western Australia. Can the minister outline to the house how the McGowan Labor government is ensuring that commuting in Western Australia is more affordable than in the other states, and can the minister outline to the house how the McGowan Labor government's record investment in roads and Metronet will further ease congestion, as opposed to the cities in the eastern states?

Ms R. SAFFIOTI replied:

The Liberal and National Parties want to talk down WA. The Premier is going over east today as part of the Council of Australian Governments to promote living in Western Australia. Yesterday, the Premier made a key point about housing affordability in Western Australia compared with the case in other states. I thought I would like to extend that analysis.

An opposition member interjected.

Ms R. SAFFIOTI: Do opposition members continually want to run down WA? They did it in the 2021 election and the prior three years. That is why no-one supports them. They do not think people should come to Western Australia. We have a major political party that is trying to make the point that people should not come to WA. I never thought I would see it.

The Premier outlined Western Australia's housing affordability and the average house prices compared with the other states. We thought we would extend that analysis and look at other key components. Transport is a key cost for families. Look at what we are doing for transport costs in this state for not only regional airfares, but also public transport initiatives, including our two-zone cap. That sees people who travel 70 kilometres from Mandurah paying only $4 per trip. For travelling a similar distance in Queensland, people are paying over $10.80. Travelling between Geelong and Melbourne in Victoria costs $13 compared to our $4. A similar trip in New South Wales costs $7 compared to $4. The other key component is that we do not have toll roads. People in New South Wales, for example, pay $21 in tolls when they travel about 60 kilometres from the CBD. People living in Western Australia do not face those costs. An analysis was produced recently showing the average annual expenditure spent on tolls by people who live in the outer suburbs. This is the total amount divided by the number of people living in those areas. The average annual expenditure per household is $539 in Penrith, $503 in Campbelltown and $498 in Blacktown. Some users are paying thousands of dollars per annum in tolls. When we compare the public transport costs and toll costs for people living in some of those suburbs in those areas, we can see that WA is much more affordable. Housing

affordability, public transport and road transport is much more affordable in WA. We will continue to make the point when attracting people from overseas and interstate that WA's lifestyle is the best in the world and it is much more affordable than any other state.

ROAD SAFETY — NARRIKUP

377. Mr P.J. RUNDLE to the Minister for Transport:

I refer to the minister's announcement last week that the infamous section of Albany Highway through Narrikup, which has tragically claimed six lives in the past six years, will have its speed limit reduced. Now that the minister has finally conceded that this section of road is unsafe, will she instruct Main Roads Western Australia to develop engineering solutions to improve the safety of this section of the highway?

Ms R. SAFFIOTI replied:

It has already been announced that along with the reduction in speed, Main Roads is looking at engineering solutions to improve safety. That was part of the announcement. Members, let us cut to the chase here. That has already been announced. In eight and a half years, what did the Nationals WA do? They did nothing. Your leader said the previous government purposely did not spend money on roads. When we came to government, there was a lot of catch-up—there were a lot of major projects to fund. But also, we have a regional road safety program. Under the Nationals, less than $20 million was spent per annum on roads. The rural high-speed network across the state covers 14 000 kilometres. We developed a business case—a package—that we took to the commonwealth. We said that by working together, we could improve the safety across the entire 14 000 kilometres of the network. By the end of next year, we will have improved safety along 9 000 kilometres of the network in just a few years by widening the road shoulders, installing audible edge lines and creating a better centreline. We undertook all of that. We have increased the amount of road maintenance to the highest level on record. We have increased funding to local governments to the highest amount on record. We are bringing road maintenance back to Main Roads. Members will remember it was the Liberal–National government that contracted out these contracts, which lost hundreds of jobs in regional WA. We are bringing that back in-house. Our record in road safety is unparalleled. We also talk to communities. In particular, our local members advocate for these projects. We have announced a reduction in speed. We also announced that we will investigate and spend money on engineering solutions to improve safety in that area.

ROAD SAFETY — NARRIKUP

378. Mr P.J. RUNDLE to the Minister for Transport:

I have a supplementary question. On behalf of those travelling on Albany Highway, when will that engineering solution be delivered?

Ms R. SAFFIOTI replied:

That is underway now. Tens of millions of dollars have been spent across Albany Highway.

Mr P.J. Rundle: I am talking about Narrikup.

Ms R. SAFFIOTI: Honestly! The Nationals WA were in government for eight and a half years. They did not care about budgets. The only budget the Nationals cared about was the fact that they were never going to spend money on roads! Do the Nationals think that people do not realise that? Does the member know what everyone in regional WA is complaining about? It is the amount of roadworks; they have to slow down because there are so many! Today I addressed the Regional Chambers of Commerce WA in West Perth and outlined the record spending. They all understood, and they all agreed, that we are spending more on regional roads than ever before. For eight and a half years, members opposite did not care about the budget. They purposely did not spend money on roads, and now they are coming in here and trying to make road spending an issue in this Parliament. That will not work for them! I find it disgraceful that rather than the National Party spending on roads, it is the Labor Party that is out there spending record amounts on road and rail. We are talking with CBH about how we can move grain better. We are spending a record amount on local government roads and supporting local governments through another set of freight improvements, and we are spending money on ports like they have never seen. This is transport spending for the whole of regional WA. In eight and a half years, members opposite never had the ability to develop a policy to reduce airfare costs for regional Western Australians. They never did anything on that. Our two-zone cap on airfares is very much supported in regional WA. We are doing all we can to catch up on road spending, rail spending and port spending, and on making airfares more affordable. We are doing all we can. In five and a half years, we have done pretty well and we will continue to work hard to deliver.

ELECTRICITY SUPPLY

379. Dr J. KRISHNAN to the Minister for Energy:

I refer to the energy crisis on the east coast.

(1) Can the minister outline to the house how the McGowan Labor government is ensuring there are no supply issues in Western Australia and that the price of electricity remains low?

(2) Can the minister advise how this will benefit those moving to Western Australia from other states?

Mr W.J. JOHNSTON replied:

I thank the member for Riverton very much for the question. It is an excellent question from the excellent member for Riverton.

(1)–(2) I feel sorry for our friends on the east coast because they are going through a very difficult period of energy supply. As I commented yesterday, the Australian Energy Market Operator shut down the operations of the wholesale electricity market on the east coast and is now running the system on direct command and control. That is because the entire basis of their energy market has been a failure. The reason we have a stable energy system here in Western Australia is that we did three things that the Liberal Party always resisted. We put a domestic gas obligation on our export projects. The Liberal Party opposed that. I remember Ian Macfarlane's comments at the time. The next thing we did was put in a capacity market to support having sufficient generation in the electricity system. This was opposed by the Liberal Party. Every day that they were in government, they opposed it. They went on about how it was a waste of money and that they wanted to move to have national regulation in Western Australia. In fact, the Liberal Party presented to the Parliament, and passed through this chamber, legislation that would have abolished the separate regulation of Western Australia's energy sector and would have put the entire energy system in Western Australia under the control of the east coast. WA would have had the same rules applying that have led to the chaos on the east coast. The third thing we have done is to stop privatisation. That has been a major effort of the Labor Party. One of the reasons we were so successful in 2017 was that we resisted the Liberal Party's crazy privatisation plans.

Another reason that we have stable electricity prices in Western Australia is that we resisted the Liberal Party's plan at the 2021 election. This time I am not talking about its crazy renewables policy that could not have worked; I am talking about its plan to let the private sector cherrypick the best customers from Synergy and leave Synergy with all the high-cost customers. It would have completely undermined the tariff equalisation scheme—the uniform tariff that keeps energy prices for regional Western Australians low. I will quote Dan Mercer in an article on ABC online of 8 June headed "Eastern states' energy ministers urged to look to WA for solutions to energy crisis", which states —

> In Western Australia, in fact, experts say consumers are enjoying some of the most stable and low-priced energy in the developed world.

Do members want me to read that again?

Several members interjected.

Mr W.J. JOHNSTON: It states —

> In Western Australia, in fact, experts say consumers are enjoying some of the most stable and low-priced energy in the developed world.

This year the government will give a $400 rebate to electricity consumers, meaning that the amount they pay for electricity will go down, not up. On the east coast, the default market offers are going up by 14, 15 and 18 per cent because of the chaos there. Two retailers have already stopped functioning; seven retailers are on watch; and one retailer has written to 70 000 customers saying "leave us". That is the system members opposite wanted to have here. They went to the 2021 election wanting to have mad competition that would have driven up prices and created instability in the grid. New South Wales does not even have electricity tonight; they do not know whether they will get through the night without power being cut off deliberately. This is not because of the mechanical breakdown of the system, but because they do not have enough electricity. One of the benefits people would get by moving to WA is they could buy energy from Synergy and Horizon Power and know that it will be stably priced and will get to their home and be available when they need it. That is because Labor governments have made the right decisions. Another benefit that people could get if they moved from the east coast to WA is low-priced and stably priced electricity.

GOVERNMENT PROPERTY — JUNK FOOD ADVERTISING

380. Ms L. METTAM to the Minister for Health:

I refer to a campaign by a collection of health organisations, including the Cancer Council, criticising the minister's failure to remove junk food advertising from WA government property, as her predecessor had promised.

(1) Does the government remain committed to the government's election promise to ban junk food advertising on state-owned assets?

(2) With the cost of obesity on WA taxpayers expected to reach $610 million by 2026, when will the government act?

Ms A. SANDERSON replied:

(1)–(2) The commitment, as I understand it, was a promise to do an analysis of the impact of removing all that advertising from state-owned assets. The department is working constructively across governments, particularly with the Public Transport Authority and the Department of Transport, and we are working through the issues around that.

GOVERNMENT PROPERTY — JUNK FOOD ADVERTISING

381. Ms L. METTAM to the Minister for Health:

I have a supplementary question. Given the minister's claim that she is exploring options, when can we see a commitment to this election promise?

Ms A. SANDERSON replied:

It was a commitment made at the last election, and we are committed to delivering it, as we have delivered every single one of our election commitments—or started to deliver. Give the department a break. I mean, public health has been dealing with a global pandemic.

Several members interjected.

The SPEAKER: Order, please!

Ms A. SANDERSON: We are absolutely committed to delivering this election commitment, and I am not sure what campaign the member is talking about. I have seen a few letters that have come to my office. I have had no approach for people to meet with me if they have concerns and I am more than happy to meet with stakeholders who have concerns. But this is a solid commitment from the government and we are working through it and we will deliver it, and the member will know when we have.

TRAINING — LOWER FEES, LOCAL SKILLS PROGRAM

382. Ms R.S. STEPHENS to the parliamentary secretary representing the Minister for Education and Training:

I refer to the McGowan Labor government's efforts to create more training opportunities in critical occupations through the Lower Fees, Local Skills program.

(1) Can the parliamentary secretary outline to the house how the government's commitment to TAFE and training has delivered more training opportunities for Western Australians?

(2) Can the parliamentary secretary outline this government's record on TAFE and training, and how it compares with that of the previous Liberal–National government?

Mr T.J. HEALY replied:

I thank the member for Albany for the question. I knowledge that the member for Albany is a former hairdressing student and a former lecturer at Albany TAFE, so she knows TAFE and the importance of the training sector very well.

(1)–(2) Under the McGowan government more Western Australians are being trained than ever before. The training sector under this government has experienced a major surge with new data, which I can inform the chamber of, showing 150 000 publicly funded course enrolments reported in 2021—the highest ever recorded. The number of student enrolments was up 21 per cent from 2020. Western Australian employers are also signing up apprentices and trainees at record levels. For example, 10 000 apprenticeship and trainee contracts were registered in just three months this year, which has never been achieved before. In March 2020 alone, there were over 4 000 registrations, which is the highest number of monthly registrations on record. It is not only commencements that are up; apprenticeship completions increased by 26 per cent in March this year, and trainee completions were up by 12 per cent. This is on top of freezing TAFE fees as soon as we came to government to give Western Australians certainty on fee prices. Then we reduced TAFE fees for 210 higher priority courses by up to 72 per cent. We undertook the largest TAFE capital works program in WA history with $25 million in new state-of-the-art equipment at TAFE colleges. We had incentive programs for businesses to employ more apprentices and trainees.

Everyone knows that when we came to government, the training sector was in a mess. Under the members opposite, we saw the trashing of the TAFE system, funding cuts, skyrocketing fees and plummeting enrolments. Between 2013 and 2017, the former Liberal–National government increased fees by over 500 per cent; and annual student enrolments fell by up to 25 000. It wrecked the TAFE sector and paved the way for the skills shortage we are now dealing with. The McGowan government has been fixing the damage, working with industry and equipping workers with job-ready skills, and our investment in the TAFE sector is paying off. We have had the highest-ever record enrolments, the largest TAFE capital works program ever and we have reduced course fees. The training sector has never been in a stronger place than it is under the McGowan Labor government.

DOWERIN TRAIN STATION — DEMOLITION

383. Mr R.S. LOVE to the Minister for Transport:

I refer to the demolition of Dowerin train station, which commenced this week on 13 June.

(1) As notice of the demolition was given only on 6 June, can the minister detail what community consultation was done on this decision and when?

(2) Can the minister detail why the Public Transport Authority demolished this asset?

Ms R. SAFFIOTI replied:

(1)–(2) I am afraid I do not have all the information in front of me, but let us talk about regional rail for a second. I will get to the information, member. Let us talk about regional rail, shall we? Shall we talk about a party that sold off regional rail freight in Western Australia?

Several members interjected.

Ms R. SAFFIOTI: Let us talk about that. Let us talk about the Nationals WA that has constantly turned its back on regional Western Australians. Let us talk about a National Party that privatised regional rail and then went and shut lines just to top it off.

Point of Order

Dr D.J. HONEY: I know sometimes there is some latitude, but this answer has nothing whatsoever to do with the question asked by the member for Moore.

The SPEAKER: That is your opinion. I am not upholding that point of order. I ask the minister to answer the question. The question relates to regional rail.

Questions without Notice Resumed

Ms R. SAFFIOTI: I will go through it. Let us talk about a party that sold it off and then shut it down. Now we are there working. I met representatives from some regional councils this week and from Co-operative Bulk Handling Ltd to talk about what we need to do to work together to reverse the undoing of regional rail that members opposite commenced. I remember winning government in 2017 and the Leader of the Opposition —

Several members interjected.

The SPEAKER: Order, please! Deputy Leader of the Opposition, at this stage you are going to be getting the opportunity to ask a supplementary question. This is going to be a very long answer if we get continued interjections from your side, and if we do that, you will forgo your opportunity to ask a supplementary.

Ms R. SAFFIOTI: I remember one of the first decisions I had to make when I was minister in 2017 when we won government. The PTA came and told me all the decisions that were made by the previous government. One was to shut down the *AvonLink* and to replace it with buses.

Mr P. Papalia interjected.

Ms R. SAFFIOTI: No, it was its decision as a coalition government. Its decision was to shut the *AvonLink*. The first thing I had to do was to beg in a time of very tight budget considerations to reverse that decision because I said I was not going to be a Minister for Transport who shut rail services. After the National Party sold Westrail Freight, shut rail lines, it was going to shut down the *AvonLink*.

Mr R.S. Love interjected.

Ms R. SAFFIOTI: It was true. I am not going to be lectured about rail by the National Party in this state. I am not going to be lectured by the National Party on anything to do with regional WA. Where is the Leader of the Opposition because she was —

Several members interjected.

The SPEAKER: Order, please!

Ms R. SAFFIOTI: The Leader of the Opposition—unfortunately, she is not here today and was not here yesterday—in cabinet endorsed the decision to shut the *AvonLink*.

As I understand, notice was given in relation to the Dowerin train station. I am looking at the post here in relation to works being undertaken at the Dowerin train station. The member should not come in here and say that no notice was given when he knows notice was given.

DOWERIN TRAIN STATION — DEMOLITION

384. Mr R.S. LOVE to the Minister for Transport:

I have a supplementary question. Does the Public Transport Authority plan to demolish other heritage train stations without consultation with the community, as has occurred in Dowerin?

Ms R. SAFFIOTI replied:

I think that there were asbestos-related issues and so forth and that is one reason the work is being undertaken.

Our commitment to regional rail and rail transport across the state is second to none. Everyone knows that the previous government shut down rail services, sold them off or tried to cancel their services. That is its record. I am negotiating for funding to inject more money into regional rail projects across the state. Members opposite should

be embarrassed to walk in here and discuss anything to do with transport, given that during their eight and a half years in government, all they did was to shut down rail lines in regional WA. They let them completely die with grass growing over them and easements being lost. They completely destroyed the fabric of towns. They contracted out the entire Main Roads WA maintenance program. They removed people from the regions to the city. Their policies saw people move from regional WA to the metropolitan area. As a result, we are trying to reverse all that. Everyone knows what members opposite did. Everyone knows that they cannot be trusted. The only thing that they can be trusted to do is to deliver signs and bumper stickers. That is all they did—signs and bumper stickers. When we go through regional WA, we see airports that were not finished under these guys, runways and roads that need to be upgraded and those old, green "RFR" signs. We see more evidence of their signs than actual work that was delivered over the eight and a half years under their government.

POLICE — BODY-WORN CAMERAS — LIVE STREAMING

385. Mr H.T. JONES to the Minister for Police:

I refer to the McGowan Labor government's commitment to community safety and its efforts to ensure that our police officers have the resources that they need to keep Western Australians safe.

(1) Can the minister outline to the house what the live streaming of vision from body-worn cameras will mean for Western Australia Police Force officers and the important job that they do?

(2) Can the minister advise the house what other equipment the McGowan Labor government has funded to assist police in keeping our community safe?

Mr P. PAPALIA replied:

I thank the member for his question and his universally acknowledged support of the Western Australia Police Force and its efforts to combat crime in the state.

(1)–(2) One of the standout achievements of the Western Australia Police Force under the McGowan government and with the collaboration, support and resourcing from the McGowan government has been the adoption of cutting-edge technology and its application to policing to get better results and to make it safer for police officers. The live streaming from body-worn cameras is an example of that, but I will quickly reflect on the quite exceptional and additional capabilities that we have delivered to the police force, particularly in the last term of office under the then Minister for Police and now Speaker.

Most recently, we announced funding for the replacement of the tactical response group's BearCats. We also announced the funding of two Airbus H145 helicopters—Google them; they are fantastic. They will be brilliant and they will be arriving soon. We have new drones. Every police district in the state has two drones and at least four operators or pilots. Body armour has been delivered to every single police officer. They have a couple of sets each that are tailored to fit them. The OneForce mobile phone app initiative sounds basic, but it is quite exceptional because it gives every single police officer access to intelligence, databases and all manner of apps that were never available to frontline police officers in the past and have changed the way that we police the state. Automatic numberplate recognition technology has also been rolled out. Hundreds of units have been delivered across the state. That has massively increased the network and provides support and direct intelligence to our State Operations Command Centre. That centre was another initiative created only three years ago under the direction of current Commissioner Dawson. A lot of drive behind the integration of new technology has been led by Designate Commissioner Col Blanch, and there is more to come, such as the live streaming of body-worn cameras.

Every operational police officer now employs a body-worn camera. In Perth district, some 351 officers are now live streaming directly to the State Operations Command Centre. The officer can choose to activate their camera when they encounter members of the public, and, I have to say, they are doing it for about 80 per cent of the encounters. That then sends a live stream direct to the State Operations Command Centre. The command can get a better appreciation of the challenge that confronts officers on the ground or in developing situations. One can imagine that when there are big crowds, the command centre can get a full picture of what is happening and direct resources, assets and support to police, as necessary, to ensure their safety and the safety of the community.

This is just another step. There is more to come. It is a constant effort to fully integrate new technologies and to ensure that police officers are kept safe and are able to deliver better policing. This is a result of the huge resourcing of our police force and the McGowan government's 100 per cent support of our police officers.

COAL-FIRED POWER STATIONS — CLOSURE

386. Dr D.J. HONEY to the Minister for Energy:

I refer to the minister's comments on 6PR when he stated that he has a detailed plan and detailed financial analyses that support his decision to close the Collie and Muja power stations completely by 2029. Will the minister table the detailed plan and financial analyses so that everyone can see what he is proposing; and, if not, why not?

Mr W.J. JOHNSTON replied:

It is not common practice for Synergy to table its forward plans in the way that the member has asked because it is a commercial business and it operates in a commercial market. The last thing in the world we want to do is to tell its commercial counterparties what we think the costs will be because that would encourage the commercial counterparties to put up their prices. No sensible person running any business does that. I have noticed this habit of people saying, "It's a secret." I have been interested to see comments in the media about commercial organisations doing contracts and not telling anybody about them. Those businesses do not make a public announcement about who has tendered for the work because they are commercial decisions. Synergy is exactly the same; it operates under the same constraints.

We have announced the plan and we will happily provide detail on it. The plan is about retiring the coal-fired power stations in concert with a $3.8 billion investment to provide 800 megawatts of additional wind assets and about 4 400 megawatt hours of storage. In that storage we are looking for somewhere between 400 and 800 megawatts of pumped hydro capacity. Why that range? Because we do not know exactly what proposals are actually practical. Clearly, the more we get, the better it is because deep storage—pumped hydro—is a better form of support for the network than using only lithium ion batteries, which was the previous government's plan. Its plan was to provide only 500 megawatt hours of battery storage. That is a tiny amount of battery storage. It is completely and utterly inadequate to provide the necessary outcomes.

We have also said that we think we can do this without the need to build an additional gas plant. The challenge is, and this is something that the previous government did not seem to understand, that we need support to match the single largest contingency. A contingency is the single largest piece of equipment that can break down, and we therefore need to have a reserve to match that. At the moment that is Collie, with 310 megawatts. We do not want to have a single large contingency. Again, I contrast that with the previous government's plan, which was to have a single contingency of 1 500 megawatts. That would mean that a backup of 1 500 megawatts had to be available in the system, otherwise the single contingency outage would have left the state unable to go forward.

We have been very clear and totally transparent. I also note that not a single question was put down to me today by the opposition in the upper house—not a single question! I would have thought that if the opposition had technical issues, the detail of which they wanted to delve into, they would have asked questions in the upper house because, as members know, in the upper house the government is told at 10 o'clock in the morning what questions need to be answered at five o'clock in the afternoon. That allows ministers to engage with their agency to get the technical details available to them. I want to make it clear that not a single question of detail was asked. We only saw posturing from a member who does not understand the questions that he is asking.

COAL-FIRED POWER STATIONS — CLOSURE

387. Dr D.J. HONEY to the Minister for Energy:

I have a supplementary question. Given that this is such a major decision, why will the minister not detail the plans in exactly the same way as was done with the Metronet project?

Mr W.J. JOHNSTON replied:

The Metronet project? I have heard the member for Cottesloe, the Deputy Leader of the Opposition and the member for Vasse all say that they do not know the detail of the Metronet project. Now they are coming in and saying that I should use the Metronet project as a model for the information. I cannot believe this; this is just so silly. What is the member asking? Is he asking where the plant is going to be placed?

Dr D.J. Honey: What facilities are you going to put where?

Mr W.J. JOHNSTON: Okay. That is a silly question, and I will explain why. I have said what we need to achieve: 810 megawatts from wind farms. We are now in detailed discussions with proponents of projects; some of those projects we will have commercial settlements with and some of them we will not, because some proponents will think they can make more money by selling their project to someone else. I have also said publicly—I do not know whether I have said it in here—that one of the additional wind farm assets is going to be the expansion of the Warradarge wind farm, of which we own 19.9 per cent through Bright Energy Investments. Bright Energy Investments has to make a decision about whether it repowers the Grasmere wind farm down in Albany. I imagine that if it makes the decision to proceed with that investment, it will be another opportunity for us to engage with another party.

But no, we are in the market, negotiating these outcomes. I am not going to tell the member that I guarantee that a particular proponent is going to make money. No-one thinks that that is a sensible way to conduct business. I cannot say that. I have said what needs to be achieved, what the time frame is and what the plan is for how it is going to be executed. The counterparty does not actually matter; the counterparty will be the one that provides the best value.

I will finish on this point: we set aside $500 million in this year's budget for clean energy investments—it is the decarbonisation fund. That is in addition to the $750 million that was allocated in the last budget, which

makes $1.25 billion that we have so far allocated, without borrowing a single dollar, to climate action. Most of the $750 million from last year has been allocated to specific projects, including the great work of the Minister for Forestry in the softwood plantations, and now we have another $500 million in this year's budget, plus the bit left over from last year. That is all before we have borrowed a single dollar. Contrast that with the opposition's plan, under which every single dollar used would have been borrowed.

DRIVING ACCESS AND EQUITY PROGRAM

388. Ms D.G. D'ANNA to the Minister for Transport:

I refer to the McGowan Labor government's efforts to address youth unemployment in regional areas. Can the minister update the house on how the driving access and equity program is creating opportunities for young people in regional and remote WA, and please advise the house on whether there are any plans for the program's expansion?

Ms R. SAFFIOTI replied:

I thank the member for this question. Access to drivers' licences is a major issue for regional Western Australians, particularly in remote areas. As the member will recall, when we visited the Kimberley last year, one of the key issues raised was that a lot of young people want to get work and be involved in our record spending on road projects in regional Western Australia, for example. They want to be involved in our record expenditure on road maintenance projects, but not having a driver's licence is a key impediment. We also had the skills summit at the end of last year, at which we identified lack of access to a driver's licence as a key factor in people not getting jobs.

In some remote areas of regional Western Australia, people do not have access to vehicles and may not have access to the required hours of supervised driving. We needed to go in and assist them, and we have. We have allocated an initial $5 million to this program, starting in the Kimberley. We have provided $3.5 million in grants to the Kimberley and the Pilbara. Organisations have indicated that they will work with more than 1 000 disadvantaged learners, and we hope that that will result in more than 500 drivers' licences. We have already assisted with the purchase of 24 vehicles, expanded three Regional Youth Driver Education programs to help people complete their 50 hours of supervised driving, and we are training people with certificate IV qualifications in driving instruction to allow people to learn to become driving instructors. In March, eight people in Broome successfully completed that qualification, and seven people in Kununurra are currently undertaking that training. That includes the first three female Aboriginal participants in the course.

We have also doubled the number of remote services driver officers in the Kimberley, Pilbara and midwest, and that is delivering results. Since January, 130 driving assessments have been conducted, resulting in licences for more than 70 people, unlocking employment opportunities throughout this area. We are very pleased to announce that we are going to expand this program into the midwest, Gascoyne and goldfields–Esperance regions. A further $2.4 million in grants is available for eligible community-based organisations. We will be working with organisations throughout those areas and expanding the Department of Transport's presence.

This is all about practical, on-the-ground initiatives, working with local existing providers, councils and, for example, the Broome Police and Community Youth Centre. We are working with groups that are already out there, helping to support them to get young people to get drivers' licences. This means a pathway into connections and, importantly, a pathway to work. I think this will be a key success story of what we are doing in remote and regional Western Australia. We are helping young people get employed locally as a result of our work on transport and road projects and by being part of the new Main Roads presence throughout regional WA.

HOMELESSNESS — CASEWORKERS

389. Mr R.S. LOVE to the Minister for Homelessness:

I refer to figures reported by the WA Alliance to End Homelessness that suggest that as many as 70 per cent of homeless Western Australians do not have a caseworker.

(1) Why is the minister's department failing to engage with such a large section of the cohort for which it is responsible?

(2) Is this yet another example of the minister's department's underperformance, resulting in poor outcomes for Western Australians who desperately need the minister's help?

Mr J.N. CAREY replied:

I thank the member for his question.

(1)–(2) This financial year, our government is investing $190 million in homelessness. In December, we announced an expansion of outreach services in the city, called the Heart program. It is a concentrated effort to engage and try to assist rough sleepers to make the transition to housing. We know it is a complex issue, and the opposition can do whatever it wants to do to try to simplify this matter, but we know that it is deeply complex. We have also brought new accommodation online for rough sleepers. That includes Boorloo Bidee Mia, which currently accommodates 60 people. I note that the opposition has criticised that

proposal. We have also funded Koort Boodja, in Money Street, Northbridge, which is also accommodation for rough sleepers. We have provided extra funding through the Heart team to provide support for rough sleepers.

This is the simple truth, and it is often overlooked, but the opposition is not interested in this at all: ultimately, we cannot force people to engage with services and support. 7When people were camping near Lord Street, every day the Homelessness Engagement, Assessment and Response team was out there engaging with people, and providing and offering support services and accommodation, but not all those people decided to engage. The opposition is trying to simplify the matter of homelessness. The state government has a clear strategy. It has a clear Housing First program and is working to assist rough sleepers to break the very difficult journey into social housing.

HOMELESSNESS — CASEWORKERS

390. Mr R.S. LOVE to the Minister for Homelessness:

I have a supplementary question. The Minister for Housing's spin and promises of investment will not get homeless people off the street. When can homeless Western Australians expect to start to see the services that they desperately need?

Several members interjected.

The SPEAKER: Order, please!

Mr J.N. CAREY replied:

There actually is no spin. I and the government are out there every day working to accelerate the delivery of social housing. The opposition is all over the place on this issue. It pumps out a huge number of attack media releases on housing and homelessness but has not one solution.

Dr D.J. Honey: You're the government!

Mr J.N. CAREY: Member for Cottesloe, I will take that interjection.

Several members interjected.

The SPEAKER: Order!

Mr J.N. CAREY: Can I say this.

Several members interjected.

The SPEAKER: Order! It seems that a lot of your colleagues would like to help you answer the question, but I ask them to resist that temptation and allow the Minister for Homelessness to answer.

Mr J.N. CAREY: We are delivering social housing. I have clearly reported to this Parliament on the modular program, the timber frame program and the spot purchasing program. It is on the record, member for Cottesloe.

I want to say this: they talk the talk, but do not walk the walk. There is no genuine commitment by the opposition, and a clear example of that was this year at the Mission Australia Christmas lunch. Not one of the 15 opposition members bothered to attend to show their appreciation and recognition of volunteers at that event. I have gone every year as the member for Perth and the minister. The only time we saw someone turn up was the Liberal candidate before the state election. They see through you. Out of 15, not one of you could be bothered. You were scoffing down your Christmas lunches. They have a really sincere and genuine commitment, but not one opposition member could be bothered to turn up to one of the key events for the year for homelessness engagement in our state. That is a shame on the Leader of the Opposition, who cannot even be bothered to be here. That is a shame on every member of the opposition. They are so lazy and so insincere that not one of them took even 30 minutes out of their time to bother to attend. I will not be lectured by an opposition that has no solution and makes no real attempt. It is this government that invests in social housing and homelessness to provide a roof over the heads of the most vulnerable people in Western Australia.

The SPEAKER: Order! Members, that concludes question time.

DOWERIN TRAIN STATION — DEMOLITION

Question without Notice 383 — Supplementary Information

MS R. SAFFIOTI (West Swan — Minister for Transport) [2.53 pm]: Under standing order 82A, I want to provide further information on a question I was asked today. The question was about the train station at Dowerin. I want to inform the house that it is under the control of Arc Infrastructure. That is what happens when you sell rail lines, members!

Several members interjected.

The SPEAKER: Minister, I would like to hear the member for Vasse who has the call.

HEALTH — LEGIONELLA
HOSPITALS — BED CAPACITY

Questions on Notice 386 and 458 — Answer Advice

MS L. METTAM (Vasse — Deputy Leader of the Liberal Party) [2.54 pm]: I rise under standing order 80(2) to seek answers from the Minister for Health for question on notice 386, which was due on 15 April, and question on notice 458, which was due on 5 May.

MS A. SANDERSON (Morley — Minister for Health) [2.54 pm]: I will follow up those questions for the member.

MINING AMENDMENT BILL 2021

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 34: Part 4AA inserted —

Debate was interrupted after the clause had been partly considered.

Mr W.J. JOHNSTON: The Department of Mines, Industry Regulation and Safety knows the geolocation of an application. It knows whether it is disturbed ground, whether the land has already been cleared or whether it is farmland. The eligible mining activity process can proceed quickly without the need to review that. That is why we are heading down this pathway. Before the debate was interrupted I gave the example of drilling being carried out by a drill rig on the back of a four-wheel-drive rather than by a full drill rig and discussed the land clearing arrangements. The bill proposed by Hon Bill Marmion sought to include native vegetation in this legislation. We have chosen not to do that. We are leaving native vegetation under the Department of Water and Environmental Regulation. For a long time, approvals for native vegetation clearance were given by the department. Under the Mining Act, decisions about native vegetation clearing are appealable, but other decisions are not. That is the idea behind the EMA. If there is a standard application for the sorts of things that we understand—that is, we know the geolocation so we know where native vegetation clearing is needed—then we can provide an automated response. That will speed up the process, but it will release the resources currently occupied by low-impact approvals. Those resources will then become available to us to apply to high-value and high-impact activity. Although it is true that that will not help the Chamber of Minerals and Energy directly, it will help it indirectly because it will release resources to do the work that will benefit the chamber's members.

Mr R.S. LOVE: Clause 34 is a very large clause that includes many proposed sections. Moving to proposed section 103AC, "Excluded area notices", the explanatory memorandum states —

> The proposed section identifies that the Minister may gazette areas in which an eligible mining activity notice cannot be given. These notices can be cancelled, and a publicly available register of these areas must be made.

I want to ask about the matter of gazetting those areas. If areas are already gazetted—for example, environmentally sensitive areas might already be gazetted as such—will the minister have to re-gazette each of those areas or will he simply include the class of land in some way so that he does not have to double up? What procedure will be involved?

Mr W.J. JOHNSTON: Again, that is a very reasonable and sensible question. I am advised that we will not have to separately notify the areas already excluded. We could simply say "all national parks", for example, and that would have an impact. One good thing is that the increasing use of GPS and other geolocation services makes the process easier to perform and automate. That is one good thing. Areas that are currently excluded will continue to be excluded, and the gazetting can be done by class.

Mr R.S. LOVE: I am happy with that response. I move to proposed division 3, "Programmes of work", and proposed section 103AH(6), which reads —

> Unless a Government agreement provides otherwise, this section does not apply to a mining lease granted or held under the agreement in accordance with proposals approved, taken to be approved or determined under the agreement.

I assume that those will generally be long-established mining operations that have complex arrangements in place. Would there be benefit for certain state agreements to be updated in some form? Will they eventually have similar provisions put into them?

Mr W.J. JOHNSTON: As the member knows, state agreements are always a vexed issue. We will not unilaterally amend a state agreement. All this will do is to carry over an existing exclusion into the new provision. We are moving from the old structure of the act to the new structure of the act, so we are protecting existing rights. It is not a new arrangement.

Mr R.S. LOVE: I guess the basis of the question goes back to the point the minister was making about possibly being able to free up resources. Would there be a mutual benefit for some of these measures to be included in state agreements as a way to regulate?

Mr W.J. JOHNSTON: No, because the low-impact activities are probably not relevant. We are just preserving existing rights. Whatever rights a proponent currently has will be maintained. There are already arrangements. Whatever they are, they will stay.

Mr R.S. LOVE: I move to proposed section 103AJ, "Lodgment of programmes of work". This goes back to the discussion by the Chamber of Minerals and Energy in which it was seeking some clarity around some measures. If the minister does not mind, I will read what the CME said about proposed section 103AI(5), and the minister can then provide clarity. It states —

> The ability to amend PoW applications prior to assessment/approval is necessary to enable proponents the flexibility to update the application to incorporate new information received from infield surveys, or to reflect last minute changes to work plans. It may also be necessary to address the assessment recommendations and advice of DMIRS staff. Therefore, limiting this ability may unnecessarily increase system administration and impost on proponents through requiring withdrawal and resubmission.
>
> Additionally, a key current concern of industry is that PoWs are not able to be edited (at all) once submitted due to limitations with the IT system. This current situation requires significant re-work due to the need to withdraw and re-submit PoWs which, although not currently required by the Act, may become embedded under the proposed Act amendments. This withdrawal and resubmission process also results in resetting the clock and extends actual assessment timeframes for proponents.

It also states —

> The proposed amendment limits variations to PoW applications prior to assessment/approval by the Minister.

What clarity can the minister provide around the CME's concerns?

Mr W.J. JOHNSTON: One of the interesting things about approvals processes is that sometimes it is the proponent who causes the delays. What happens is that the proponent thinks that they want to do something and they get on with the work, and then they decide they want to do something else. This is basically saying that if a proponent wants to amend a proposal, it has to be an amendment and not a new proposal. It is giving some flexibility for a proponent to amend a proposal after they have submitted it, but not so that it becomes a new proposal. I am advised that there are some limitations in the IT system, but this policy is not designed to fit in with the IT system. Even if the IT system were more flexible, we would still want to do this. If a proponent is substantially just amending it, it will proceed as part of the same application, but if the amendment is such that it is actually a new proposal, they will need to make a fresh submission. That is not a question for us; that is a question for the proponent. They will need to work out in advance what they want to do and then ask us for approval to do it. We should not have a situation in which a proponent says, "I want to do X", and then halfway through the approvals process they say, "Actually, I want to do Y." Does the member see what I am getting at?

Mr R.S. Love: Yes.

Mr W.J. JOHNSTON: I have no doubt that applicants would like more flexibility. As I said, there are currently some technical issues that limit the amount of flexibility the department can provide. This is not intended to reflect that technical issue; it is about the policy intent. The policy intent is that if a proponent wants to amend their application, that is okay, but if they want to do something substantially different, they should start with a fresh application.

Mr R.S. LOVE: I move now to proposed section 103AK(1), which states —

> The Minister must approve, or refuse to approve, an activity proposed in a programme of work or a substitute programme of work (if any).

There is subsequent wording in proposed subsection (2) over the page. On proposed subsection (1), the CME provided in its advice, which I think it gave to the department as well, that —

> The current drafting implies the Minister does not approve a PoW but instead approves "an activity" that is contained with the PoW application (e.g. build a camp, drill a bore, etc.) It is therefore unclear the implications for PoW applications which contain more than one activity and whether the Minister can approve one activity and refuse to approve another contained within the same PoW application.
>
> **CME recommends the section be reworded to clarify the PoW application as a whole is approved or refused or otherwise clarify the drafting (including of all other related clauses) if an alternative effect is intended.**

Was this considered; and, if so, what was the conclusion?

Mr W.J. JOHNSTON: Again, that is a perfectly reasonable question to ask. The regulator decides—it is done in my name; it is the minister's decision, but it is done by the agency—whether to approve the activities. Let us say the application has 10 activities on it. We say that nine of those are okay but the tenth one is not. The Chamber of Minerals and Energy is saying that we should reject all nine, even though we have an argument with only one. This provision allows us to approve the nine activities that we think are okay and reject the one that we do not think

is okay. Approval is given in the name of the minister and returned to the proponent. Then the proponent can decide what to do. We do not make them implement the proposal. We just say, "These nine things are okay; that one isn't." If the proponent decides that the proposal does not work for them, that is up to them. But from our point of view, we will approve what we think is okay—otherwise, we would have to reject the entire application. The CME's position is that we should either accept or reject what a proponent proposes, but that would increase the number of things that get rejected. If we are happy with nine things and unhappy with only one, the proponent might look at it and say, "Actually, I think this is enough and I'll get on with my project." Otherwise, the whole thing would go back to square one.

I understand why the CME is asking for what it is asking for, but I do not think it has thought through what it has asked for. Sometimes people ask for the "nice to dos" rather than the "must dos". If we did what the CME asked, more proposals would be rejected, and I do not think that would be a good policy outcome.

Mr R.S. LOVE: Would I be right in presuming that if the nine activities were accepted and work started, the tenth topic about which the minister did not agree could be discussed further with the department and the proponent could resubmit an amended proposal just on that tenth point?

Mr W.J. JOHNSTON: Yes, that is absolutely correct. The proponent might go away and think, "I don't need that but maybe I could do this other thing", and then come forward with that. The proponent is in charge. We are not making them do things. We are just saying that if they want to proceed, these are the conditions.

Mr R.S. LOVE: I move to proposed section 103AK(2), under which the minister is to notify the holder of the mining tenement of approval or refusal of a program of work application. We should bear in mind that these are the older comments by the CME on the first consultation, but to my knowledge some of these things are still relevant. I ask the minister to tell me if I am wrong. It goes on to say —

> The current drafting only requires the Minister to notify the holder of the mining tenement of the outcome of a PoW application and does not contemplate notification to the authorised person of the holder.
>
> There exist scenarios in which an authorised person of the holder of a mining tenement (not the holder of the mining tenement themselves) will be the person responsible for lodgement of a PoW application and implementation of the approval. In this instance, notification by the Minister of the approval/refusal of a PoW application must be given to the authorised person.

The CME goes on to say that it —

> … recommends the section be reworded to require notification by the Minister of the approval/refusal of a PoW application be provided to the holder of a mining tenement or a person authorised by the holder of a mining tenement.

I am wondering again whether that was considered and what was the conclusion.

Mr W.J. JOHNSTON: Again, that is a very interesting question. A range of issues need to be considered here. Let me make it clear that in the end, the conditions apply to the holder of the tenement. There are often cases when a tenement holder authorises somebody else to execute projects. That may be a person with no specific knowledge who hires a mining contractor or one of these agencies that manage titles to do the work. Lots of people lodge applications. In the end, the obligation always remains with the tenement holder. Who gets sued if things go wrong? It is the tenement holder. That is why the notification of the obligations returns to the person who has the legal obligation—that is, the tenement holder, not the authorised person. The tenement holder can have their own systems to make sure that the authorised person is aware of the situation. In the end, the legal obligation is on the tenement holder. They have to comply with the obligations. I also note that we have to give reasons. It is not capricious. That is a strong benefit for the applicant. Not all legislation requires reasons.

Mr R.S. LOVE: I move to proposed division 4, "Mining development and closure proposals", and proposed section 103AL. Again, this is an issue that the CME raised at some point in the consultations on the previous drafts. The discussion point relating to proposed section 103AL(2) states —

> Low-impact activity must not be done until notice of the activity is given, or the activity is approved under an Approvals Statement.

The CME is asking whether it is intended that once an exploration licence converts to a mining lease, any program of works that existed on the exploration licence will be voided and any remaining activities that were approved via the program of works must be reapplied for under a MDCP and approved in an approvals statement. Is that the intent of that passage?

Mr W.J. JOHNSTON: I was making sure I got the answer right, so I will make sure I get the question right as well. This applies to an existing exploration lease; there is already approved activity on the lease and the mining companies apply to convert that to a mining lease. Do they need fresh approvals for the activities that have already been approved under the exploration licence? The advice I have is that administrative approval would be given to the activities that had previously been approved under the exploration licence or the mining lease. The advice

I have is that they would not need to make a fresh application. That is the answer that I have been provided and which I have given to the member. I might just check with the agency to ensure that that is entirely correct. If I need to make any corrections to the record, I will come back and do that, but the advice I have at this stage is that it would be approved under administrative arrangements.

Mr R.S. LOVE: Staying on that same point, I move on to proposed section 103AL(4), which states —

> It is a condition of every mining lease that, if an activity on land the subject of the lease is proposed in a mining development and closure proposal and approved under section 103AO(1), the lessee must not do the activity on the land otherwise than in accordance with the approvals statement for the lease.

The emphasis is on the lease. The Chamber of Minerals and Energy's concern on this matter is stated in its submission, which reads —

> Current drafting can be read to indicate an Approvals Statement is issued for individual licences. This is inconsistent with the proposal that a single Approvals Statement may cover multiple tenements, as outlined in the Consultation Summary and DMIRS public briefings. Clarification is requested.

This is, again, around those final two words—"the lease".

Mr W.J. JOHNSTON: I understand the question and, once again, it is perfectly reasonable to ask on behalf of the CME. The point here is that the approvals statement is for the lease. The approvals statement might cover many different tenements. It is the approvals statement that is relevant to that lease; it is not the approvals statement issued exclusively for that lease. We are moving to the idea of a project approval, rather than individual approvals. The project approval might include five mining leases, three miscellaneous licences and something else, and the approvals statement would cover all the activities on those leases. It is not that the approvals statement will be for only that lease; it will be the approvals statement for that lease. The approvals statement will say that the project that is being conducted on certain parcels of land is approved subject to certain conditions. That means that the conditions apply to the project, and that is why it is written in that way. I understand why the question has been asked, but I can assure the member that that is not what it means.

Mr R.S. LOVE: Proposed section 103AM deals with miscellaneous licences in a similar fashion. Would the same answer apply?

Mr W.J. JOHNSTON: Yes, that is correct.

Mr R.S. LOVE: I move on to proposed section 103AN, "Lodgment of mining development and closure proposal". The point to be raised here is found under proposed section 103AN(5), which states —

> The activity proposed in a substitute mining development and closure proposal must not be substantially different to the activity proposed in the mining development and closure proposal it is intended to replace.

The issue is outlined by the CME in its submission. It is quite lengthy, and states —

> The proposed amendment limits variations to MDCPs prior to approval by the Minister. It is unclear the key issue this new provision is intended to address.
>
> The ability to amend MDCP applications prior to assessment/approval is necessary to enable proponents the flexibility to update the application to incorporate new information received from infield surveys, or to reflect last minute changes to work plans. Without this flexibility proponents will be required to withdraw and resubmit MDCPs, resetting the clock and extending approval timeframes.
>
> It may also be necessary to address the assessment recommendations and advice of DMIRS staff. Therefore, limiting this ability may unnecessarily increase system administration and impost on proponents through requiring withdrawal and resubmission (as is currently experienced). This current situation requires re-work due to the need to withdraw and re-submit a Mining Proposal which, although not currently required by the Act, may become required for MDCPs due to the proposed Act amendments. This withdrawal and resubmission process also results in resetting the clock and extends actual assessment timeframes for proponents.
>
> Proponents need some flexibility to incorporate new information and make adjustments (including adjustments to adopt DMIRS advice as part of the assessment process).

The CME requested further clarification on that.

Mr W.J. JOHNSTON: I thank the member for the question, and understand why it has been asked. Interestingly, the view of the department is that it does not currently have the power to do what the CME is claiming that it does. This is one of the challenges we have following the Forrest & Forrest case, because we need strict compliance. The implications of the Forrest & Forrest finding, although it has never been tested, is that it applies to every aspect of the application process.

We are trying to provide the flexibility that the CME is asking for. Again, however, we do not want it to completely change everything, particularly if it is asking us not to stop the clock. Think about this. I hate to say this, but I have

seen it happen. A proponent comes along and says that it is trying to get a rapid approval because it does not want to burn capital; it wants to get it done. The company proposes two open pit holes, and says that it wants to get it done. It selects a site for the waste, and then comes back three months later and says that it has done some more drilling and the place it was going to put the waste is where the high-grade ore is, so the waste dump will have to be moved over to the other side, and there will now be four holes. Then the proponent wants the department to respond quickly. Does the member understand what I mean? We are providing the flexibility the chamber is asking for, but it is saying that it is not as flexible as it is now. The point is that we are unsure whether we have the authority to exercise the flexibility we are currently exercising. We are giving ourselves specific authority, but we are asking proponents to work out what they want before asking us. If, during the development of the proposal, it needs to be adjusted, we are happy with that, but they should not come back to us with a new proposal.

In 2013, I became shadow Minister for Mines and Petroleum, so this is my tenth year with the portfolio. The number of times people have talked to me about projects to which significant changes have been made from what was planned while the application was live is quite large, and I am quite surprised. The great thing about the West Perth people is that they have entrepreneurial spirit and they get things done on short time lines. The problem with the West Perth people is that they have an entrepreneurial spirit and they get things done on short time lines. Sometimes that leads to trouble for the agency that is protecting the interests of the resource owner—the people of Western Australia. We are trying to give ourselves the flexibility that the Chamber of Minerals and Energy says that we currently exercise. We are unsure of the legal authority for exercising that discretion, but we are trying to limit that discretion so that we do not have people completely changing everything they want to do and arguing that it is exactly the same proposal.

Mr R.S. LOVE: Just to follow up, if I understand correctly, an arrangement has been allowed to exist under which changes have been made and accepted, even though there is no official framework for that to happen. Are the limits that the government is trying to set here in words roughly cognisant with where the limits are at the moment and with what would normally be done?

Mr W.J. JOHNSTON: Again, that is a very good question. Yes, that is our intention. We are trying to describe what we think is happening now, and the Chamber of Minerals and Energy says that it is actually more flexible. We are unsure that it is correct. We are trying to be flexible; we are trying to do what the chamber wants. It is saying that it is not quite what it wants. There has to be a limit, because we cannot just say that any change can be made. It has to be a reasonable change related to the proposal, and it must be reasonably recognisable as the same proposal.

Another issue is the question of those that have a part 4 approval. There is now a new argument arising from the Mulga Rock approvals about exactly how much it can be varied from the part 4 approvals because it may be that the Mulga Rock matter has shown there must be much less change between the original proposal that is approved under part 4 and the proposals that are put to us. We are constantly learning exactly where the law sits, and we are trying to give ourselves some flexibility to take into account that this is an imprecise science and that the proponents are trying to get things done as quickly as possible to save capital. We are trying to be responsive to that, but we cannot be a complete gymnast; we have to have some framework to work within.

Mr R.S. LOVE: I move now to proposed section 103AO(2)(a). Again, this is the same concern around the term "the mining lease" that I outlined. Can the minister confirm that his earlier remarks also apply here? This is potentially across multiple leases.

Mr W.J. JOHNSTON: Yes, I can confirm that. The approval is across all the tenements that are in play for the proposal. The approvals are given at the project level, but they apply equally to each of the leases and therefore the obligations apply to each lease, even though they might be described in the overall approval.

Mr R.S. LOVE: I move to proposed section 103AP, the approvals statement. I am talking about the document that is the approvals statement. I assume that at some point some of the consultation has involved showing samples or proposed forms of the document to outline the structure of the document and how it will work. The Association of Mining and Exploration Companies has expressed concerns about that. I will read from its submission on the first draft. The submission states —

> The intent behind the new Approvals Statement concept is noted, to function as a single source of truth for all approved mining operations and corresponding conditions, anticipated to be regularly updated through a project's life. Industry seeks assurance that the updates that will be required to the Approvals Statement as operations or conditions change, will not result in more administrative workload and costs than is currently required under the existing process.

I am not sure exactly whether that relates to this proposed section, but it is certainly to do with the approvals statements. Would the minister like to comment on that?

Mr W.J. JOHNSTON: Again, that is a perfectly reasonable question. I am trying to provide a proper response. At the moment, the approval is a prescriptive document with hundreds of pages about the way the activity is performed, whereas here we are moving to an outcomes-based approval. Therefore, we will be describing in simpler language the outcomes that need to be achieved. Therefore, if an amendment is needed, it will be a matter of simply

amending the outcome to be achieved rather than all the procedures. I will give the member an example that I will invent on the spot while I am talking. At the moment, the document might refer to a road that can be only three metres wide, whereas in the future it might be described as a haul road that cannot impact blah, blah, blah. Does the member see? In our view, the approvals statement is in a simpler format and therefore seeking amendments to it will be a simpler process because people will be describing the outcome they want rather than the procedure they are using to achieve the outcome.

Mr R.S. LOVE: I thank the minister for that description. My understanding is that AMEC would have seen some sort of proposed form. Given what the minister just said, it is surprising that AMEC goes on to say —

> Industry is concerned the requirements proposed within the new approvals statement process are too prescriptive, and this has the potential to create long-term issues. With prescriptive requirements, there is potential for clerical error, but constrained ability to enact amendments.

That does not seem to correspond with what the minister is saying. I have not seen the document, so I do not know. I wonder whether the minister might like to comment on that observation.

Mr W.J. JOHNSTON: I am advised by the agency that there was consultation about what form an approvals statement might take. There is no question that whether we move from one form of regulation to another there will always be nervousness about the new format procedures. I am stating on the record here that it is our clear intention to have an approvals procedure that is less troubled by the process and is more focused on the outcome. If I can use a health and safety example, the big change in the oil and gas sector post–*Piper Alpha* was to move to the safety-case approach, which was about describing what could go wrong and how to fix it if it did. Some people in other industry sectors look at the oil and gas process and say that it is too prescriptive, yet it was invented by the sector to get away from black-letter law regulation. It is a bit the same here. This is a new concept for the way the approval is being explained. We are explaining it by the outcomes that we want for a project, as opposed to the inputs we want a project to go through. We think this is a better way. In fact, our view is that industry has been begging us for this for years. I am sure my friends in Kalgoorlie are nervous, but I am confident that our friends in the Chamber of Minerals and Energy can cope with the idea. I accept that AMEC is concerned, but we believe we are heading in the direction it wants. We will have to see how we go with some of these things, but the idea is to move away from those very, very detailed and prescriptive approvals processes to an outcomes-based approvals process for what the government and the proponent are trying to achieve in the management of and impact on the project.

Mr R.S. LOVE: On this same topic, proposed section 103AP(1) includes the types of things that will be in the approvals statement, such as the activity, the conditions, any relevant information, closure outcomes and dates et cetera. If the form of the approvals statement proves to be cumbersome and a change is needed, there would seem to be some flexibility in there to make some changes to the actual format of the statement. If that was deemed to be possible and was done, what effect would that have on the already issued statements?

Mr W.J. JOHNSTON: We are prescribing what needs to be in the approvals statements, but not the way they are worded. If we changed the way it was worded, it would not have any impact on any pre-existing approval because that would be subject to its own words. If we learn as we go and amend it, it will not impact anything that has been done already. In my view, this is very flexible. It sets out only what information needs to be in it, not the way that the information is presented.

Mr R.S. LOVE: I would like to move on to what appears to be a controversial matter, proposed section 103AQ, "Cancellations and variations recorded on approvals statements". I start with the concerns outlined by the Chamber of Minerals and Energy on proposed section 103AQ(1), which reads —

> (1) The Minister may, on the Minister's own initiative or by application in writing by the lessee of a mining lease or the holder of a miscellaneous licence to which an approvals statement relates —
>
> (a) cancel an approval given to an activity under section 103AO(1); or
>
> (b) cancel or vary a condition that is recorded on the approvals statement under section 103AO(4); or
>
> (c) vary any relevant information that is recorded on the approvals statement under section 103AO(6).

Regarding proposed section 103AO(1), the CME has stated that it does not support the current draft version. Again, I am not entirely sure whether there have been any changes since then, but the CME is saying —

> CME does not support the Minister's unilateral power to vary or cancel an approval without prior consultation with the proponent. CME also does not support the absence of appeal provisions to enable proponents to appeal such a decision.
>
> The proposed amendments and accompanying Consultation Summary provide no detail regarding the conditions under which the variation or cancellation of an approval would be warranted. CME understands this detail and the supporting policy work is yet to be developed, and that this power is not expected to be delegated.

It goes on to say —

> CME strongly recommends the section be reworded to require the Minister to consult and reach agreement with the proponent prior to varying or cancellation of an approval.

I will let the minister make a comment on that.

Mr W.J. JOHNSTON: Dealing with the last issue first, of course, the minister still has to provide procedural fairness. Section 111A of the Mining Act 1978 is an incredibly broad power but can be exercised only after providing procedural fairness. I think that power includes the power to cancel a tenement. The minister already has the power to cancel a tenement, which would, in effect, cancel the approvals, so it is not correct to say that it is providing the minister with a new power.

People often write to me to say that I should exercise my authority under section 111A and cancel something or other that is happening. That is quite regular, and it is amazing who does that. Often, it is a mining company about another mining company, but it is not just that. Generally, it is members of the public complaining about some outcome for their local community that they are not satisfied with. The point I make is that the minister already has this power. I think that is something that the chamber has not properly considered. I can cancel the lease, and that means that no mining can take place. This is a narrower right. Again, I can execute this right only by providing procedural fairness, because all my decisions are subject to review by the Supreme Court on the basis of whether I have provided procedural fairness. A lot of things like the Warden's Court matters end up on my desk, and I have to make a decision. It cannot argue with me about my decision on its merits, but it can argue that I have not provided procedural fairness. That is one of the reasons I will not meet with parties to Warden's Court matters. The former minister Sean L'Estrange got into trouble because his staff met with one of the applicants to a Warden's Court matter, and the Supreme Court overturned the decision because his staff met with one of the applicants. Many people make applications under the Mining Act; it is not just mining companies. Pastoral leaseholders could make an application to the Warden's Court to review something and then say, "I want to see the minister", but I will not meet with them. They get cranky because they think the minister is being unfair: "You are always talking to mining people. How come you will not talk to me?" It is because they are an applicant in a Warden's Court case. I make the point that it is not an unfettered power. The minister still has to provide procedural fairness, and it is a narrower power than I already have under the other provision in the act.

I had formal duties during lunch, and I was unable to talk to the member then, but I am still happy to talk to the member behind the chair. I will give an example of a matter, and I will remove the names of the guilty parties. A tenement holder had an agreement with an Aboriginal traditional owner party. They transferred the tenement to somebody else, and that meant that the obligations under the agreement they had with the traditional owners continued to apply, but there had never been any contact between the new holder and the traditional owners. The tenement holder then made an application to the department to take activity. The departmental delegate gave approval because it was a relatively vanilla application; it was outside the strict rules, but it was asking for discretion that was ordinarily given. The departmental delegate acted on the discretion and gave the approval. Unknown to the delegate, about a week prior to them giving approval, the site in question had been listed as an Aboriginal heritage site, but they were not aware of that when they gave approval. The heritage site listing had occurred and, therefore, the approval should not have been given, but it was given.

Mr R.S. LOVE: Can I hear more from the minister?

Mr W.J. JOHNSTON: The applicant took action. The traditional owners complained. The tenement holder had complied with the rules, and it may well be that the tenement holder had acted in accordance with the approvals, but the approvals should never have been given.

Mr R.S. Love: But they were.

Mr W.J. JOHNSTON: This will allow the minister to cancel the approvals and get out from underneath the mess in this hypothetical example. Sometimes, the minister might need the ability to cancel not the tenement itself but just the approvals that have been given. However, in doing so, the minister still has to exercise natural justice and provide procedural fairness to the person so that they can understand what the minister's intentions were and make submissions on the minister's decision.

Mr R.S. LOVE: A question occurred to me while the minister was talking about that process. The approval had been given without the knowledge that circumstances had changed between the time of lodgement, assessment and granting. In a case such as the minister described, what would happen if a settlement or a native title agreement came across an existing approval—one that was already granted and had been acted on for some time—but the circumstances of the land or area underneath it changed. Would that be affected at all?

Mr W.J. JOHNSTON: This goes to the question of compensation. The tenement has been validly issued and therefore can be exercised, but that may lead to a compensation claim by the native title party. Let us assume that a piece of land has no recognised native title claim and maybe not even a claim at the time the title was issued. The title is valid, but if the courts subsequently realise that native title exists—remember that the courts do not create native title, but they recognise that it pre-exists—it may be that the native title party has the right to compensation. Who knows? That would be a matter for the courts. That is just an example.

There can be an impact, but that impact would already exist. It has nothing to do with this provision, and it is not related to this. That is one of the complexities of the game, and one of the reasons we are having so much trouble dealing with Forrest & Forrest. We are not sure about any other title, but we know the title that was affected by the Forrest & Forrest decision was not validly issued because the High Court said it was not validly issued. Therefore, if we were to reissue or validate the tenement in that case, we would have to take into account the native title rights at the same time.

Mr R.S. LOVE: Still on the point of cancellation, I refer to some concerns voiced by the Association of Mining and Exploration Companies in this regard. It wrote —

> … we are concerned with the proposed ability for the minister to cancel an approval, without providing a reason. This practice would oppose the progress made towards transparency, and diminish confidence across the sector. AMEC recommends this is not implemented, and the Minister should still continue to publish reasons why a cancellation has been issued.

I have written this in my *Hansard* so I must have found this at some point; I understand the minister has to publish the reasons the cancellation is issued under the current act, so why is that practice not carried through in this provision here?

Mr W.J. JOHNSTON: Often in the act the minister does not have to provide reasons. We talked before about the fact that that I have to provide reasons for those things that we were talking about before but a lot of the provisions do not allow the reasoning behind the matter to be justiciable—only the procedural fairness question. I suppose we are trying to continue that. As I said, section 111A is a very, very broad power for the minister to take a lot of actions under the act and the minister is not required to provide reasons under section 111A, but I am required to provide procedural fairness. We are effectively continuing that arrangement into this provision. If we think about it, as I am arguing, it is a subset of the powers under section 111A.

I have had both the Chamber of Minerals and Energy and the Association of Mining and Exploration Companies, in person and in writing, raise concern about this matter. I had a detailed discussion with the departmental officials at the time that I was signing off on the approval to go to cabinet, but I was persuaded by the department that the power is required for use in exceptional circumstances. I am here saying on *Hansard* that it is intended for exceptional circumstances. We are not writing that into the act. It is not an unfettered power, because we have to provide procedural fairness. We will not require the minister, whoever it is, to provide reasons because that then makes the decision justiciable. In the end, that is a matter for policy and, therefore, we would not want that matter to be dealt with through appeals to the courts, but we certainly want to make sure that the party involved has procedural rights. Therefore, before the minister exercised it, he would have to give proper thought to what is being asked for by the applicant.

In my corrective services role, I have powers that I exercise on discretion that were given to me by the member's government under the provisions about lack of confidence in prison officers. I sweat over my decisions there and I will tell the member what—any minister would be very, very cautious about making any decision because if they started to use this provision, they would undermine the high standing that Western Australia has. But I just want to emphasise that this is an extraordinary power, but it reflects a power that the minister has elsewhere in the act. The other power in the act is much broader. This is a narrower one, and it is designed to fix problems that may arise in very, very rare cases.

Mr R.S. LOVE: I move on to division 5, "Mine closure plans" and proposed section 103AR, "Contents of mine closure plan", and other matters that progress beyond that in the operation of the closure. I will talk about this provision more or less as a unit, I suppose, in some ways. Again, I refer to what the AMEC group wrote about this matter. It said —

> We made a recommendation that the mine closure process could be streamlined by DMIRS working with the EPA, DWER and DPLH to prepare a holistic document that will cover a project from operations through to closure and relinquishment, to avoid the onus of navigating the process resting solely on the proponent.

I wonder whether the mine closure plan and the mining development and closure proposal conditions and obligations align with the obligations under other legislation? Will the plans address that integration?

Mr W.J. JOHNSTON: The member referred to two separate agencies. The Department of Lands does not have involvement until after the mine closure. At some point at the end of the mine's life, the proponent satisfies the Department of Mines, Industry Regulation and Safety that the mine is now in a final state. There still could be a hole in the ground because particularly in remote parts of the state we do not require the void to be filled in. Of course, now often in iron ore mines where they do not go that deep, they do the continual rehab and the void is not that big. A goldmine, for example, will have a large mine void left at the end of the project. Once we are satisfied that the mine is in its final format, the title is relinquished and at that point the land is handed back to DPLH. It is finished and then the mining proponents' obligations cease. Of course, until the time it is relinquished, it has obligations, and because of the introduction by Hon Norman Moore of the mine rehab fund, that encourages continual rehab because the miner has to pay for all the disturbed land. Let us say it is a 30-year project, it might get some landform finished after 10 years and then hand that land back. That may be a waste dump or a rock dump. That might get handed

back early and then that is no longer part of the closure plan because it has been closed. But, in the end, at some point the proponent will convince the department that the project is now finished; the rehab will be over. Whatever the final landform is, that is what it is, and then it is handed back to DPLH and then the mining company does not have an obligation to DPLH, because it was acknowledged by DMIRS that its obligations are complete.

The Environmental Protection Authority would probably be silent on the obligations on closure because it is satisfied that DMIRS and the Mining Act have sufficient obligations for the final landform. The EPA probably would not put an obligation in its approvals for the mine closures process because it is satisfied, generally speaking, with DMIRS. Of course, it might be in a particularly sensitive part of the state and, therefore, it would be interested in the post-mine state and it might give rehab obligations. I am not saying that this has happened, but I just give the example of a sand mine where the mineralisation is only three per cent of the dirt. It is only shallow, so they take out 10 metres, extract three per cent, put 97 per cent back, put the farm back on top, and it is basically the same landform at the end. It might be in a sensitive area, so the Environmental Protection Authority might be interested in saying, "Your approval includes the need to rehab to this standard", but, generally speaking, the EPA does not deal with the closure because it is satisfied with what the department is doing. Again, I do not think it would need to, but it might say, "You have to rehab consistent with the obligations placed on you by the Department of Mines, Industry Regulation and Safety", but that is going to happen anyway, so it does not need to write that in. Generally speaking, the EPA is not going to have closure obligations in its part IV or part V approvals, or whatever, because our legislation deals with it.

Mr R.S. LOVE: I move on to proposed section 103AT, "Lodgement of mine closure plans". Again, this is one of the things that the Chamber of Minerals and Energy has discussed. I refer to proposed section 103AT(3), which states —

> The Minister may extend or vary the date recorded on the approvals statement by which a mine closure plan must be lodged.

The Chamber of Minerals and Energy has said that it does not support that as it is currently drafted. I assume that it is the same as it was, but perhaps it has changed. It also said —

> CME does not support the Minister's unilateral power to vary a condition on a mining tenement without prior consultation with the proponent.
>
> The proposed amendments and accompanying Consultation Summary provide no detail regarding the conditions under which the variation of a condition would be warranted.

It recommended —

> … the section be reworded to require the Minister to consult and reach agreement with the proponent prior to varying a condition on a mining tenement.

Mr W.J. JOHNSTON: With all due respect to the CME, I understand some of its other challenges, but I do not think it has this one right. Let us assume that a mine closure plan has to be in by 1 September 2023; this is saying that the minister could unilaterally say, "Don't give it to us by 1 September 2023; give it to us by 1 March 2024." It is not creating a new obligation; it is allowing them more time. An example at the moment is that, because of the challenges we are having in meeting our approvals time lines, we have delayed the consideration of mine closure plans to release resources to do other approvals. If we did not have this provision, we would not be able to do that; whatever the date was for the closure plan, that would have to be the date. This will allow us a bit of flexibility.

If a proponent has approval to start its project and it is subject to satisfying the Department of Mines, Industry Regulation and Safety that its mine closure plan is going to be good, we are saying, "You've got six months extra", just to take a date as an example. I do not think the provision will do what the chamber is complaining about. This provides that we can unilaterally delay the obligation; that would seem to me to be a concession, not an imposition.

Mr R.S. LOVE: I move on to proposed section 103AU(3). I might have my notes mixed up, because this makes provision for the variation, not the time. My apologies; I got my numbering mixed up, but I think theirs is a bit mixed up, actually. Proposed section 103AU(3) states —

> A condition imposed under subsection (1) may be cancelled or varied by the Minister at any time.

Going back to the variations or cancellations of conditions of a mine closure plan that can be varied at any time, can the minister explain the circumstances in which he would envisage that a plan might be varied, and go through the procedural issue he was talking about with regard to his responsibility to take into account all the conditions and necessary situations?

Mr W.J. JOHNSTON: That is a perfectly reasonable question. I understand why the body is asking that question, but it is actually a power that the Department of Mines, Industry Regulation and Safety has under the existing rules. My advice is that we are just translating an existing power into the new approvals process. We did not think it would be controversial, because it is not a new power, and we would still have to provide procedural fairness.

Clause put and passed.

Clauses 35 to 40 put and passed.

Clause 41: Second Schedule Division 3 inserted —

Mr R.S. LOVE: Clause 41 inserts, at the end of the second schedule, proposed division 3, "Provisions relating to Mining Amendment Act 2021". It provides for commencement dates et cetera, but proposed clause 21, "Continuation of conditions for prevention or reduction of injury to land" seems to be very important to some of the stakeholders. Can the minister explain how it will be guaranteed that these conditions will continue after the commencement date?

Mr W.J. JOHNSTON: I thank the member for the question. This simply ensures that the obligations that are already on the tenement holder will continue after the new legislation becomes an act. The tenement holder will already know what they are, because it will already have been recorded on the register. We cannot create new obligations; we simply transfer the existing obligations to being obligations under the new arrangements. The member will remember that we previously discussed moving all the approvals stuff, which is done by a condition on a tenement, from being in a provision about each of the tenement types to being a single provision of the legislation to do with approvals. Therefore, we have to make it clear that the pre-existing approvals that were done under the old structure of the act will still apply under the new structure, as though they were made under the new structure. The tenement holder will already know about the existing provisions, because they have already been recorded on the register. There is no power to create something new; this is a power to take the existing stuff as though it had been issued under the new provisions.

Mr R.S. LOVE: In the transition, would there be any rewording or anything that might present any technical issues?

Mr W.J. JOHNSTON: I can assure the member that there is no new wording; it is taking the existing obligations that were issued under the current structure of the act and automatically issuing the exact same provisions as obligations under the new structure of the act. It is not changing the obligations in any way; it is just making sure that they continue to be enforceable under the new structure. As I say, this will not create new obligations, because the existing wording, as it appears on the register, will continue to be the wording under the new arrangements. In fact, I do not think it even says that anything new needs to be issued; it is just recognising the pre-existing paperwork as being enforceable under the new arrangements.

Mr R.S. LOVE: I note that clause 25, "Transitional provisions for previously approved mining proposals", includes a definition of "transition period" on page 39, which states —

> ***transition period*** means the period beginning on commencement day and ending —
>
> (a) 10 years after that day; or
>
> (b) on a later day approved by —
>
> (i) the minister, or
>
> (ii) if the Minister does not approve a later day — the Director General of Mines.

I have a couple of questions about that. First of all, I think that it must have been proposed during consultation that the transitional period be six years. I know that the Association of Mining and Exploration Companies suggested the period should be at least 21 years. What was the reasoning behind that and why was 10 years considered to be the appropriate period?

Mr W.J. JOHNSTON: Again, I make it clear that there is a lot of consultation on a lot of different legislation, and that it is done on the basis that we are trying to engage with the parties to set our policy agenda. In the end, the government sets the policy agenda, and it is a decision of the government. I am not in a position to go through blow by blow why the government makes particular decisions. Having said that, however, it is true that during the original consultation a shorter period was considered. But after consultation, we decided upon a longer period. A period of time had to be set, and given that a mining tenement lasts for 21 years, it is interesting that AMEC asked for a period that is equal to the length of time of a mining tenement. That seems to me to be a transition period that is not a transition period.

Mr R.S. LOVE: While we are talking about the transition period, it is a period of time during which new arrangements will be put in place and will be worked on by the department and the holders of approvals et cetera. What will happen if there is a delay for some reason and a transition is not possible within 10 years? What will happen then?

Mr W.J. JOHNSTON: The member will see that the definition of "transition period" states —

> (b) on a later day approved by —
>
> (i) the Minister; or
>
> (ii) if the Minister does not approve a later day — the Director General of Mines.

It can be extended by a public servant or the minister. This is an unusual provision, is it not? Perhaps it should be amended. It seems as though the DG will have the power to do it unilaterally, so, if the minister does not do it, the DG may. If there is trouble during the transition and we need to extend it, there is a very, very clear power for that to happen.

Mr R.S. LOVE: Is that what the minister envisages? We are talking about what will happen 10 years in the future. The minister will not be the minister at that stage—we never know—but is it envisaged that the minister of the day or the director general will be able to exercise due discretion and ensure that there will be some change? The minister raised the point—I had already underlined it—that the wording implies that if the minister does not approve a later day, the director general may. Does that mean that the director general could contradict the minister, because it would appear from the wording that that could happen only if the minister does not, which is an active refusal rather than a lack of approval?

Mr W.J. JOHNSTON: I suppose if the minister wanted to fox the DG, they could exercise their discretion and issue a one-day extension and the DG would lose that discretion. People know that I turned 60 this year and I give members the tip that I am not going to be the minister in 10 years' time, because I am not going to be standing here at the table arguing about legislation when I am 70. I do not know who will be the relevant minister, but I know that it will not be me. Perhaps it will be the member for Cockburn!

Mr R.S. LOVE: Maybe the more learned people in the other chamber will wish to discuss this at some length and it will come back to us for reconsideration. I have now concluded all the matters I want to discuss. I thank the advisers and the minister for the answers.

Clause put and passed.

Title put and passed.

[Leave granted to proceed forthwith to third reading.]

Third Reading

MR W.J. JOHNSTON (Cannington — Minister for Mines and Petroleum) [4.16 pm]: I move —

That the bill be now read a third time.

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [4.16 pm]: I will not delay the house for very long. We fully discussed the issues that needed to be addressed in the Mining Amendment Bill 2021. I just want to say that, given the important nature of the mining industry and the very important matters that we discussed in terms of the regulation of the industry and the effect that that might have on the further development of the industry in the carriage of its work, it was very important that those matters were clarified. I thank the Minister for Mines and Petroleum for the opportunity to put those things on the record for some of the key stakeholders. I mentioned the Association of Mining and Exploration Companies and the Chamber of Minerals and Energy, but others had spoken to me about these matters and wanted those issues addressed as fully as they could be. I thank the minister for his indulgence and for reading into the record whole passages of information and for his response to that.

I also thank the advisers who contributed to the discussion through the minister. I put on record once again the opposition's support for this bill. I hope it passes through the other place quickly and for the success of the regulations and other matters that need to be considered to make these changes.

MR W.J. JOHNSTON (Cannington — Minister for Mines and Petroleum) [4.17 pm] — in reply: I thank the shadow Minister for Mines and Petroleum for his comments. I will start by placing on the record my thanks to the advisers for the work that they did to equip me in handling the Mining Amendment Bill 2021 in the chamber.

I thank the shadow minister for raising a number of issues that obviously had been raised in private with the government by the Chamber of Minerals and Energy, the Association of Mining and Exploration Companies and others. I want to address only one issue and that is the power to cancel approvals. What happens in these matters is that often people look at only what is being amended and do not think about what is in the act. I want to draw the attention of the CME and AMEC to section 111A of the Mining Act, which provides the minister with broad powers to do lots of different things, including cancelling tenements. So far in my time as minister, I have only ever proposed to do that once. I wrote to an applicant proposing to do that and they wrote back and said, "How about we throw out our application?", which they did. It is a very rarely used power, but it exists and it has not undermined the security of investment and security of tenure in Western Australia.

The point I am making about the power to cancel conditions that is proposed in the bill is that it is a much narrower power than already exists. The minister can already do what is being proposed. People say that this provision is not in the act, but it is in a different format. It is a rarely used power. I had extensive conversations with the department on the professional advice it had received about needing to include this provision. I am satisfied that it is an extraordinary power that I cannot imagine being used, but it is a power that might occasionally be needed. I again emphasise that it will still require procedural fairness, like all other decisions under the act. Therefore, the applicant will need to know what is occurring before anything does occur. I am confident to say that I do not think it will be used more than once in a very long time.

The final point is about the transition. Twenty-one years is an interesting period. Mining leases are for 21 years, with an option of 21 years, so that is probably why people wanted to have 21 years. Ten years is a long time.

On the comments from the shadow minister about the director general's responsibilities, if members in the other house want to argue about that, it will be a very interesting, esoteric argument. I do not think anything will turn on it. Given it is to allow a longer period for the transition, not a shorter period, and that that is what the Association of Mining and Exploration Companies was requesting, I am not quite sure what will turn on it from an actual perspective as opposed to an academic perspective.

Other than that, I thank the shadow minister for his engagement and questions. I know how hard it is to be a shadow minister! It is good to get these matters on the record.

Question put and passed.

Bill read a third time and transmitted to the Council.

BILLS

Returned

1. Forest Products Amendment Bill 2021.
2. Transfer of Land Amendment Bill 2021.

Bills returned from the Council without amendment.

House adjourned at 4.22 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

CITIZENSHIP AND MULTICULTURAL INTERESTS — WESTERN AUSTRALIAN SKILLED MIGRATION OCCUPATION LIST — ENGLISH

530. Mr V.A. Catania to the Parliamentary Secretary to the Minister for Education and Training:

I refer to Immigration's subclass 190 visa applications and the requirement for applicants to be proficient in English if applying for a Western Australian Skilled Migration Occupation List (WASMOL) Managerial role, and I ask:

(a) Why is there the requirement to sit two (2) English Language tests – one for the initial application (as an expression of interest) through Immigration and then a further test if residing and working in Western Australia;

(b) Why does the Immigration website state subclass 190 applicants only need to be "competent" in English to apply for a subclass 190 visa in all states in Australia, other than Western Australia, where they need to be "proficient";

(c) What are the numbers of applicants:

(i) passing English as competent;

(ii) passing as proficient; and

(iii) passing English as competent, then failing as proficient;

(d) Why is Western Australia's State Migration English Language requirement for 190 subclass visa applicants set much higher than all other states in Australia; and

(e) How is this requirement encouraging applicants to apply for a visa to work and reside in Western Australia given many businesses are suffering with a shortage of workers?

Mr T.J. Healy replied:

(a) There is no requirement for applicants to sit two English Language tests.

(b) The Commonwealth Government sets the "competent" English requirement for the subclass 190 Skilled Nominated visa.

States and territories are able to determine higher English requirements to manage their State Nominated Migration Programs. Western Australia, Victoria, South Australia, Queensland, the Australian Capital Territory and the Northern Territory have set higher English requirements for specific occupations.

Western Australia requires a 'proficient' English level for those occupations under the ANZSCO (Australia and New Zealand Standard Classification of Occupations) Major Occupation Group 1 (for Managers) or Group 2 (for Professionals).

Candidates who hold a passport from the United Kingdom, Ireland, the United States, Canada and New Zealand are not required to provide an English proficiency test.

(c) (i)–(iii) The Department of Training and Workforce Development does not administer English tests for the purpose of the State Nominated Migration Program.

(d) Refer to the answer provided for (b).

(e) As part of the Commonwealth visa application process, State nominated applicants must provide a positive skills assessment issued by an authorised skills assessing authority to demonstrate they are skilled in their nominated occupation. Western Australia's requirement for 'proficient' English for Managers and Professionals has been aligned with the English language proficiency levels required by most skills assessing authorities for these occupations.

Migrants who do not speak English as a first language also have improved settlement and employment outcomes when they have a higher level of English language proficiency.