



Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
2024

LEGISLATIVE ASSEMBLY

Tuesday, 20 February 2024

Legislative Assembly

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The DEPUTY SPEAKER (Mr S.J. Price) took the chair at 1.00 pm, acknowledged country and read prayers.

LEGISLATIVE ASSEMBLY CHAMBER — SPEAKER'S ABSENCE

Statement by Deputy Speaker

THE DEPUTY SPEAKER (Mr S.J. Price) [1.01 pm]: I advise that this week Madam Speaker will not be present in the chamber, as she and the President of the Legislative Council are leading a small parliamentary delegation to our twinned Parliament in the Cook Islands. I will be in the chair to start proceedings, table papers, preside over question time and to approve the matter of public interest. In the absence of the Speaker, I will have only a casting vote this week.

PAPERS TABLED

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

RESIDENTIAL TENANCIES AMENDMENT BILL 2023

Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the bill.

BILLS

Notice of Motion to Introduce

1. Firearms Bill 2024.

Notice of motion given by **Mr J.R. Quigley (Attorney General)** on behalf Mr P. Papalia (Minister for Police).

2. Short-Term Rental Accommodation Bill 2024.

Notice of motion given by **Mr J.N. Carey (Minister for Planning)**.

3. Conservation and Land Management Amendment Bill 2024.

Notice of motion given by **Mr R.R. Whitby (Minister for Environment)**.

FEDERAL–STATE RELATIONS

Notice of Motion

Mr R.S. Love (Leader of the Opposition) gave notice that at the next sitting of the house he would move —

That this house condemns the Cook Labor government for its failure to manage state and federal relations, which is putting at risk the key industries that support our state and dismissing their significant social and economic contributions to our community.

REGIONAL DEVELOPMENT

Notice of Motion

Mr P.J. Rundle (Deputy Leader of the Opposition) gave notice that at the next sitting of the house he would move —

That this house condemns the Cook Labor government for its failure to foster regional development by missing the mark in its delivery of targeted support and investment, which is directly threatening the economic sustainability of Western Australia.

PILBARA HYDROGEN HUB

Statement by Premier

MR R.H. COOK (Kwinana — Premier) [1.05 pm]: I rise to update the house on the landmark agreement between the Western Australian government and Australian government, speaking of federal–state relations, announced yesterday, which marks the beginning of the Pilbara hydrogen hub, creating more jobs for Western Australians and securing a pathway for industry diversification and decarbonisation.

Before going into the details of this important project, I would like to start with an acknowledgement of the Aboriginal people in the Pilbara. The projects will take place on the traditional lands of the Ngarluma and Kariyarra people. This includes Murujuga, where the traditional custodians are represented by the Murujuga Aboriginal Corporation. The important role that Aboriginal people will have in the successful delivery of the hub is recognised.

The joint funding will come from the Australian government's clean hydrogen industrial hubs implementation grants round 1, with matched funding committed by the Western Australian government totalling \$140 million.

As a first step, the Australian and Western Australian governments are investing in the pipeline, people and port to support the hub's long-term success. This investment includes a proposed hydrogen or ammonia pipeline from the Maitland Strategic Industrial Area to the Burrup Peninsula, which will help decarbonise existing industry on Murujuga, and a clean energy training and research institute to provide job-ready training in the Pilbara for renewable energy and hydrogen. I would like to acknowledge the Minister for Regional Development, Hon Don Punch, and the Minister for Training and Workforce Development, Hon Simone McGurk, for leading the planning and delivery of the institute. The funding will also include infrastructure upgrades at Lumsden Point, including road and intersection upgrades to enable the importation of wind turbine blades and renewable energy componentry into the Pilbara. Construction on the upgrades will begin this year. I acknowledge my colleague the Minister for Ports, Hon David Michael, on this work. Further, hub expansion studies across the Pilbara will guide the next steps and allow the state to identify, prioritise and plan for further investment opportunities that will support the hub.

The Pilbara hydrogen hub is a key part of my government's plan to turn WA into a global clean energy powerhouse. When it comes to producing and exporting world-leading products at a global scale, WA leads the way. This project will see WA-produced hydrogen on Asia's doorstep, helping to strengthen and diversify our economy for the future.

FITZROY CROSSING BRIDGE

Statement by Minister for Transport

MS R. SAFFIOTI (West Swan — Minister for Transport) [1.08 pm]: I rise to update the house on the government's efforts to reconnect the Kimberley following ex-tropical cyclone Ellie. Following the flooding, which decimated Fitzroy Crossing in January last year, our government, in tandem with workers on the ground, worked tirelessly to re-establish connections between West and East Kimberley. Those efforts culminated in the opening of the new Fitzroy River Bridge on Sunday, 10 December, six months ahead of schedule and just 11 months after severe flooding destroyed the old bridge. The opening was marked by a morning of celebration, showcasing what can be achieved when government, industry and the community come together.

The opening event was attended by more than 300 people from Fitzroy Crossing, who spoke the native language groups of the broader Fitzroy Valley. There was strong representation from both Gooniyandi and Bunuba traditional owners, whose support and cooperation were vital in delivering this project and the opportunities associated with it. Opening the project to the community before the first trucks drove across it also allowed locals to be the first to walk on the bridge that many of them helped to build.

The new bridge not only reconnected the community, but also created new economic opportunities in the Fitzroy Valley and opportunities for people to develop new skills. This was achieved through extensive and wide-reaching engagement by Main Roads Western Australia and the Fitzroy Bridge alliance, which forged strong and productive partnerships with the local community and industry organisations. We achieved fantastic outcomes: more than 250 local Aboriginal workers were engaged on the project; 24 per cent of total hours worked were attributable to Aboriginal people; almost \$34 million was spent on Aboriginal-owned businesses; and over 100 construction white cards were issued, along with 27 traffic control tickets. This is particularly impressive, given the remote location and the expedited delivery. Although we know that the long-term benefits will be significant, the immediate economic and social benefits have been felt by the entire community, thanks to the new employment and training provided through the project. I also acknowledge the member for Kimberley for her role in supporting this project in the Kimberley.

The longer and stronger new Fitzroy River Bridge is also providing assurance for the freight industry, tourism operators and all those who rely on a safe and efficient road network in the north of WA. The bridge passed its first test in late January 2024, when the river level almost reached the tops of the new piers. We have delivered not only a more resilient road network, but also the skills training, business growth and development experienced on the project can now be utilised on construction and infrastructure projects across the region.

I thank the Fitzroy Bridge alliance, Main Roads and, most importantly, all the workers on the ground for their hard work in reconnecting the Kimberley in such a short time frame.

SHANGHAI VISIT

Statement by Minister for Culture and the Arts

MR D.A. TEMPLEMAN (Mandurah — Minister for Culture and the Arts) [1.11 pm]: I am pleased to inform the house that I undertook a trade mission to Shanghai, China, from 22 to 27 January 2024. As part of this mission, I had the opportunity to visit the Shanghai Museum, Shanghai Natural History Museum, Shanghai Sports Bureau, Shanghai Library East, Shanghai culture and tourism bureau and Museum of Art Pudong. Shanghai Library East is one of the largest libraries in the world, holding over 4.8 million books and collection items and attracting more

than four million visitors annually. Facilities such as this are an example of how large-scale public libraries can also function as tourist attractions. The Museum of Art Pudong opened to the public in July 2021 and has become a new cultural landmark of Shanghai. It presents world-class exhibitions and provides an important platform for international cultural exchange. The trade mission was a wonderful opportunity to talk about facilitating potential future culture and arts exchanges and collaborations between Western Australia and the Museum of Art Pudong.

I also had the privilege to meet with Shanghai University and the International Education Association Shanghai. China is Western Australia's third largest market for international students, accounting for nine per cent of our total international student enrolments in 2023. International students will be key to Western Australia expanding its research capability and strengthening international ties, so this visit provided an opportunity to outline Western Australian government initiatives that Chinese students may be eligible for, including the \$50 000 Premier's university scholarship and the \$20 000 Premier's Western Australian Certificate of Education bursary.

The trade mission to Shanghai was a wonderful and timely opportunity to explore the potential for trade and cultural exchange programs and to strengthen Western Australia's connections in the fields of culture and the arts, international education, trade and tourism. I table a copy of my itinerary.

[See paper [2648](#).]

FIREARMS — BUYBACK PROGRAM

Statement by Attorney General

MR J.R. QUIGLEY (Butler — Attorney General) [1.13 pm]: On behalf of the Minister for Police, I wish to inform the house that Western Australia's \$64.3 million voluntary firearm buyback compensation scheme will commence tomorrow, Wednesday, 21 February 2024. All Western Australian individual firearms licence holders will be eligible to receive compensation for surrendered firearms regardless of whether the legislative changes will impact their licence. The voluntary scheme will remain open until 31 August 2024 or until the funds are exhausted. Firearms can be surrendered at any WA police station.

The payment schedule is based on current retail baseline valuations, like those used in the 1996–97 commonwealth buyback, and has been developed in conjunction with industry stakeholders. The schedule outlines the amount payable following the surrender of a firearm, dependent on the type, style and calibre and initial registration date. Unlicensed firearms may be surrendered without penalty and without fear of prosecution. However, in accordance with the extant national firearms amnesty, they will not qualify for the buyback scheme.

The Firearms Bill 2024 will replace the Firearms Act 1973. The Firearms Bill 2024 will introduce a modern legislative scheme that will establish a new licensing regime as well as addressing unlawful firearm activities and will make explicit that possessing and using a firearm is not a right, but a privilege, that privilege being conditional on the paramount need to ensure public safety within Western Australia.

All firearms owners should seriously consider taking part in the voluntary buyback as the proposed changes to the law may make it harder to obtain a firearm licence, particularly for those who purchased a property letter as their sole genuine reason for obtaining a licence. It is anticipated that this voluntary buyback will remove tens of thousands of unnecessary firearms. If there are fewer firearms in the community, there will be fewer opportunities for them to be used inappropriately.

The new legislation will see WA become the first state in Australia to introduce a limit on the number of firearms an individual can own. Other key changes include enhanced storage requirements, mandatory firearms training, compulsory health checks, new licence types, reform of the written authority system, and the introduction of mandatory disqualifying offences. May it please the chamber.

TET FESTIVAL

Statement by Minister for Citizenship and Multicultural Interests

DR A.D. BUTI (Armadale — Minister for Citizenship and Multicultural Interests) [1.16 pm]: Chúc Mừng Năm Mới and welcome to the year of the dragon. Last weekend I joined the Premier, other parliamentary colleagues and thousands of others from across the community to celebrate the Tết lunar new year in Girrawheen. Hosted by the Vietnamese Community of Australia—WA Chapter, the annual event has become one of the most popular festivals on our cultural calendar. Tết Nguyên Đán is the most important celebration in Vietnamese culture and is an opportunity to welcome the coming year.

As with the Chinese zodiac, this year we are welcoming the year of the dragon, which symbolises strength, wisdom and good fortune. Ushering in the year of the dragon is a time of great significance for many, including those born in the year of the buffalo, like me. Although some may joke about the clash between the majestic dragon and the humble buffalo, let us remember that each animal in the zodiac holds its own unique strengths and attributes. The buffalo's steadfastness and determination complement the dragon's dynamism and ambition, creating a harmonious balance—or so I have been told!

Here in Western Australia, we are privileged to be home to a dynamic Vietnamese community, which has significantly enriched the cultural tapestry of this state. The contributions of the Vietnamese community to Western Australia are immeasurable, from the culinary delights that tantalise to the rich traditions that captivate our hearts, like last weekend's festivities.

I know that members will understand that Têt is more than just a festival. Têt festival is an important part of shaping our cultural identity, fostering our intercultural understanding and bringing the wider community together in celebration. Therefore, I am proud that the Cook Labor government supported this year's Têt festival with \$50 000 through the Office of Multicultural Interests and Lotterywest, as part of our commitment to sustaining cultural diversity in Western Australia.

Congratulations to the Vietnamese Community in Australia—WA Chapter and to all the volunteers who were instrumental in the success of the event. I extend my warmest wishes to the Vietnamese community in Western Australia and to all those celebrating Têt around the world.

ENGINEERED STONE

Statement by Minister for Industrial Relations

MS S.F. McGURK (Fremantle — Minister for Industrial Relations) [1.31 pm]: I rise to inform the house that on 13 December 2023, work health and safety ministers across the country unanimously agreed to prohibit the use, supply, and manufacture of all engineered stone in Australia, with most jurisdictions, including Western Australia, agreeing to commence the prohibition from 1 July this year.

When engineered stone is processed, it produces crystalline silica that, when repeatedly inhaled, can cause debilitating, incurable and potentially fatal diseases like silicosis.

Safe Work Australia recently reported that it could not identify a safe threshold for crystalline silica content in engineered stone. Of the 48 reported cases of silicosis in Western Australia since 2018, 43 cases, or almost 90 per cent, involved employees in the engineered stone industry. This is why we are taking a different regulatory approach to engineered stone than to other materials containing silica. This ban is the most recent in a number of proactive steps that this government has taken to address the risks of working with crystalline silica.

Between 2018 and 2021, Worksafe Australia conducted a silica compliance project on engineered stone benchtop fabrication and installation. It found that there were inadequate silica controls and non-compliance in many workplaces, issued 1 000 enforcement notices and identified 24 silicosis cases. In October 2020, the government halved the workplace exposure standard for respirable crystalline silica to 0.05 milligrams per cubic metre. In January 2021, we made Western Australia the first state in Australia to introduce low-dose CT scans, which are more effective than chest X-rays at detecting silicosis. We are now working with our counterparts across Australia on implementing changes, including regulatory amendments and transitional arrangements for businesses and consumers with existing contracts.

I want to assure the community that engineered stone in its final form does not release dust, unless it is disturbed through a mechanical process such as cutting or drilling, so it does not pose a respiratory hazard. The government understands the impact this decision will have on the industry and is committed to working through a suitable transition process. The safety of workers is paramount, and I am proud to be part of a government that is prepared to make difficult decisions in the interests of the health and safety of Western Australian workers.

SPECIALIST DISABILITY ACCOMMODATION — MIDLAND

Statement by Minister for Disability Services

MR D.T. PUNCH (Bunbury — Minister for Disability Services) [1.21 pm]: I rise today to tell members about a specialist disability accommodation development that I had the great pleasure of opening recently. Specialist disability accommodation covers a range of housing designed for people with extreme functional impairment or very high support needs. SDA homes have accessible features that help eligible National Disability Insurance Scheme participants to live more independently and allow other supports to be delivered better and more safely. I have spoken in this place about SDA in the past, but this project is extra special! Developed by Perth Disability Homes and designed and built by JFK Custom Homes, these properties provide high-quality accessible forever homes for people in Midland with disability.

What makes these homes extra special is the partnership that has been formed with Workpower, a Western Australian disability enterprise, to provide all the ground and maintenance services to these properties and others developed by Perth Disability Homes. Members may recall that Workpower's supported employee workforce rapidly expanded last year after it acquired seven industrial worksites formerly operated by Activ Foundation. The Cook government committed \$4 million towards supporting the transfer of employees to the new management of Workpower, which is now one of the largest disability employers nationally with a supported employee workforce of 900 people.

It was an honour to not only officially open these SDA properties, but also have the pleasure of meeting one of the new tenants, Sarah, who has exercised her choice and control and chosen to live independently in her own home.

Sarah joined me in cutting the official ribbon and was excited to be moving into her new home. Sarah's family spoke of their peace of mind in knowing that Sarah now has her forever home. This development is a shining example of the benefits of collaboration and innovation with property developers, builders, disability service providers and disability enterprises to drive the development of new SDA while also achieving long-term positive social outcomes in employment for people with disability. I have no doubt that these new SDA properties will make a great addition to the Midland community, and I am delighted to hear that Sarah will be moving into her new home this week.

SENTENCE ADMINISTRATION AMENDMENT (MONITORING EQUIPMENT) BILL 2023

Second Reading

Resumed from 30 November 2023.

MR R.S. LOVE (Moore — Leader of the Opposition) [1.24 pm]: I rise to speak on behalf of the opposition on the Sentence Administration Amendment (Monitoring Equipment) Bill 2023. In doing so, I understand that the Leader of the Liberal Party would also like to make a few comments on this bill. As we know, this bill concerns a situation in which a person tampers with, tries to remove, or removes a GPS monitoring device from their person. That, in itself, should be considered to be a very serious offence. I suspect the member for Vasse will want to talk about her calls, over the life of this Parliament, for more to be done to ensure that these bracelets are used when required, and that stiff penalties are in place if somebody does not obey that law. I know that this is part of what was suggested would be used to provide a greater system of monitoring using GPS devices. After the high-profile domestic violence murders in 2023, it was revealed that only about 4.2 per cent of charged or convicted domestic violence offenders who were released into the community had been fitted with a GPS monitoring device. At the time the government said it would introduce legislation to compel the courts and the Prisoners Review Board to impose GPS monitoring conditions on family violence perpetrators, subject to community supervision orders, and to strengthen penalties for removing and tampering with a fitted GPS monitoring device. This legislation covers the second part of that and will significantly increase the penalties for removing and tampering with a fitted GPS monitoring device. We support that move and I do not think it should be controversial.

The legislation provides a minimum sentence of three months for somebody who tries to tamper with and remove their device, but there are tests, if you like, so that the judiciary can look at and ask whether the damage is deliberate and is something that a person has tried to do or it has occurred by accident. I presume that there will have to be deliberate tampering and damage to the device or an attempt to do so before those penalties would kick in. The bill deals with section 118 of the Sentence Administration Act 2003 and includes provisions to make it an offence to remove or interfere with that device. Those provisions are already under section 118(6) and (7) of the act and will be modified. The bill will consolidate those into a single provision by inserting reference to damage within subsection (6) and deleting subsection (7). Subsection (7) will be replaced with a new provision to introduce a minimum penalty for breach of the amended subsection (6). Penalties under subsection (6) will be significantly increased, with a maximum penalty of three years' imprisonment and a fine of \$36 000. I understand that the new provisions are roughly modelled on the High Risk Serious Offenders Act 2020. As I said, it will not apply when a GPS device is damaged by an accident or misadventure.

Mr J.R. Quigley: Or an emergency.

Mr R.S. LOVE: Yes. It will take into account a situation in which someone might be trying to get rid of it so that they can escape detection and monitoring.

We believe that this is a belated but important step to ensure public safety. I am sure that the Leader of the Liberal Party will have further words to say on this; I do not think we need to take up too much time of the house. As I said, this is not controversial in any way, in the sense of any division between the opposition and the government on the need to ensure that stiff penalties are applied to anybody who tries to tamper with GPS devices or indeed removes them to escape monitoring. We hope that the bill passes the house rapidly so that it can be entered into law as quickly as possible.

MS L. METTAM (Vasse — Leader of the Liberal Party) [1.30 pm]: I rise to also provide some support for the Sentence Administration Amendment (Monitoring Equipment) Bill 2023 and contribute to the debate. As I have stated, we support this bill, which seeks to strengthen the use of electronic monitoring as a tool to protect victims and improve community safety. Although the outlined changes are certainly welcome, it is tragic that it has taken family and domestic violence to reach such a crisis point in Western Australia before the Cook Labor government has acted. It is also disappointing that the catalyst for these changes was the opposition alliance coverage that the results of the two-year GPS trial, which wound up in 2022, remained unknown for a year. Later, the government simply matched our pledge to double the number of GPS trackers, which we certainly wholeheartedly support. I also acknowledge the government's commitment, which has matched ours, to ensure that penalties for those who breach family violence restraining orders include GPS tracking or imprisonment. As I understand it, that is not part of this bill, but it may be introduced later this year.

The proposed defences outlined in this bill are simple and will send a clear message that removing GPS monitoring devices or rendering them inoperable will be unacceptable, except in certain extraordinary circumstances. The

maximum penalty will treble to \$36 000 and three years' imprisonment. This is a significant development that will send a strong message and protect the community and victims of family and domestic violence. It certainly points to the seriousness of this particular crime.

The bill will also finally allow Western Australia to start addressing this issue, like so many other Australian jurisdictions have done. The Queensland government has committed to exploring options to monitor high-risk perpetrators of domestic and family violence and is considering a full range of potential technological solutions, including the use of GPS monitoring, and will trial the most promising model to improve victim safety. In 2017, the New South Wales government undertook the domestic violence electronic monitoring program as part of its domestic and family violence strategy and blueprint for reform, which saw high-risk domestic violence offenders assessed by community corrections officers, with eligible offenders electronically monitored as part of their supervised parole under an intensive correction order. I also point to the 18-month trial in Tasmania that commenced in 2018. From all reports, it was somewhat successful, with an 82 per cent reduction in high-risk violent incidents, suggesting increased safety for women and their families. This indicates some great promise for what can be done by government in this space.

Family and domestic violence is a scourge and has plagued the Western Australian community for far too long. Its effects are countless, impacting women, families and the whole network of the community. In its wake it leaves shattered homes and a trail of suffering that extends well beyond the immediate victims themselves. The effects are profound and far-reaching across our society, and we recognise its impact on our communities. It is quite clear that there is bipartisan support to ensure that governments do all they can to address this scourge in our community.

It has an impact on people of all ages, genders and backgrounds. It is not limited to physical violence and can include emotional, psychological and financial abuse. It is a complex issue that requires a multifaceted approach to combat, and we must work together as a society to raise awareness of the impact of domestic violence, provide resources and support for victims and, importantly, hold perpetrators to account.

It is essential to recognise that domestic violence does not occur in a vacuum; it is a symptom of a larger societal challenge and represents issues of inequality, poverty and a lack of access to resources. We know that housing challenges also have an impact on these issues, and a significant body of work needs to continue to be done in prevention. One of the most insidious parts of family and domestic violence is how it undermines the principles of equality and respect, which should be the cornerstones of any healthy relationship. When an individual seeks to dominate and subjugate another, it creates a power imbalance that derides the principles of a compassionate society.

Family and domestic violence has far-reaching consequences, beyond the immediate victims, for our communities and society at large. It places an immense burden on our healthcare, legal and social support systems, diverting resources that could be better used elsewhere. It perpetuates a culture of silence and shame, discouraging victims from seeking help and continuing a cycle of abuse. It can have a ripple effect that has an impact on not only the individuals involved but also their families, friends and wider social networks. The impact it can have on people across the community is quite breathtaking, and it knows no social bounds. It is a leading cause of homelessness for women and children, and it imposes a significant cost on the community. The ramifications for victims and survivors of family violence who are forced to leave their homes are far-ranging and include homelessness, loss of employment, disruption to children's education and obvious effects on health and mental health.

Unfortunately, the true extent of the problem is likely to be much greater than recorded. Only one-quarter of women who are assaulted by a live-in partner report such incidents to police. Currently, WA has one of the highest recorded rates of family and domestic violence in the country. Notably, one in six Australian women has experienced physical and/or sexual violence by a current or previous partner since the age of 15 years. In 2022, 37 per cent of homicides and related offences in WA were related to family and domestic violence; that is 18 victims. In 2022, the number of victims of assault in WA increased by seven per cent to 38 743 victims, which is the highest number in 30 years, and 64 per cent of assaults were related to family and domestic violence. Intimate partners are responsible for almost 80 per cent of such incidents that result in hospitalisation. Family and domestic violence is a leading cause of homelessness for women and children; 51.5 per cent of women and 37 per cent of young children accessing homelessness services sought assistance because of the scourge of domestic violence.

Repeat family and domestic violence offenders pose a significant threat to the safety and wellbeing of their victims. To address this issue and prevent further violence, the implementation of GPS tracking devices has gained traction as an effective solution. GPS tracking devices are currently employed in more than 30 countries, and their use varies across all levels of the criminal justice system. The implementation of such technology raises ethical and privacy considerations; however, there are compelling reasons to support its use in Western Australia's fight against family and domestic violence. It is an approach that will put victims ahead of the freedom of perpetrators.

The implementation of GPS devices presents us with an opportunity for proactive deterrence. The knowledge that their movements are being monitored can act as a powerful deterrent for repeat offenders, and can cause them to rethink their actions before engaging in violent or intimidatory behaviour. We can prevent future acts of violence or threatening behaviour by establishing increased accountability and encouraging a safer environment for potential victims. By fostering deterrence, fortifying victim safety, enhancing legal measures and combating recidivism, this

technology can contribute significantly to our collective efforts against family and domestic violence. It is imperative to strike the right balance between accountability and privacy. It will ensure that ankle GPS devices are better utilised as a powerful tool in this space, which is a positive move.

The government is fully aware of the benefits of adopting an enhanced approach to GPS monitoring, which is why this legislation has been brought before the house. It has taken some time for the legislation to be presented, which is a problem. This is one of two parts. Hopefully, the second part will be introduced in a timely manner, shortly after the introduction of this legislation. The government knows the stories and it understands the impact. However, the government has been slow to act. It will claim that there are many reasons for this, of course: funding, bureaucracy and competing priorities. At the end of the day, there was work completed in 2022 that points to the great value of the devices and an opportunity to do more.

It is a sad reality that many people are struggling with the effects and impacts of domestic and family violence. The trauma, the fear, the pain—those are things that no-one should have to endure, let alone deal with on a daily basis. It is a tragedy that this continues to occur.

In an answer to a question that I asked last year in question time, the Attorney General was quick to point out that the government did not believe it had dropped the ball on family and domestic violence, regardless of whether the statistics showed otherwise. He stated —

We reject completely the member's nonsense proposition that the Labor government has not turned its attention to stemming family and domestic violence.

That is big talk from a government whose own evaluation of the two-year tracking trial revealed that, each month, an average of 10 family and domestic violence offenders had GPS monitoring imposed on them. If the government is keen on addressing family and domestic violence in Western Australia, why has it taken so long for this legislation to be brought before Parliament, and why is the legislation for the breaches of family violence restraining orders not before Parliament?

This is simple legislation, which had its second reading in November 2023; however, we are dealing with it three months later. I am advised that the government's legislative priority in the other place means that it may take months to pass both houses. In a media release in October last year, we challenged the Cook Labor government and the Attorney General to put some urgency behind this legislation, but that has fallen on deaf ears. It is even more astounding that this legislation does not address the number of offenders who are being monitored, with the second reading speech stating —

These impacts will be amplified by the next stage of reform to be progressed next year, which will significantly increase the number of offenders who are monitored.

It raises the question: how can this be seen as a priority if it will occur sometime down the track? We have heard the comments from this government again and again. The Premier has stated that violence in a family context is a scourge on our community, while the Minister for Prevention of Family and Domestic Violence has stated in Parliament that women have the fundamental right to feel safe in their home and that one death is too many. These are comments that every member of this house would certainly concur with. These comments are common sense. I implore the Cook Labor government to do everything in its power to ensure that the issue of family and domestic violence remains a key focus of its legislative priorities for this year.

With the number of breaches of family violence restraining orders increasing by 20 per cent in the last year alone, the safety of Western Australian children should not continue to be compromised due to the government's inaction in introducing the second part of the legislation, which has been flagged and which the opposition has been calling for. We certainly urge the Attorney General to introduce it as a matter of priority.

I will leave my comments there and support the legislation that has been proposed.

MR J.R. QUIGLEY (Butler — Attorney General) [1.46 pm] — in reply: Firstly, the Sentence Administration Amendment (Monitoring Equipment) Bill 2023 will deal with wider issues than family and domestic violence offenders. This government has introduced a suite of changes to protect victims of family and domestic violence, and the Leader of the Liberal Party has just referred to one of them—that is, serial and repeat offenders can now be declared as such. There are new offences in relation to domestic violence and assaults. I will have no truck with any criticism. After nearly seven and a half years of inaction in this space by the Liberal government under Premier Barnett and Minister for Police Harvey, we have introduced a suite of laws.

On the issue of the member saying that we have waited for domestic violence to escalate before bringing in this provision—that is, mandatory imprisonment for the removal of a tracking device—there is no pleasing the opposition. Members opposite always have to have a whinge. They whinged that we asked for a review of GPS tracking devices and their utility in this space. Let it be remembered that when we came to office in 2017, there was no GPS tracking of DV offenders—there simply was not. I went to the command centre with the then Minister for Corrective Services, Hon Fran Logan, and we saw what the tracking devices were about, and then Labor introduced them. We are not going to take this nonsense that we have waited and waited.

We asked for a review to be undertaken of how the affixation of these devices was going and we just got criticism: “Where is the review?” The review was handed down on 4 November 2023. We got moving on it as soon as the report came down.

Ms L. Mettam interjected.

Mr J.R. QUIGLEY: There is the Leader of the Liberal Party saying, “Where is the report?” The report had to be compiled by the independent Western Australian Office of Crime Statistics and Research. It compiled it and reported back to government on 4 November 2023, and we got moving on the new provisions as soon as the report came out. No-one wants to go ahead and do something when a report says that it is ineffective for the following reason or whatever.

The devices and their fixation go far beyond domestic violence offences. They relate to high-risk serial offenders, people who have been released from immigration detention, and many other offenders who, but for the bracelet, would have to be held in prison at huge expense to the community. We will recall that prior to Labor coming to office in 2017, nearly every week there was another minor controversy under the Liberal government’s defunct dangerous sex offenders legislation. We suggested to the then Liberal government it should reverse the onus proof so that a person—sex offenders only—being considered under that previous regime would have to carry the weight and burden of convincing the court and establishing, on the balance of probability, that they would comply with all major or primary conditions of a dangerous sex offender order. What were we met with? We were met with howls of opposition from the Liberal government, which said that this was unconstitutional, unnecessary and flawed. I put up the legislation from the opposition and I got howled down by a Liberal Party sitting in government, stating it was unconstitutional and unnecessary to reverse the onus of proof. Labor got into government and not only reversed the onus of proof, but also extended the regime to cover all high-risk dangerous offenders. Our legislation subsumed the weaker dangerous sex offenders legislation. What have we observed since? The controversy has quietened because the stricter regime introduced by the WA Labor government has bitten hard on recidivism and repeat offenders. We do not see these controversies every day like we did previously. We will truck no criticism of bringing in GPS monitoring as a primary condition for high-risk sexual offenders. Those bracelets will go on, and they will go on mandatorily. If they are interfered with by the offender, that person will face six months’ mandatory imprisonment. No ifs, no buts, that is it, because they should have been incarcerated in the first place. No mention of this is made by the Liberal Party. All it wants to do is complain that this is taking so long.

Let me give members an idea. When I came into office, after being sworn in and given the keys to the Attorney General’s suite, the first thing I had to do was blow the dust and cobwebs off all the reports that had been sitting there recommending law reform. People reckoned that I was a great law reformer. What I did was pick up all the work that the Liberal Party had failed to do in seven and a half years and got on with the job! It included dealing with high-risk serial offenders by bringing in new laws on family violence, such as firearms laws—as the Minister for Police is doing at the moment. Yes, the firearms law reforms were very complicated, and had to have wide sector consultation, which this minister has done. The previous government had the report on firearms and did diddly squat, leaving this community at risk.

We have got on with the job of bringing in laws to protect the community and ensure its safety. That is why we are bringing in this law to make a sentence of imprisonment mandatory for anyone who interferes with a GPS tracking device that has been put on. As the Leader of the Opposition observed, there will be instances when that will not apply, such as if the person is involved in a traffic accident and a doctor or paramedic has to cut off the bracelet to administer first aid or whatever. Obviously, that will not be an offence, and nor will it be an offence if an accident happens. However, if a person sits down with a pair of plyers or a bread and butter knife—I do not care what instrument it is—and does anything to damage that bracelet, the offender will be put inside for six months—full stop. We are serious about this. We are not mucking around. As I said, the Liberal Party did not do anything about these GPS devices or what it could do to protect the community in all the years that it was in government. However, it does not finish there. As members have probably read in the newspaper, I will finish here soon, but I have further ideas on the tracking of these offenders that I will pass on to my successor in title. This brain has not stopped working on how we can suppress these sorts of offenders and track them and keep the community safe. You watch: Labor will never give up in this space. We will keep on surging ahead to protect the community from high-risk serious offenders, declared to be so by the courts, and by the courts dealing with family and domestic violence offences.

I realise that it is getting towards question time. There has not been any indication that we will go into the consideration in detail stage. No-one has called for it, so I will conclude my remarks presently.

Ms C.M. Rowe interjected.

Mr J.R. QUIGLEY: An unusual thing is happening in the chamber. Let me tell members—I will even break a cabinet secret here on the floor of the chamber—often I am told, “Can you wind it up? Can you keep quiet?” Now I have the Whip telling me to keep going. The invitation to spread my dulcet tones in the chamber further is a very unusual experience for me.

There is no doubt that when I went to the command centre to look at how these things work, I was very impressed. I saw the screens and the maps. The officers could say, “Okay, Billy, you’re not allowed in the City of Fremantle.”

The command centre can peg out the City of Fremantle on the map and register it to a GPS device and then forget about it. Should that GPS device enter an area that has been delineated on the map, an alarm immediately goes off. I watched them observing this happen. An alarm went off and an officer looked at the screen and saw that the GPS tracker was in a prohibited area momentarily but then kept on going. The officer watched it leave the area and determined that it was following a bus route. The offender was on a bus so the command centre did not have to send out a team. However, if a GPS device stops in a prohibited area and remains stationary, the officers can respond quickly.

I commend this bill to the chamber. I recognise the opposition's support and thank the opposition for it. However, I will not truck its criticism either of the bill or Labor's efforts in any shape or form. We have done the job for the people of Western Australia. This bill will pass through the Assembly today and be sent to the upper house for its approval. With those remarks, I will now deprive members of hearing any more from me by sitting down, may it please the chamber.

Question put and passed.

Bill read a second time.

QUESTIONS WITHOUT NOTICE

NICKEL INDUSTRY

52. Mr R.S. LOVE to the Premier:

Before I begin, on behalf of the opposition, I offer our condolences to the family of the two seven-year-old girls who passed away following a road accident at Carrabin recently. Our thoughts are with all those who have been affected by this tragedy.

I refer to ongoing visitor Prime Minister Albanese, who has so far failed to address the potential collapse of the nickel industry, with no announcement of material support for the industry beyond its addition to the critical minerals list, despite his claim upon arrival into Western Australia that he is quite confident that he can save the industry. Is the addition of nickel to the critical minerals list enough to save 10 000 Western Australian jobs?

Mr R.H. COOK replied:

I thank the member very much for the question. It provides me an opportunity to talk about the important work that the Cook and Albanese governments are doing together to continue to make sure that we nurture and grow our critical minerals industries. Obviously, at the moment, the nickel industry is being challenged by a global disruption to markets, which is impacting in a number of ways. Firstly, we are seeing a depressed price for nickel, primarily as a result of large quantities of nickel product coming onto the market. The media in various quarters has observed that that is largely because of work that the Indonesian nickel industry is undertaking. Secondly, we are struggling with some of the operational costs of our nickel mines, which goes to the question of not only the nature of the resource and the way it is mined, but also the overall escalation in operational costs across the industry. That is why my government moved decisively to ensure that we provide relief for nickel miners to ensure that they can get the support they need at the time of this particular disruption. Our government is offering royalty relief to WA's critical nickel industry to support thousands of local jobs, as well as the state's vision of becoming a global battery minerals processing hub. Local nickel producers are being offered a 50 per cent royalty rebate starting from the March quarter of 2024. It will be available over an initial 18-month period through a new nickel financial assistance program. The rebate will be provided when the average price of nickel in concentrate is below \$US20 000 a tonne for any given quarter. We have taken this important and decisive action to make sure that we can support the industry at this time.

The question might be: why are we taking these measures? It is because these are the measures that the industry requested of us. My government will always work closely with industries to ensure that we put in place the policy settings that they need to continue to succeed.

We welcome the federal government's decision to place nickel on the critical minerals list, which will allow that industry to access many billions of dollars of additional assistance through the schemes that the federal government has in play. We will obviously continue to work with the industry, industry representatives and the federal government on any other ways that we can continue to support the nickel industry.

NICKEL INDUSTRY

53. Mr R.S. LOVE to the Premier:

I have a supplementary question. This pressure on the industry has been growing over many months. Why did the Premier take so long to make representations to the Prime Minister to provide support to the industry at a time when we are now seriously facing 10 000 job losses?

Mr R.H. COOK replied:

That is just untrue. It was not over many months; this has been a sharp disruption to the global economy. The member will recall it was just in January that First Quantum Minerals Ltd was the first miner to announce that it will continue

to operate but will no longer continue to extract minerals; that is, it will utilise its stockpiles for continued processing. I think that was probably in about January this year, so we have moved swiftly to seize the situation. I reflect that back in 2009 the then Acting Premier of Western Australia, Hon Dr Kim Hames, in reference to the closure of the BHP nickel operation simply waved his hand and said that, ultimately, market forces drive the mining industry. That was in relation to the loss of more than 1 800 jobs. Compare that with our approach, which is to be proactive, to get involved, and to work with industry on actual solutions rather than simply lamenting the closures after the event. We are continuing to work with companies like FQM and others to ensure that they can continue to be great contributors to the state's economy and be great employers for Western Australian jobs.

GST DISTRIBUTION

54. Mr H.T. JONES to the Premier:

I refer to the Cook Labor government's responsible management of Western Australia's finances. Can the Premier outline to the house what the federal Labor government's guarantee to protect WA's fair share of the GST means for Western Australia; and can the Premier advise the house of whether he is aware of any credible threats to Western Australia's share of the GST?

Mr R.H. COOK replied:

I thank the member for the question, and it is a beaut! It provides me with the opportunity to say that we have just seen the Albanese government come to Western Australia en masse, as a cabinet, for the third time in just two years—its time in office. Anthony Albanese is a great friend of Western Australia and the people of Western Australia. In the two years he has been in government the Prime Minister has been to Western Australia more times than the previous three Prime Ministers combined. That is a sign of his commitment to Western Australia, Western Australian jobs and the Western Australian economy. It was great to see his entire cabinet in town, providing great opportunities for people in the community, and industry leaders, to engage with the cabinet, with the Prime Minister's government, to make sure that it can continue to support Western Australia—which, the Prime Minister observed, is the engine room of the nation's economy.

Not only did the Prime Minister commit to continuing to support Western Australia being the engine room of the nation's economy, he also committed, once again—should it have needed to be recommitted—to Western Australia's fair share of the GST arrangements. The GST deal is locked in under the Anthony Albanese Labor government. I hear the sighs coming from the member for Vasse! The Liberal Party was the chief protagonist in the concocted lie that there is somehow a threat to Western Australia's fair share of the GST, but locked in it is, under the Albanese government.

The Prime Minister knows that although we comprise 11 per cent of the nation's population, we secure only 7.5 per cent of the GST pool. This guarantee has given WA the certainty necessary to make investments in great schools and great hospitals, and to assist us in continuing to provide cost-of-living relief. Just today there was investment into a \$130 million project to provide social and affordable housing for inner city residents at the Pier Street site. Without the GST reforms in 2023–24, which were secured by a WA Labor government, WA would now receive less than 10 per cent of our population share—only \$900 million from an estimated \$86 billion national GST pool. With just 70¢ in the dollar this year, WA will still contribute \$2.8 billion to support the other states in 2023–24. The PM has been unequivocal in his support for the current GST arrangement. In his words, WA drives the national economy.

But there are threats to our fair share of the GST, and one of them is none other than Peter Dutton. The most notorious GST sceptic is the federal Leader of the Liberal Party. That is the biggest threat.

Several members interjected.

Mr R.H. COOK: Member, it is not that long!

The most notorious sceptic of the GST is, of course, Peter Dutton. But, luckily for the member for Vasse, she does not have to take my word for it; she just has to listen to senior Liberal Party members. Former Prime Minister Malcolm Turnbull said something in his book, released in 2020, about when the then federal cabinet was discussing the GST deal. He said —

... there remained enormous anxiety around the cabinet table when discussing the GST deal, especially from Peter Dutton.

Julie Bishop, a great friend of Western Australia, a senior Western Australian Liberal in a former federal Liberal government said in *The West Australian* in March 2019 that Peter Dutton “fought against WA getting a better GST deal”. She also said —

“Peter Dutton is on record as arguing against WA getting a better GST deal.”

But it gets worse. Former Prime Minister Scott Morrison said at a press conference in 2018 that if Dutton was PM, he would “scuttle” the WA GST package.

Another great friend of Western Australia is the former WA Liberal cabinet minister Ken Wyatt, who said in 2018 that Peter Dutton's plan for our state's GST would be “walking back from and walking away from Western Australians”.

When the staggering hypocrisy from the Liberal Party was exposed on the floor of Parliament just the other day and it was pointed out that Dutton's GST plan was to walk back the WA GST deal, federal Liberal representative Rick Wilson, the member for O'Connor, said Peter Dutton's position does not matter. It does. Peter Dutton's words do not even weigh as much as the hot air that comes from his mouth. The biggest threat to the WA GST deal is a Liberal Party government, and Peter Dutton is the head of the Liberal Party. We know what will happen if Western Australians trust the Liberal Party ever again: it will walk back the GST deal and Western Australians will be the poorer for it. Peter Dutton and the Liberal Party are the biggest threat to the WA GST deal.

DEPUTY PREMIER'S OFFICE

55. Ms L. METTAM to the Premier:

Given the Premier has now had about a week to obtain briefings from the Deputy Premier's office with regard to leaked cabinet documents, I ask the following.

- (1) Has the investigation into potential leaked cabinet material concluded?
- (2) If so, when did it conclude and what was the outcome of that investigation?

Mr R.H. COOK replied:

- (1)–(2) I thank the member for the question. It follows up on a previous question, so I was enabled the opportunity to be briefed on this issue. I can confirm that I have been advised that there is no investigation of the nature of which the Leader of the Liberal Party has described.

DEPUTY PREMIER'S OFFICE

56. Ms L. METTAM to the Premier:

I have a supplementary question. What is the penalty for leaking state government cabinet material in WA?

Mr R.H. COOK replied:

I suspect the member could find that out by undertaking some research. Of course, as it relates to this particular line of questioning, I can confirm that I have not been advised that there is any investigation of the nature that the Leader of the Liberal Party has described.

METRONET — ARMADALE RAIL LINE

57. Mr C.J. TALLENTIRE to the Minister for Transport:

I refer to the Cook Labor government's delivery of transformational public transport infrastructure through Metronet.

- (1) Can the minister update the house on the progress of the Armadale line transformation, including key projects like the new Carlisle station?
- (2) Can the minister advise the house what the delivery of this project means for local jobs and people living in our south-eastern suburbs?

Ms R. SAFFIOTI replied:

- (1)–(2) I thank the member for Thornlie for that question. Today I was out with the member for Victoria Park inspecting the work that has been delivered through Victoria Park and Cannington as part of the level crossing removal project. Of course, member for Darling Range and member for Armadale, work is underway, too, on the extension of the rail line to Byford and the new stations at Armadale and Byford. The progress is staggering. Already, 150 metres of elevated rail has been built along Carlisle Street. Today, in a sense, we saw the commencement of the new Carlisle train station. The elevated rail has been built and, as part of that project, the teams are now together onsite to build the new Carlisle train station. There are train stations coupled with what is happening at Oats Street, out at Cannington, Queens Park, Beckenham and through to Armadale and Byford. There will be new train stations in that area.

It is a massive job, which is employing thousands of workers. As part of the project, six hectares of land underneath the new elevated rail will be opened up. That means there will be new facilities throughout the corridor, new public open space and new recreational and sporting facilities for children across the area.

I want to again thank the public for their patience and acknowledge the disruption that is occurring. In particular, I thank all those people who have moved from trains onto our bus services. The rail replacement figures are staggering. Throughout the summer of free public transport, around 90 per cent of those who would normally catch the train moved onto buses. Currently, over 80 per cent of those who were on trains are on replacement buses. That is a staggering number. Let me compare it with what was forecast by the opposition spokesperson against Metronet, Hon Tjorn Sibma. He stated that if recent experience is any guide, approximately two-thirds of rail passengers would move onto buses, creating chaos in our streets. That is completely incorrect. Over 80 per cent of those who were catching trains have moved onto rail replacement buses.

I thank, in particular, all the workers who are out there. It has been a tough time to be on worksites, building projects. Of course, around the state, whatever the project, it has been very hot out there in the sun building our infrastructure. I thank those workers. It is incredible to see the progress that has been made on the level crossing removal project.

BORDER SECURITY — FEDERAL GOVERNMENT — COMMUNICATION

58. Mr R.S. LOVE to the Premier:

Sorry, Deputy Speaker; I almost called you Madam Speaker and had to correct myself!

I refer to the recent unauthorised boat arrival on the Western Australian mainland without the detection by or intervention of federal authorities.

- (1) Has the Premier raised this significant breach in border security with Prime Minister Albanese, given the obvious threat to our state and nation's biosecurity?
- (2) Does the Premier trust that the Prime Minister has Western Australia's borders under control?

Dr A.D. Buti interjected.

The DEPUTY SPEAKER: Minister, thank you.

Mr R.H. COOK replied:

- (1)–(2) I thank the member for the question. I should refer to him as the federal Leader of the Opposition because, once again, we find ourselves engaged in discussions around federal jurisdictional matters. I can confirm, obviously, that I have not only spoken with the Prime Minister and his cabinet about these things but have also had the pleasure of joining the Prime Minister when he presented at a press conference earlier today. We were celebrating a great partnership between the federal and state governments on a great new social and affordable build-to-rent housing opportunity in Pier Street in Perth. It is a terrific example of the cooperation we are seeing between the state and federal governments at the moment. Obviously, Operation Sovereign Borders is still enacted. That continues to engage in the way that it was designed and continues to work effectively.

I believe those particular boat arrivals were all welcomed and processed in the usual manner. No more boats have come in this period than came in the last government. Under both the previous federal government and this federal government, the federal government had the opportunity to intercept any boat arrivals and take appropriate action. It is always regrettable when people make landfall, but, of course, as we all acknowledge, it is a very vast coastline. What matters is that the combination of both civil and public sector detection operations can make the appropriate observations. I am very pleased that locals were able to welcome those people from their boats, ensure that their welfare was protected and then provide accommodation for them until the authorities arrived. It always has been thus. I do note that under this federal government, Border Force has received a significant increase in its budget. That was acknowledged by the Commissioner of the Australian Border Force yesterday in his utterances when he debunked and refuted the claims by the federal Leader of the Opposition, a position to which the state Leader of the Opposition clearly aspires.

BORDER SECURITY — FEDERAL GOVERNMENT — COMMUNICATION

59. Mr R.S. LOVE to the Premier:

I have a supplementary question. Has the Premier sought a briefing from his state Minister for Agriculture and Food on the threat that foot-and-mouth disease poses to Western Australia?

Several members interjected.

Mr R.H. COOK replied:

Deputy Speaker, by way of just trying to assist the Leader of the Opposition, I assume that he is referring to biosecurity-related matters. I receive briefings from my departments all the time on all manner of things. My understanding is that there was no threat to biosecurity in this instance. In the same way that it is a vast coastline and it is difficult to have a copper in every bay, it is a vast coastal landscape and, as a result, the biosecurity threats are very minimal.

HOUSING — BUILD-TO-RENT — PIER STREET

60. Mr S.A. MILLMAN to the Minister for Housing:

I refer to the Cook Labor government's commitment to delivering more affordable housing to Western Australians.

- (1) Can the minister outline to the house how the delivery of more than 200 new apartments on Pier Street in Perth will create more affordable housing opportunities for more Western Australians?
- (2) Can the minister advise the house how these homes will support people in need, including older women at risk of homelessness?

Mr J.N. CAREY replied:

(1)–(2) I thank the member for his question and his genuine commitment to helping to provide housing to the most vulnerable people in Western Australia.

As I have said repeatedly in this chamber, we face extraordinary times. It has been called the perfect storm whereby COVID has radically reshaped our housing markets and placed enormous pressure on our rental markets. I want to assure Western Australians that we take this issue very seriously and every day we are looking at and implementing a range of reforms to drive housing supply.

Housing supply is the answer to the rental market challenges. Of course, I have previously talked in this chamber about the huge number of both immediate, medium and long-term changes and reforms that we are driving. One of those is the signature announcement that we made today with the federal government. This was a big milestone development. The Premier and I joined the federal Minister for Housing and the Prime Minister to announce the funding of the largest affordable and social housing build-to-rent development in Western Australia. This will be a huge delivery and boost for the rental market. There will be 219 apartments with around half for affordable and social housing; of those, 66 apartments will be social and 44, or 20 per cent, will be affordable. This is critically important. They will be close to public transport, in the heart of the city, and provide critical housing to some of our most vulnerable Western Australians.

This model is different because the state will build the development and then hand over the keys to Housing Choices to run this high-density apartment block. That land is lazy land, or surplus land, and is part of our housing diversity pipeline, so it is all coming together. These types of projects are complex. They are the largest of their type. Locking in a housing provider takes time, but we are getting on with the job. This kind of project demonstrates the serious commitment by our state government and the federal government, which is in contrast to the previous Liberal state and federal governments. As we know, the previous Liberal federal government spent nothing. There were no housing funds, no social accelerator funds, and it completely cut funding to remote communities. We then had the state Liberal government which, basically, for years —

Ms L. Mettam interjected.

Mr J.N. CAREY: I know the member gets agitated about housing. I understand that because she had no policies, and I know that is embarrassing.

Ms L. Mettam interjected.

Mr J.N. CAREY: We can see that the Leader of the Liberal Party is very sensitive about this topic because the Liberals' record was based on the massive stimulus package from Kevin Rudd. Now, after seven years, we have a Leader of the Liberal Party who stands here with not one policy solution. I might have given her a few years, but I would think that after seven years the Liberal leader would have something of substance to say.

Members opposite are very agitated.

Several members interjected.

The DEPUTY SPEAKER: Members!

Mr J.N. CAREY: They are very sensitive because they have no policy. They are asleep at the wheel. If we look at their Liberal candidates, we see that they are actually venomous against social housing delivery. We look forward to them joining the opposition team! Those wonderful Liberal candidates oppose homelessness and social housing. That is the new Liberal Party embracing social housing. There is a very clear difference between this side, which is delivering substantial policy measures to boost housing supply, and an opposition that after seven years has not one policy or answer to meet the challenges of our current housing market.

LIVE EXPORT — FEDERAL GOVERNMENT POLICY

61. Mr P.J. RUNDLE to the Premier:

I refer to the Prime Minister's visit to Perth this week and the Premier's personal address to the federal cabinet.

- (1) Did the Premier make representation on behalf of Western Australian farmers to the Prime Minister or the federal cabinet about the federal Labor government's plan to phase out live export?
- (2) Has the Prime Minister, the one the Premier claims "gets WA", finally listened to the concerns of Western Australians when it comes to this issue?

Mr R.H. COOK replied:

(1)–(2) An interesting statistic has been brought to my attention. Of the 18 questions that the opposition asked last week, six—that is one-third of them—had to do with federal government policy matters, and it is thus this week as well. In relation to this question, which is also about federal policy matters, obviously I will not discuss with anyone what I discussed with the federal cabinet. What goes on in the cabinet room stays

in the cabinet room. That is the nature of cabinet. Therefore, no, I will not tell the member whether I talked about those matters. What I did in broad terms, however, was to talk about the important role of the Albanese government in assisting us to create great Western Australian jobs, continue to diversify our economy and support us in growing our renewable energy and energy transition future. I talked about the great support that we are getting from the Albanese government, particularly around the Pilbara hydrogen hub, for instance. It is a \$140 million joint-funded program to continue to take Western Australia on the energy-transition future, creating great Western Australian jobs and making sure that Western Australia remains the engine room of the nation's economy.

LIVE EXPORT — FEDERAL GOVERNMENT POLICY

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

I have a supplementary question. The Prime Minister had time for a meet and greet in Hyde Park but not to meet with our farmers. Is kissing babies a higher priority for Labor than standing up for our live export industry?

Several members interjected.

The DEPUTY SPEAKER: Members, the question is to the Premier, not the rest of you.

Mr R.H. COOK replied:

I think the picture that the member just showed of the Prime Minister was when he was actually meeting people, in this case families, friends and retail workers.

Mr P.J. Rundle: He didn't have time to meet Western Australian sheep producers!

Mr R.H. COOK: What is the member saying—that he should not meet children and meet representatives of the community?

Several members interjected.

The DEPUTY SPEAKER: Members!

Mr R.H. COOK: What was great to see during the Prime Minister's visit was the warm reception he received from Western Australians, and from Western Australia for that matter—it was hot! What was great to see is that people in Western Australia understand that the Prime Minister has got our back. I saw him last night at a function to celebrate the Chinese and Lunar New Year. Almost a thousand people in the room were cheering the Prime Minister on, acknowledging the great work that he is doing as the leader of our country to continue to create great Western Australian jobs, continue to build Western Australian industry and make sure that Western Australia is the engine room of the nation's economy. We know that he will continue to do that.

NICKEL INDUSTRY

63. **Ms A.E. KENT to the Minister for Mines and Petroleum:**

Before I ask my question, I would like to put on the record my sympathy for the family of the two little girls who were killed in Merredin on Sunday. There are a lot of links to Kalgoorlie. They were travelling back from Kalgoorlie and a lot of people know the family there. I know the granddad and grandmother, who are suffering an unspeakable loss now. My sympathies go to all my friends and those people in the community who are feeling this sadness.

I refer to the challenging global conditions facing the Western Australian nickel industry.

- (1) Can the minister outline to the house how this government is acting to protect local jobs within Western Australia's critical nickel industry?
- (2) Can the minister inform the house how this government continues to respond to market conditions in the nickel industry?

Mr D.R. MICHAEL replied:

Firstly, as the Minister for Road Safety I also share those condolences. I saw the news last night when I got home. As the Minister for Road Safety, it made me feel numb. I am sure that, on behalf of all members, the member will take back the Parliament's sympathies to the family.

- (1)–(2) This is my first question as the new Minister for Mines and Petroleum and I am in the seat of the former minister. I see the member for Cannington up the back and I know that the resource industry holds him in high regard. I am looking forward to more contributions from him, as we just heard, now that he is sitting up the back.

The member is a great advocate for the resources industry in her electorate. As the minister, I am looking forward to working with her. The nickel industry supports almost 10 000 jobs in Western Australia. Last year it generated sales of over \$5 billion, which generated \$140 million in royalties. It is an essential component in the state's aspiration to becoming a global hub for the downstream processing of battery minerals. Importantly, in the member's electorate, we will hopefully be able to continue to support those jobs and workers and a whole host of resources in the critical mineral space.

The member outlined, and we heard from the Premier earlier, the global headwinds that the nickel industry is facing. That is why the Cook government has made the decision to support the industry through the nickel financial assistance program. Unlike previous downturns, of which there have been a few in the nickel industry over former decades, there is a significant structural shift underway in the global nickel sector. The challenging conditions have been caused by a significant and sharp structural disruption to the global market prompted by a surge in cheap foreign supply. As we have heard, a lot of it has come out of new mines that have opened in recent years in Indonesia, which is trying to develop its own downstream industries.

I should say that we had a roundtable meeting with Minister Madeleine King. She is a very good commonwealth Minister for Resources. She obviously gets Western Australia, because she is from here, and I know that she advocates strongly on behalf of the resources industry within the commonwealth government. The round table was three-and-a-bit weeks ago on my birthday, 25 January. I know that the biggest call from the state government that came out of that round table was for a royalty rebate program, similar to those we have rolled out for other industries in the past over successive governments. The WA government believes that a 50 per cent royalty rebate over a period of 18 months will go some way to assist nickel companies to weather the storm of current market conditions so that they can be part of ongoing and future efforts to decarbonise our globe.

Of course, the state's minerals belong to the people of Western Australia. At the end of the program, the rebate will be fully repayable by companies that accessed the scheme in equal quarterly instalments over 24 months. The previous minister had a spodumene program with very similar terms. I have been told that the repayments from that program are almost complete. That is how that program worked to help the industry at that time, I think, in 2020.

As the Premier mentioned earlier, rebates will not apply and royalties will be required to be paid in full if the average price of nickel is equal to or greater than \$US20 000 a tonne for a given quarter. I just checked today and the price is about \$US16 400. This means that the program will come at nil or very little cost to the WA taxpayer.

Companies will have to apply for the financial assistance and provide information on their finances and project economics so that we understand the need for assistance, in addition to the steps that they have taken to adjust to the current price environment and any structural changes that they have made. The Cook government has responded quickly to industry calls for assistance and we remain committed to protecting jobs and growing our value-added critical minerals sector, which is a key priority for our government.

Further to that, WA is the most significant nickel producer of the Australian states. To this end, I also welcome the federal government's initiative to add nickel to the critical minerals list last week. Such a move will give nickel companies the opportunity to access billions of dollars of commonwealth funding through the \$4 billion critical minerals facility and critical minerals-related grants programs, such as the \$40 million international partnerships program. The member for Kalgoorlie represents much of the resources sector. We are going to continue to work with industry, producers and proponents on all resources in her area, especially nickel, as they go through structural shifts. Hopefully, we will keep supporting those workers in her electorate.

INNER-CITY PRIMARY SCHOOL — LAND

64. Mr P.J. RUNDLE to the Minister for Education:

I refer to recent reports of the state government's most unusual offer to the City of Perth for land associated with the planned inner-city primary school. Does this government think it can now bully any council into forfeiting land by dreaming up some bizarre cost-benefit analysis for adjoining land instead of paying the fair market value or providing a land swap?

Several members interjected.

The DEPUTY SPEAKER: Members, thank you.

Dr A.D. BUTI replied:

As the Minister for Education in the Cook Labor government, I will stand up for quality public education in Western Australia and I will stand up for trying to also provide quality schooling in the inner-city areas of Perth! That is what I will stand up for, member. We are committing to a significant investment into this school. If we were to have to pay for additional land, maybe we would not be able to do the things in Esperance that the member wants us to do. Does he want me to spend money on a project without the cooperation of the City of Perth instead of looking at some regional school improvements? What would the member prefer?

Several members interjected.

The DEPUTY SPEAKER: Members!

Point of Order

Mr P.J. RUNDLE: The last time I checked, question time is for the government to answer questions.

The DEPUTY SPEAKER: Thank you. There is no point of order.

Questions without Notice Resumed

Dr A.D. BUTI: The new inner-city primary school that is being proposed will be a major boost for the city. It will not only attract families to the heart of the city but also provide very necessary amenities to bring more people and vibrancy to the inner city. The school was scheduled to open for the start of the 2028 school year, for students in kindergarten to year 6; however, any further delays in negotiations with the City of Perth could see that target pushed back. The proposal will provide a major benefit to the city of around \$63 million because we will be unlocking land that can be used by the city. At the moment, under the Chevron–Hilton Hotel Agreement Act, that land has to be used for a car park. That is it; it has to be used for a car park. We are proposing a state-of-the-art world-first inner-city vertical primary school and unlocking land that the city can use in the future. The member does not have to listen to me; he can go to the Lord Mayor’s newsletter of 19 April 2023, when he made the announcement. He stated —

Hello again,

I’m thrilled to be able to share today the State Government in partnership with the City of Perth has announced a significant milestone towards the establishment of a primary school in East Perth.

I was delighted to join Education Minister Tony Buti, Planning Minister Rita Saffioti and Lands Minister and Member for Perth John Carey for the announcement.

As you know a primary school is an absolute priority for the City, and one your City of Perth Council has been championing since our election.

A local primary school for local families is essential, and will further turbo charge our inner city residential population.

As I have alluded to in previous updates, I have been very pleased to be able to work with the State Government on behalf of the City to help deliver a project of this significance.

This is a partnership. We are working to achieve this outcome together.

PREFERRED SITE CHOSEN

The State Government have identified two of the three City of Perth car parks opposite Queens Gardens on Nelson Crescent near the WACA as their preferred site for the primary school.

The preferred site has great merit ...

We will undertake ... due diligence ...

He then stated —

Currently the State Government is proposing to take approximately 50 per cent of the total car park site (closest to Gloucester Park) and build the primary school as indicated above.

It has a photo, a diagram —

The remaining 50 per cent of the site (closest to Plain Street) would be retained by the City of Perth—but with the current Chevron Hilton Act rescinded.

This would effectively allow the City to explore the best possible opportunities and development potential for that land.

Ms R. Saffioti: It’s a win-win!

Dr A.D. BUTI: It is a win-win. It is a win for the City of Perth and a win for people who live in the City of Perth but, more importantly, a win for the children of the inner city. That is what we are about, member! I thought that, as shadow Minister for Education, the member would be supporting us rather than the Lord Mayor of Perth, who may be writing his questions; I do not know.

But there is more! What we are doing is not unusual, member. Local governments have worked together with the state government to identify appropriate land for significant projects in the past, such as building primary schools or other key infrastructure projects that have major community benefits. For example, a good local government that worked with the state government for the betterment of the city was the City of Joondalup with its contribution of 11 hectares of freehold land to the state government to support the delivery of the world-class Ocean Reef Marina. We are talking about 11 hectares of waterfront land that was provided by the City of Joondalup to the state government for free, acknowledging the huge investment the state will undertake to transform the Ocean Reef Marina.

Member, a new primary school in East Perth is too important to play politics with.

INNER-CITY PRIMARY SCHOOL — LAND

65. Mr P.J. RUNDLE to the Minister for Education:

I have a supplementary question. How should the ratepayers of the City of Perth feel about the minister's outlandish proposal?

Dr A.D. BUTI replied:

The benefit for the City of Perth ratepayers is the unlocking of land for the future benefit of the city. Building an inner-city primary school will have major economic and social benefits for the city.

Ms R. Saffioti: Only someone playing politics in everything.

Dr A.D. BUTI: That is right. I do not know what has happened to the Lord Mayor's position from 19 April 2023 to now. Something must have changed. I do not know what has changed, but something has changed. Maybe the member for Vasse knows what has changed; I am not quite sure.

Does the member think that as the state Minister for Education, my priority should be the taxpayers of Western Australia or the ratepayers of the City of Perth? What is my priority? Is it to protect the taxpayers of Western Australia? In any case, the residents and the ratepayers of the City of Perth will gain a substantial benefit from this—a first-class education facility and the unlocking of land for future economic benefits for the City of Perth. The member should be ashamed of asking such a question as the shadow Minister for Education in Western Australia.

RETAIL WORKERS — ASSAULTS

66. Ms C.M. COLLINS to the Attorney General:

I refer to the Cook Labor government's commitment to keeping Western Australians safe, including in the workplace. Can the Attorney General advise the house what action this government is taking to deter acts of violence against retail workers?

Mr J.R. QUIGLEY replied:

Retail staff play a critical role in our economy and in our communities. This was highlighted for the community during the pandemic. Retail workers could not work from home; retail workers had to be on site, on station, supplying families with necessary supplies. During that period, tempers were becoming frayed—frustrations about the pandemic—and we saw increasing acts of violence against retail workers. There were threats, pushes—the whole lot. A survey of thousands of Western Australian retail workers was conducted by the Shop Distributive and Allied Employees Association, which showed that 87 per cent of members had experienced abuse from customers in the last year. They are often teenagers in their first job who are working part-time while they study.

I will share a couple of examples. Last month, a young employee sustained cuts to his ear, a black eye and scrapes to his body after he was punched and kicked and had products thrown at him by a group of offenders after he asked the group to remove products from their bag. That is what he was obliged to do. Late last month, another retail worker was punched in the chest by an offender for intervening when witnessing another team member being harassed and inappropriately touched.

Under no circumstances should workers be exposed to threats of violence in the workplace. None of us would tolerate it. We have to protect the young and all retail workers. I was pleased to announce with the Premier last week that the Cook Labor government will not stand for cowardly acts of violence against retail workers. This week, as the Attorney General, I am introducing legislation to Parliament that will create tough new penalties in the Criminal Code for assaults committed against retail workers.

The definition of "assault" is broad and captures conduct such as spitting at a person, throwing an object, attempting to hit a person with an object or threatening violence. The reforms that I will introduce on behalf of the Cook Labor government are amongst the toughest in Australia. We made a most inhospitable jurisdiction for bikies with our bikie laws and we are going to bring in the toughest laws to protect retail workers. We will see the maximum penalty in the Criminal Code for assaulting a retail worker increase from 18 months' imprisonment and a fine of \$18 000 to seven years' imprisonment for an indictable offence or three years' imprisonment and \$36 000 if the offender and the court can be convinced that it can be dealt with summarily and not be sent to a District Court judge. However, if at the time of threatening a retail worker the offender had in their hand a dangerous weapon—for example, at a Bunnings counter, they were holding a hammer, a screwdriver or any other dangerous weapon that they might have gone to the counter to buy—the penalty will increase to a maximum of 10 years. We are not going to muck around in our efforts to protect the safety of retail workers. They perform a vital function in our economy and in our community.

These reforms will ensure that not only our justice system protects retail workers, but also community standards are met with appropriate penalties for these types of crimes.

NURSES AND MIDWIVES — REGIONS

67. Ms M. BEARD to the Minister for Health:

I refer to the *Report on government services* that highlights that the remote and very remote nursing and midwifery workforce is now smaller at 949 full-time equivalents compared with when Labor came to power in 2017, when there were 960 FTEs. Why has the government allowed the nursing and midwifery workforce to fall to such a dangerously low level in the regions, to the point at which both staff and patient care, particularly for expectant mothers in Carnarvon over the last two years, has been compromised?

Ms A. SANDERSON replied:

There are a couple of things. First of all, I want to comment on the data from the *Report on government services*. It is 18 months old. It is old data. It is historic data. For six months of that data, we were very much well into the pandemic. The member needs to look at the latest data. That report is based on 2021 and 2022 figures. Everyone will remember what happened in 2022 from about January; in fact, the pandemic really started around the end of 2021 and then exponentially hit Western Australia. It was an extremely challenging time in the system; there is no question about that. But a lot has changed. What really matters is not that the system was under strain during the pandemic, because every single health system was under strain during the pandemic, but the recovery that it makes post-pandemic.

We have seen an outstanding recovery in our health system. We have seen a significant uplift in performance. We have seen a significant uplift in staff across regional and metropolitan health services. It is the recovery that matters. When they are hit hard, they are busy, and, yes, it hurts. It hurts the system and the staff are busy. But what really matters is how they were able to come through that, and they came through that due to a number of reasons. They came through that because we have massively increased our staffing capacity across the system. We have hugely increased our FTEs. I think around 4 000 FTE nurses, 1 600 FTE medical graduates and experienced doctors, and 1 700 allied health FTEs have been created since we came to government. We have increased the workforce by 30 per cent. We have increased the workforce across the health system by 30 per cent since we came to government. The 570 beds that we put on in 18 months is an increase of 900 staff alone, just with those beds.

The data is old. It is not relevant now. The point is that we are actively investing in our health services, we are seriously lifting our FTEs and we are doing the heavy lifting to make sure that communities have access to health services.

NURSES AND MIDWIVES — REGIONS

68. Ms M. BEARD to the Minister for Health:

I have a supplementary question. Why are the midwifery team and expectant mothers in Carnarvon still suffering with substandard services after two years?

Ms A. SANDERSON replied:

The member and I have had this discussion many times, and I am happy to have it with her again. I will explain the numbers. It is how maths works, and how competencies and skill levels work. Carnarvon has a level of birthing that is just over around 100 babies a year. If we could have more babies in Carnarvon, that would be great. To offer a genuine midwifery-led and GP obstetric service, the numbers are not high enough for those professionals to keep their competency.

Ms M. Beard: So it is not temporary.

Ms A. SANDERSON: It is absolutely temporary.

Ms M. Beard: For two years.

Ms A. SANDERSON: Those professionals need to keep their competency. Midwives need to be able to birth to keep their competency or they cannot be midwives anymore. That is just a fact.

Several members interjected.

The DEPUTY SPEAKER: Members!

Several members interjected.

The DEPUTY SPEAKER: Members!

Ms L. Dalton: I am from the regions. If you have got safe delivery, why not?

Ms A. SANDERSON: The most important thing to any delivering mother is safety. Number one is safety. There is no question that we are expanding birthing services and the choices for birthing services, but we know the Leader of the Liberal Party wants to shut down expansion of birthing services with her position on women and newborns. She wants to shut down the family birthing centre in Osborne Park. But back to the regions.

Ms L. Mettam interjected.

The DEPUTY SPEAKER: Leader of the Liberal Party.

Ms A. SANDERSON: We are working hard to establish a model that will support the re-establishment of birthing services in Carnarvon. In the meantime, we are expanding the midwifery group practice across regional areas and working with our GP partners to do so. The reality is, when providing choice, we also need numbers. We are working through what a workforce model looks like for areas like Carnarvon, because we are not alone in this. This is not unique to Western Australia or regional Western Australia. We have seen entire maternity wings in large regional areas of Queensland close. We are talking about large regional towns, and significant towns the size of Bunbury. This is a workforce issue globally. We are a very attractive employer in regional WA and people want to come here, but they have the right to maintain their competencies. We are working with the sector on what a model looks like for Carnarvon. Meanwhile, we are absolutely committed to providing safe services.

The DEPUTY SPEAKER: Members, that concludes question time.

PREMIER

Question on Notice 935 — Personal Explanation

MR R.H. COOK (Kwinana — Premier) [2.56 pm]: I rise under standing order 148 to make a personal statement.

The DEPUTY SPEAKER: Premier.

Mr R.H. COOK: On 14 November 2023, I provided a response to Legislative Assembly question on notice 935, asked by the member for Moore. On 15 February 2024, the member for Moore requested an answer to part (d) of the question, which was omitted due to a typographical error. I can inform the house and the member for Moore that the answer should have read “(a–d) Nil” instead of “(a–c) Nil”.

I table a corrected copy of the answer.

[See paper [2649](#).]

NICKEL INDUSTRY

Matter of Public Interest

THE DEPUTY SPEAKER (Mr S.J. Price) informed the Assembly that he was in receipt within the prescribed time of a letter from the Leader of the Opposition seeking to debate a matter of public interest.

[In compliance with standing orders, at least five members rose in their places.]

Mr R.S. LOVE: It never ceases to amaze me what amuses people on the other side. There are five members here standing up and five is all we need.

Several members interjected.

The DEPUTY SPEAKER: Members! Okay, carry on.

MR R.S. LOVE (Moore — Leader of the Opposition) [2.58 pm]: I move —

That this house condemns the Cook Labor government for an inadequate response to a potential collapse of the nickel industry, threatening the loss of over 10 000 jobs in Western Australia.

It is very apparent that over the last two days the Cook Labor government has dealt inadequately with its relationship with the federal government on ensuring a quick and effective response from the federal government to the dire situation that is threatening the Western Australian nickel industry. As everybody has heard, nickel has been added to the critical minerals list, very belatedly, after being on a secondary list prior to that. Nickel is in demand for batteries. It is especially important in rechargeable batteries and for electric vehicles. As we seek to decarbonise the Western Australian economy, nickel will play an increasingly important role. It has extensive application in many alloys, for coins and electroplating, and many other technologies. Nickel is relatively abundant, including in Western Australia. The refined product that is produced in Western Australia is called nickel sulphide. The situation in Western Australia has been challenged recently by the explosion of cheaper nickel that has been sourced from Indonesia under a partnership between Indonesian and Chinese interests that has led to the rapid development of laterite nickel in Indonesia. That has certainly presented a challenge to Western Australia’s nickel producers. That is the nub of where we are at. Of course, the process by which nickel is produced in Indonesia is not as environmentally sensitive or as carbon neutral as Western Australia’s carbon footprint. Nickel is produced to a very high environmental standard in Western Australia.

Australia is the fifth-largest producer of nickel in the world and it is believed that a quarter of the world’s nickel reserves are located in Western Australia. We know that there is a growing demand for nickel throughout the world because of the switch to electric vehicles and electric batteries that are necessary for energy storage systems and the like. In 2023, nickel sales from Western Australia rose to \$5.7 billion. The direct economic activity to the state was estimated to be worth \$201.76 billion. As I highlighted, because of the increased supply from Indonesia and its nickel production system being less green than the nickel that is produced here, we have seen a plunge in the price by, I think, 51 per cent below the 2022 price. This crisis has been unfolding for some time. It was known that

that nickel from Indonesia would be coming on stream. It has not suddenly arrived in the last month, since January. Certainly the decrease in the price has been quite sudden, but the industry knew that the Indonesian production would be developed in the future.

There were calls for nickel to be placed on the critical minerals list going back to July and August last year. Again, it missed out after a review in December last year, which was not long ago. At that stage, the Indonesian mines were producing their product and it should have been foreseen that nickel production in Western Australia would face a challenge. Why, then, does it seem that this government has been asleep at the wheel? During question time, we heard an answer from the Minister for Mines and Petroleum—his first question in that role, I believe—that a round table was held on 25 January, which he said was on his birthday. That was at least two months after the review when the federal government refused to put nickel on the critical minerals list, as requested by Western Australia. I am sure that the warning signs should have been apparent to this government. Instead, there was a change of minister and perhaps some ministers were just learning where the office door was and they were not fully in control of the situation or fully across their brief. Maybe this snuck up on them.

Finally, a meeting was held on 25 January. Three weeks after that, a royalty relief package was announced. On the face of it, that was encouraging, but in terms of actual support for the nickel industry, industry players have said that it will be insufficient to turn around the situation for Nickel West. That is very worrying. Since December, six nickel facilities have either scaled back their operations or gone into care and maintenance, which has resulted in a loss of jobs in the goldfields and elsewhere. BHP recently calculated a non-cash asset impairment charge of \$US2.5 billion, which has pretty well written off the value of its Nickel West operation. That is a very serious matter indeed, and it has put 3 500 jobs on the line in Western Australia. We can look at the impact of that on communities in the goldfields. Leinster could conceivably become a ghost town because of this situation, the major industry in Kambalda could be challenged and Kalgoorlie could see a loss of employment. Even in the Premier's electorate, the refinery in Kwinana is threatened with closure. If anyone has ever been down there, they will have seen the many cars in the refinery's car park on workdays. That car park could be empty in a short while if all those people lose their jobs.

This is a very worrying situation. It is staggering that federal cabinet is here and there is talk but no action or urgency. BHP could decide at any moment that, due to the lack of support, it will close its operation. If that operation closes, the only nickel refinery in Western Australia will close with it, which will obviously have an effect on many other nickel producers in the state as they will no longer have access to that downstream processing facility. It would also be the end of any dream of building a battery industry in Western Australia. I suspect that we will see that industry develop in Indonesia alongside the development of its mines, given that it has cheaper labour and direct investment from China and elsewhere. That is a real threat to the dream of this country taking steps towards securing its own place in the new economies that we have been talking about and seeing slowly develop—in some cases, rapidly develop—around the world. We will not be able to take our place in that unless the state and federal governments realise that this is a moment in time from which there will be no coming back. If they do not act together to ensure that the nickel industry in Western Australia, with its significantly lower emissions than the Indonesian equivalent but with significant cost challenges in terms of labour and other matters, does not collapse, Australia will not be able to play a part in the new technology.

Industry has called for assistance for months. As I said earlier, it has called for nickel to be listed on the critical minerals list and for the government to consider how it can work with industry to make sure that the industrial relations setting is appropriate. We know that labour is a big component. The mining industry has said that the federal government's industrial relations changes will damage its ability to compete. This tinkering around with the industrial environment might provide some advantage to the industry's 10 000 workers in the short-term, but it will provide no advantage to them if the industry shuts down and they have no job. I implore the state government to ensure that it does what it can to explain to the Albanese government that its industrial relations changes are damaging for our nickel industry and mining as a whole. It needs to re-examine the situation to ensure that our industry can remain cost competitive. With 10 000 jobs in danger, towns that rely on this industry could shut down. Our ability to compete in the critical minerals area will be impaired by the loss of this company and the process in which smelting and refining all play a part. It becomes an ecosystem that shares across different industries, as there might be by-products and produce from one industry that are important to another. Therefore, the ability of our state to develop a battery production system into the future could be negatively affected.

The industry commissioned a report from Mandala Partners, which estimated that if the federal government actually put in place a production tax credit system, it would cost the government about \$340 million across the forward estimates to 2028 and a further \$1.69 billion to 2035, but add \$2.4 billion to the size of the Australian economy and create 4 200 jobs.

In virtually every developed country around the world, governments are having a direct hand in trying to develop critical minerals industries. We know that the European Union's list of critical raw materials opportunities and the United States' Inflation Reduction Act are significant contributors to them seeking to achieve their ideals and goals for the development of a critical minerals industry and a new economy into the future. It is time that our governments join this trend and ensure that they offer the support needed to keep the nickel industry, those 10 000 jobs and our dream of entering the new economy alive in this state.

MS L. METTAM (Vasse — Leader of the Liberal Party) [3.12 pm]: I rise to contribute to the motion moved by the Leader of the Opposition —

That this house condemns the Cook Labor government for an inadequate response to a potential collapse of the nickel industry, threatening the loss of over 10 000 jobs in Western Australia.

I support the motion and express my disappointment, on behalf of the opposition, about the inadequate response and advocacy by the Premier and the Cook Labor government on behalf of the nickel industry in Western Australia. The nickel industry in WA represents 99 per cent of Australia's nickel industry. The industry is at crisis point and on its knees. It has been significantly challenged by some structural issues, as have been raised in the house today and are well understood, and it is on the brink of collapse. What a legacy it will be for the Cook Labor government if these job losses materialise—about 3 300 direct BHP jobs and about 10 000 jobs all together, given the flow-on effects—along with the many impacts on regional centres around the state, with Kalgoorlie being just one. Five other WA nickel miners have already announced plans to close or scale back their operations over the past few months. Last week's announcement of the shutdown of BHP's Kambalda nickel concentrator and the potential closure of this operation in WA should have been a lightning bolt for governments at both the state and federal level.

Our focus is on the Premier's and the Cook Labor government's advocacy for WA. The Premier obviously recognises this. That is why, when he was first promoted to the position of Premier, he talked about the importance of an embassy in Canberra. This raises the question of the efficacy of that embassy, and the importance of a federal government that actually listens when representatives of our state speak up on behalf of Western Australia. It is quite clear that there has not been any cut through. Tania Constable, the CEO of the Minerals Council of Australia, stated that the state government's response has been underwhelming. Others have also raised significant concerns about the response.

As I have stated, this industry is on its knees. The lack of response from the Prime Minister and the cabinet so far this week has been disappointing and raises questions about the extent to which the Prime Minister is listening to concerns here in Western Australia. It is one thing to visit and provide handshakes and media opportunities; it is quite another thing to actually deliver for an industry and prevent further job losses. Although we acknowledge the eleventh-hour response from the state government in relation to royalty relief, the concern is that this is too little, too late, and, as I have stated, one industry spokesperson's commentary is that it is underwhelming. There were small hopes about what the Prime Minister would actually deliver when the federal cabinet came to WA. We know that the Premier has spoken about his advocacy in this place. The ineffectiveness of what has been delivered is clear. Industry is still waiting and wondering. Although we understand that a production tax credit has been raised as a potential deliverable on the ground, we are yet to see this measure materialise, raising questions about why it is taking so long and why the Premier is unable to get this deliverable for this industry at a time when so many jobs and families are being impacted by last week's devastating news.

We have heard about the crisis talks. Much has been raised by the critical minerals industry sector about the cost of doing business here in Western Australia. Those issues have also been raised at a national level but have a significant impact on WA. That is why we need a Premier who will stand up for Western Australia. It is a pretty extraordinary situation whereby the federal Minister for Resources of Australia, who is also from WA, lacks the muscle to influence any policy settings to save the industry. It is often said in industry circles that although it is clear there is some commentary from the federal resources minister, the commentary from other parts of federal cabinet is very different. It is absolutely clear that both the state and federal Labor governments have been asleep at the wheel on these issues. It is clear that industry is crying out for support. It is clear that we have a government gripped by inaction. As Tania Constable, the CEO of the Minerals Council of Australia, said yesterday in an opinion piece in *The West Australian* —

It is not enough to simply point across the Timor Sea and blame market forces when the reality is, adverse domestic policies are compounding the problem and pricing our mines out of the market.

That is the reality that dare not escape the lips of our political leaders: The cost of doing business in Australia is becoming a noose around our necks.

...

Policy changes are required to ensure approvals processes are fast, efficient and robust—and approached in a clear and co-ordinated way.

The Leader of the Opposition talked about industrial relations and the significant impact that that is having on WA businesses. We know that 40 per cent of the costs for this industry are associated with such.

The Chamber of Minerals and Energy has also raised concerns. I quote from a CME media release in which the CEO is quoted as saying —

... we need to ensure we have a solution for the short- and mid-term, as well as settings that ensure viability and sustainability in the longer term.

...

“As a nation and as a state we can’t afford to approach global energy transition like a snakes and ladders game,” ...

...

“Collectively, the State and Federal Governments need to ladder up and act before prospects to advance the global energy transition slip away ...

This is our opportunity to lose. We need to see some concrete support for an industry that is under incredible pressure. As the Leader of the Opposition has said, we have an incredible product here in Western Australia and operations that continue to reform and innovate, but they need more support if we are going to capitalise on this opportunity as well.

It is clear that we need to see more advocacy at the state level, not only for some immediate short-term solutions, but also on the number of challenging issues that are hurting the sector. I touched on IR; the government’s advocacy on behalf of WA on the right to disconnect laws was another weak and disappointing display on federal issues that are affecting Western Australian industries more than the industries of other states. The three-hour time difference in summer already compromises our way of operating industry here in WA. When the Premier was asked about this matter in this place the other week, his response was that policies must be consistent with our needs, which is a very weak response to a really significant issue.

The federal government’s shambolic IR changes, including same job, same pay, are having significant impacts on industry as well. More broadly, we need to see better advocacy on environmental approvals processes. There is \$318 billion worth of projects, 40 per cent of which are looking at turning away. As I have stated, this is our opportunity to lose and we cannot afford to have a handbrake on the growth and development of the critical minerals industry in Western Australia and the great opportunities of a green energy future.

Seeing Labor governments at both the state and federal levels tying themselves and our future up in red and green tape and publicly funding activists is also of significant concern. It is clear that we have an industry that needs support at both the state and the federal level. We need a Premier who stands up for Western Australia. This is a sector that has been left in limbo by a Premier who is unable to advocate effectively. We are asking the government to do more to ensure that the federal government is also listening and delivering for a sector in this state that faces significant job losses. That will have a flow-on effect for other operations, such as Lynas Rare Earths Kalgoorlie and the broader Kalgoorlie community.

MS M.J. DAVIES (Central Wheatbelt) [3.24 pm]: I rise briefly to contribute to this motion. Let us face it: the state and federal governments have dropped the ball and now we potentially have thousands of jobs hanging in the balance. That is what has happened. The previous Premier, the current Minister for Mines and Petroleum and the current Premier dropped the ball. We have heard the Leader the Liberal Party and the Leader of the Opposition talk about some of the challenges that sit in the federal arena. In the last week we have seen a scramble to address the situation that will leave many families dependent on these jobs hanging in the balance. We all understand in Western Australia that there are ups and downs in the mining sector. That is part of it. The trick is reading the play and understanding the risk to the strategic position of the state. Obviously, the loss of thousands of jobs at the end of a period of extended interest rate hikes is a poor outcome for those families, so many will be in a nervous state of uncertainty, staring down financial distress. At a very granular level, that will translate right across our state’s economy. The flow-on impact of the BHP announcement and the other mines that have gone into care and maintenance have been warning signs for the state government. The state was clearly ineffective when it undertook lobbying efforts last year to have the commonwealth place nickel on the critical minerals list because that was not done when it was requested. The previous Minister for Mines and Petroleum attended a nickel conference in October last year and told the conference that the state was lobbying hard for nickel, and I think copper at the time, to be on the critical minerals list. Madeleine King, the Minister for Resources, omitted that and now is trying to shut the gate after the horse has bolted. The horse has bolted—too little too late. We now see nickel on the critical minerals list. I have to say that there has been tepid welcoming of this. The Chamber of Minerals and Energy’s CEO, Rebecca Tomkinson, stated back in January 2024 that —

... the Australian Critical Minerals Strategy 2023–2030 remained unclear as to its practical support for the immediate and longer-term sustainability and growth of the critical minerals sector.

Although it is something, what it will do for the longer term sustainability of the industry is not particularly clear.

The Chamber of Minerals and Energy in the broader industry have been advocating for a number of different things, including turnkey industrial land development. They want investment in productive infrastructure and also to look at the fiscal settings for which the state has the levers to pull. My question to the minister and Premier is: what exactly are you doing? They have had two round tables. I have not heard lithium mentioned since the round table was completed; it has become all about nickel. We must have a plan outside of the glossy brochure of the critical minerals strategy. As one commentator has put it, there is a paucity of smart long-term planning. The Premier himself made the comment to *The West Australian* on Friday that longer term solutions were needed. What has the government been doing for the last seven years? This has not come out of nowhere. The state government itself

says that this is critical for the decarbonisation and management of the industry, and yet for the last seven years we have seen glossy documents but none of the foundational work to deal with the shocks we are seeing in the system—the market that goes up and down. There are broader things that governments can do.

The report that the CME did noted that without a domestic nickel industry we will miss out on significant opportunities. The Leader of the Liberal Party and opposition leader spoke to this. It is our opportunity to lose 61 400 jobs for Australia and potentially \$17 billion in economic activity, which is what the chamber's document outlines. Production costs have risen almost 50 per cent since 2019. Nothing should be off the table. We do not want more glossy brochures; we do not want more talkfests; we want action from our state and federal governments and some clarity around how we will prevent significant job losses in our state that will have flow-on impacts right across the economy. It will affect the capacity of our state, which should be at the forefront of the critical minerals industry, to lead the way. We will be limited because of the government's lack of foresight.

MR R.H. COOK (Kwinana — Premier) [3.28 pm]: I take the opportunity to contribute to this debate, which, member for Central Wheatbelt, is about the nickel industry. The motion does not mention the lithium industry at all. If the member for Central Wheatbelt is going to make a contribution to the debate, she should at least read the motion.

Ms M.J. Davies: If that is that is your only criticism, Premier, I am happy to take it.

Mr R.H. COOK: The member for Central Wheatbelt said, “Why are you not talking about something other than nickel?” I simply point out the fact that the opposition's motion only talks about nickel, so the opposition was not talking about lithium at all. I have talked about nothing else other than the critical minerals, which include lithium, and here the opposition is moving a motion just about nickel. That is the fundamental problem with the member's contribution, which meant absolutely nothing.

Ms M.J. Davies interjected.

The ACTING SPEAKER (Mr D.A.E. Scaife): Member for Central Wheatbelt, you were heard in almost total silence and I will not brook this any further. The Premier has the call.

Mr R.H. COOK: Thank you, Acting Speaker. Now we have dispensed with the rather paper-thin contribution from the member for Central Wheatbelt, we will deal the substantial arguments in this debate. Critical minerals are an essential part of our overall industry diversification strategy. We know that critical minerals will play an important role in making sure that Western Australia can be a global player in the energy transition, not only making sure we can decarbonise our economy but also that we are contributing to the decarbonisation of economies across the globe. Part of that is making sure that we are a valued member of the battery manufacturing supply chain, which is the reason we have worked assiduously to make sure that we continue to grow our critical minerals capacity. That includes rounds of funding under the investment attraction fund and the allocation of strategic industrial land to make sure we have locations for these companies to establish themselves. It is also around the great work we have done on the Kwinana industrial strip to make sure we can establish it as a global advanced industry hub, making a significant contribution to the battery manufacturing industries. That is why we have seen companies beat a path to our door to make sure they can be part of that great precinct and be part of this great industry. That is the reason we have put so much emphasis on this. My government has allocated more strategic industrial land in the last 12 months than governments in the last 14 years, so there is a lot going on at the moment to make sure that we are providing the opportunities for these companies to come to Western Australia to make great investments to establish themselves.

This is about our diversification strategy. It is about making sure that Western Australia is not only a great player in traditional resources, minerals and energy, but also investing significantly to make sure we are stimulating Western Australian jobs in a range of industries that we can target, utilising our strategic advantages and our innate skills to continue to grow these industries in the energy sector, which is an important part of our economy. We will see Western Australia grow as a renewable energy powerhouse, as well as tourism, events and creative industries, international education and defence industries. Just today, we heard the Minister for Defence Industry make an announcement around significant opportunities for Western Australia to be a key part of its defence industry supply chain. Mining equipment and technology services, space industries, health and medical life sciences and primary industries are the sectors we are targeting to continue to make sure we grow the jobs of tomorrow for the kids of today.

That is why we have put so much work into the critical minerals sector. It is not only an important part of our economic story, but also an important part of our strategic story. We know that having a sovereign capability in the critical minerals sector means that, in turn, as a country we are not as dependent upon other suppliers around the globe for minerals. That is why my government has moved quickly to ensure we do everything we can as a state government to stand by the nickel industry. Members would have heard just last month, on 15 January to be exact, First Quantum Minerals at the Ravensthorpe pits made an announcement that it was going to stop extracting nickel ore and would continue to process its stockpiles but not dig up further ore as part of its cost containment and minimisation process. That was a clear signal to everyone in the community that the global market for nickel is experiencing significant disruption, and the Leader of the Opposition did a good job of providing some insights

into what that looks the like. The significant and aggressive investment we see in the nickel mining and processing industry in Indonesia is leading to an increase in supply on the global market and thereby putting a downward pressure on the price of nickel. We need to make sure that we are aware of these impacts and that we respond.

Concurrently, we have seen the lithium price reduce. I think the jury is still out about whether that will be the long-term state of affairs, but the market analysis suggests that in the short to medium term the lithium price will recover. Although that requires further monitoring, at this stage it does not require action. However, action for the nickel industry is what people have seen from my government. Just last week, the Minister for Mines and Petroleum detailed our response and outlined how we will continue to support our nickel miners who are still in operation and ensure that we assist them with the current downward pressure on price. Why did we put in place these measures? Quite simply, it is because that is what the industry asked of us. It is what the individual miners asked of us. It is what the Chamber of Minerals and Energy of Western Australia asked of us. It is what the Association of Mining and Exploration Companies asked of us. We have delivered on those requests, and we will continue to work with industry to make sure that our policy settings are right for it to deal with the disruption to the global market.

One of the reasons that it took from 15 January to last week to finalise the package is that industry was exploring the needs of its participants to make sure that it got their asks right. I was very pleased to have meetings with both the Chamber of Minerals and Energy and AMEC to discuss what interventions they wanted from the state government. In the meantime, we have also seen the federal government act decisively by moving to ensure that the nickel industry can benefit from the multibillion-dollar funds that support critical minerals industries. The state government and the federal government continue to play our parts in supporting the industry.

We heard the Leader of the Opposition say that somehow changes to industrial relations laws are part of the issue. These laws have only just been determined by the federal Parliament, so I am not quite sure how they could have a significant impact on the costs of a mining operation at this point.

We also heard the member for Vasse suggest that environmental laws are part of the challenge. Obviously, the member for Vasse would have been pleased to hear our announcement in late 2023 that we would significantly review and revamp our environmental regulations to ensure that we get a much smoother pathway for mining proponents looking to develop industrial opportunities in Western Australia. I accept the member for Vasse's belated congratulations to my government for taking those measures, and I am sure she will be pleased that we are already well ahead of her particular point of view on these matters. We are continuing to work with the industry to make sure that we are supporting it wherever we can and that we have the right policy settings, which is the reason that we have seen such great investments in our critical minerals and battery manufacturing supply chains to date. My government is about working with industry to make sure that we facilitate these great investments so that we can continue to make sure that we are generating high-quality Western Australian jobs. We will continue to make sure that that is our focus.

We know there is more to be done. We are working with the federal government to ensure that we can bring to bear further policy measures to support the critical minerals industry. Why are we confident that we can do that? It is because Anthony Albanese, our Prime Minister, gets WA. He has been here more times in the last two years than the last three Liberal Prime Ministers combined. He understands that Western Australia is the engine room of the nation's economy. He is already committed to continuing to do more, working with my government and industry to ensure we can continue to support the critical minerals industry. It is important for not only our economy, but also our sovereign capability and the future of Western Australia as we move to a decarbonised future and become a renewable energy powerhouse.

MS A.E. KENT (Kalgoorlie) [3.39 pm]: I rise today to talk against this motion. As the member for Kalgoorlie, I am aware, more than most, of the nickel industry, and I know which side of government I prefer to be on. I prefer to be on the side of a government that understands the resources sector. The goldfields has a multitude of mines, including those under the banner of BHP Nickel West. Nickel West is 100 per cent owned by BHP and is a fully integrated nickel business that operates open-cut and underground mines, concentrators, a smelter and refinery all located in Western Australia. As we know, nickel is a critical metal in batteries, and as the world keeps moving toward renewables, more batteries are needed to store energy. We know this. BHP is reviewing its nickel operations in WA due to weaker metal prices and is considering a period of care and maintenance. Of course, this is difficult news to the resources industry and my electorate of Kalgoorlie. Both levels of government are listening and acting. Federal Minister for Resources, Madeleine King, made a great announcement last week when she put nickel on the critical minerals list, allowing nickel miners to apply to access a \$4 billion fund. Nickel's inclusion on the critical minerals list will make it easier for project proponents to apply for funding from the federal government's critical minerals facility. The loan facility is managed by the federal government's credit agency, Export Finance Australia, and aims to bolster and develop projects consistent with the Australian critical minerals' strategy. Last year the facilities fund swelled from \$2 billion to \$4 billion, and the federal minister said —

“This will now make sure nickel can fall within that particular facility ...

“The other thing it does is it helps with our international partners too that we move this onto the critical minerals list, so that we can attract some of their investment from their national financing bodies like Export-Import Bank.”

The Cook Labor government also announced that it will offer royalty relief to Western Australia's critical nickel industry to support thousands of local jobs as well as the state's vision of becoming a global battery minerals processing hub. Of course, I want the other K city to feature here as well as Kwinana!

The WA nickel industry has experienced extremely challenging global market conditions in recent times, which have prompted mine and processing plant suspensions and has significantly impacted jobs. These challenging conditions have been caused by a significant structural disruption to the global market, prompted by a surge in lower cost supply from other countries coming onstream. In response, this Cook government will offer local nickel producers a 50 per cent royalty rebate starting from the March quarter in 2024 and will be available over an 18-month period through a new nickel financial assistance program. The rebate will be provided if the average price of nickel in concentrate is below \$US20 000 per tonne for a given quarter. The rebate will then be repayable by the companies in equal quarterly instalments over the following 24 months. Companies will need to apply for financial assistance and provide details of their need for support, including information on their finances and projected economics as well as steps taken to adjust to the current price environment and structural changes in the industry. Our nickel financial assistance program will support nickel producers in their hour of need, providing temporary assistance to help with the structural changes to the nickel industry. Recent investments from China have enabled Indonesia to produce significantly cheaper nickel at scale from laterite deposits, placing Australia at a 28 per cent cost disadvantage. The rapid increase in cheap Indonesian nickel has coincided with lower-than-expected demand for battery minerals due to global electric vehicle sales falling three per cent short of forecasts in 2023.

Western Australian nickel producers are also facing growing cost pressures primarily in the form of higher labour costs that account for a significant portion of overall production costs. The Chamber of Minerals and Energy of Western Australia says that the government's measures are promising. CME chief executive officer Rebecca Tomkinson said that the nickel finance assistance program highlights an understanding of the importance of nickel to critical minerals aspirations of downstream processing. She said —

“CME has made it very clear that targeted and evidence-based government support such as temporary royalty relief makes sense for the nickel sector in the near-term, given the significance of the industry to local employment, the economy and our national strategic interests.

That is good to hear.

I talk to all stakeholders in this industry, including BHP Nickel West, from all its sites in the goldfields. They make sure that I am aware of every single part and conversation that they are dealing with at their mine sites and with their employees. The economy, jobs and the community are my priorities and will continue to be so. I am very proud to be part of a state government that reacts so positively and quickly, and I am also very proud to speak against this motion. I thank the Premier for his words, and I am working continuously with the Minister for Mines and Petroleum. I thank the minister for supporting the nickel industry in the Kalgoorlie electorate and doing what is right for WA.

MR D.R. MICHAEL (Balcatta — Minister for Mines and Petroleum) [3.46 pm]: We just heard from the member for Kalgoorlie. Following on from my comments during question time, and like all of us in this government, she listens to her electorate, including not only mining companies and proponents, but also workers who do an incredible job on the mines. We are incredibly lucky to have the member for Kalgoorlie. The member for Pilbara is next to me. He has some mining issues in his electorate. His connections in the Pilbara make an enormous contribution to the state. That is why I am so proud to be the new Minister for Mines and Petroleum in Western Australia, with the incredible wealth and opportunity that the mining and resources industry has given our state over many, many decades. The importance of my role and of our government continuing to support the sector and workers in the sector is not lost on me.

When it comes to critical minerals, there are some quite immature pricing mechanisms around the world in a lot of the emerging markets, which is a problem. We can talk about lithium and other critical minerals another time. Nickel is obviously not a new mineral in that sense, but in my mind it is almost acting like a new mineral. I note the discovery of high-grade nickel sulphides in Kambalda during the 1960s, and the development of mines in the 70s that brought enormous benefits to the state. At that time nickel mining was geared towards the production of steel products, in particular stainless steel. For decades, the pricing and the way the nickel industry on the world market worked was all geared around that particular product and the products that could be made with nickel alloys. More recently, with the decarbonisation of the globe and new technologies of lithium-ion batteries that mostly require nickel, it is almost like it is a new market again that is acting a little like those other new critical minerals required for batteries that we see around the world at the moment. Until recently, the nickel industry has shown some encouraging signs with strong sales volumes and an increase in local nickel project developments, some of which the member for Kalgoorlie and the Premier talked about. Sales quantities were about 160 000 tonnes in 2022–23. That was the highest level since 2017–18. High prices, relative to the early years, meant that the value of nickel sales was about \$5.7 billion, which is the highest since the global financial crisis for the state, and very much more than the two-decade low of 149 000 tonnes in 2018. I think about 95 per cent of the royalties for nickel come from four big producers, many of which have been mentioned here today. We note that they will be increasingly important

as battery technology takes off and the demand for electric vehicles increases around the world as emission standards kick in and more people put batteries in their homes to decarbonise their lives and help energy grids around the world—as we have seen here with our big batteries being put in.

I will talk about the recent price drop and how quickly it happened. For most of 2023, the price of nickel was well above \$US20 000 a tonne; it dropped sharply in the final month or two and into January this year. That is not new to the nickel industry. Like most commodities, there are ups and downs. I see the member for Roe here. The member would be well aware that Ravensthorpe Nickel Operations entered into care and maintenance in 2009 and then again in September 2017, restarting in 2020. That is the same for Savannah Nickel Operations, which went into suspension in 2015 due to the low nickel price. There are lots of examples. It is not unusual for the resources industry; these things happen. Generally, Australia is a price-taker for its commodities. That is something that will continue to happen and is where the government will come in to try to help, where it is able to.

Obviously, one of the reasons for the drop in nickel prices over the last six months is an issue with supply and demand. I think the member for Kalgoorlie talked about the demand for electric vehicles around the world. It is softer than predicted. There has been a wrapping up of battery production for electric vehicles. I have a very lowly undergraduate Bachelor of Economics degree; it is just simple supply and demand. There is just not enough demand. As we have heard, there are massive mines coming into production in Indonesia. It also wants to develop its downstream battery industry, which has markedly increased supply in the world market.

Obviously, one of the issues with those mines in Indonesia is the provenance of the nickel that will go into our batteries. There are concerns. I will not go into it too much because it is not something that I have done too much research on; however, I know there are some concerns about the mines in Indonesia regarding deforestation, air and water pollution and the impact on local communities and the fishing industry. I have even read a few articles about what it is doing to traditional fishers in those parts of Indonesia.

For those of us who want to buy an EV or put a battery in our house, the amount of greenhouse gases that are being used to produce nickel in that industry is important, as well as labour standards—especially safety. I note that, tragically, in late December, 18 people died in a nickel smelter in Indonesia. I read an article—I think it was recently in *The Australian*. It said that a single nickel-focused industrial park located in eastern Indonesia's Maluku Islands will burn more coal than Spain or Brazil when it is fully operational.

These are things around the globe that we will increasingly have to look at to make sure that the nickel in our batteries has a good environmental, social and corporate governance background and provenance. If someone is thinking of doing the right thing by buying an EV or putting a battery in their house, the last thing they want is for the carbon that was produced in the making of the battery to offset all the good work they think they are doing.

I now come to a roundtable meeting with Minister King held on 24 January. She is a very good Minister for Resources for our country. She is someone who gets WA and fights for WA, despite some of the comments from the opposition. I note that it was only in the two weeks before two of the nickel producers, First Quantum Minerals and Panoramic Resources in the north west, made those announcements. Minister King called a round table, which I was very happy to attend. At the nickel round table, we had many of the state producers and peak bodies. I remember that almost everyone in the room at the round table said that there is no silver bullet to resolve the international pricing issues facing the Australian nickel industry. There is no silver bullet, but we can look at doing multiple things. I took away various things that we must continue to work on from a state point of view.

One thing was looking at more assistance to the nickel industry for exploration for new deposits. I think someone said that only one economic nickel deposit has been discovered in the last 10 or 20 years. If we can find new deposits of nickel that are lower on the cost curve and easier to extract, we will make it more competitive. I am pleased to say that of the 36 successful applicants for the last round of the exploration incentive scheme, 21 projects were searching for battery minerals, and that includes 13 companies looking for nickel. That is a great thing. Obviously, the exploration incentive scheme is something that I am looking to continue, and I note that the current round is open until 1 March.

Another one was our approvals reform. In December, the Premier talked about the approvals reform we are looking at. Some of that is in my department, in the Department of Energy, Mines, Industry Regulation and Safety, and requires looking at fast-tracking mining approvals and duplication issues to reduce red tape where we can. My colleague the Minister for Environment is looking to do the same thing in his portfolio. That is another important thing that was asked.

The final suggestion was to introduce a royalty rebate—it was made clear to me—similar to the 50 per cent royalty rebates we rolled out to other industries. I think even the former government supported that 50 per cent rebate. Businesses get it for a time, they have a price cap, and they are able to pay it back. In question time, I gave details of the royalty rebate to support the industry.

The shadow Minister for Mines and Petroleum was a minister in the former government. I am pretty proud of how we were able to turn that rebate around in three weeks and one day from when we had the round table. We went

through the proper processes of government to make sure that we had the modelling right. We talked to industry and peak bodies to make sure that the settings will be meaningful for some of the industry players. As I said, every mining operation is different. They all have different finances, ownership and ways of doing business, but we have made this as good as we can and consistent with support we have given other industries in the past.

In response, the Association of Mining and Exploration Companies was very happy. In a media release, it stated —

Today's announcement from the Western Australia State Government, to provide 50 per cent royalty relief over 18 months, to nickel producers is very welcome news to the under pressure nickel industry, but it is clear more will be required.

“There is no doubt this timely assistance from the WA State Government is welcomed by the nickel industry.

“The WA Government has stepped up to the plate for this industry in its time of need.

I think that the Leader of the Liberal Party quoted from the Chamber of Minerals and Energy's media statement, but I will quote some bits that were omitted —

Today's announcement by the WA Government to adopt the Chamber of Minerals and Energy of WA's ... recommendation for a nickel royalty relief package has been recognised as a promising measure for the sustainability of the state's nickel industry.

CME Chief Executive Officer, Rebecca Tomkinson, said the Nickel Financial Assistance Program was a positive sign that the weeks of urgent discussions with state and federal ministers and parliamentarians on behalf of industry were productive.

Members have talked a lot today about the federal government for various reasons. I am really happy that Minister King put nickel on the critical minerals list. I know that the Prime Minister made some incredibly strong comments about the nickel industry in the last couple of days, and I know that the federal government has things like the production tax credits, which is a call that came out of the round table, under active consideration—as well as everything else the federal government can do. We have a great relationship with the Prime Minister, and we have a great relationship with the minister. If this issue is so important to members opposite, maybe they should have asked a question about it last week instead of —

The ACTING SPEAKER (Mr D.A.E. Scaife): Minister, your time has expired.

Division

Question put and a division taken, the Acting Speaker (Mr D.A.E. Scaife) casting his vote with the noes, with the following result —

Ayes (5)

Ms M. Beard	Ms L. Mettam	Ms M.J. Davies (<i>Teller</i>)
Mr R.S. Love	Mr P.J. Rundle	

Noes (48)

Mr S.N. Aubrey	Ms K.E. Giddens	Mrs M.R. Marshall	Mr D.A.E. Scaife
Mr G. Baker	Ms M.J. Hammat	Ms S.F. McGurk	Ms J.J. Shaw
Ms L.L. Baker	Ms J.L. Hanns	Mr D.R. Michael	Ms R.S. Stephens
Ms H.M. Beazley	Mr T.J. Healy	Mr K.J.J. Michel	Mrs J.M.C. Stojkovski
Dr A.D. Buti	Mr M. Hughes	Mr S.A. Millman	Dr K. Stratton
Mr J.N. Carey	Mr W.J. Johnston	Mr Y. Mubarakai	Mr C.J. Tallentire
Mrs R.M.J. Clarke	Mr H.T. Jones	Mrs L.M. O'Malley	Mr D.A. Templeman
Ms C.M. Collins	Mr D.J. Kelly	Mr P. Papalia	Mr P.C. Tinley
Mr R.H. Cook	Ms E.J. Kelsbie	Mr D.T. Punch	Ms C.M. Tonkin
Ms L. Dalton	Ms A.E. Kent	Mr J.R. Quigley	Mr R.R. Whitby
Ms D.G. D'Anna	Dr J. Krishnan	Ms R. Saffioti	Ms S.E. Winton
Mr M.J. Folkard	Mr P. Lilburne	Ms A. Sanderson	Ms C.M. Rowe (<i>Teller</i>)

Pair

Dr D.J. Honey	Ms E.L. Hamilton
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Question thus negatived.

SENTENCE ADMINISTRATION AMENDMENT (MONITORING EQUIPMENT) BILL 2023

Third Reading

[Leave granted to proceed forthwith to third reading.]

Bill read a third time, on motion by **Mr J.R. Quigley (Attorney General)**, and transmitted to the Council.

RESIDENTIAL TENANCIES AMENDMENT BILL 2023*Second Reading*

Resumed from 29 November 2023.

MR P.J. RUNDLE (Roe — Deputy Leader of the Opposition) [4.06 pm]: I rise today as the lead speaker for the opposition to speak on the Residential Tenancies Amendment Bill 2023. It is an interesting bill. We know that a lot of changes have been made in other states, and Western Australia is also falling into line with this legislation.

From my perspective, the balance between the landlord and the tenant is very interesting. It is very important for the opposition to ask a lot of questions, which I will do during the consideration in detail stage, and I am sure that the Minister for Housing will have all the answers. It is an important bill because, right at this time, the question is whether it will allow more housing to be created or whether it will restrict housing for renters. That is probably the overriding question that many people have raised with me.

There are elements of the bill that I think are good. Certainly, streamlining the bond disposal process is an important element, as is the prohibition of the solicitation of rent bidding, which is something that has developed over the last few years. If people go for a drive to the markets on a Saturday morning, they will see one of two elements. They will see either 50 or 60 people lined up outside a house that is for sale or many numbers of people lined up outside a place that is for rent. It is important to consider in the current context the demand for rentals and the concern that may arise if this legislation discourages landlords from putting their place on the market. They might just switch off because they are worried about the modification provisions or the pet provisions and say, "I don't really need the money; maybe I'll just take the place off the market so I don't have to deal with that." They are the sorts of questions I will ask in consideration in detail.

I will go through what I think are interesting figures from a 2021 breakdown of household tenure types in Western Australia. There are 291 585 fully owned homes, which is 28.3 per cent of households; 387 703 homes with a mortgage, which is 37.6 per cent; and 271 906 rentals, which is 26.4 per cent. Rentals are made up of 3.5 per cent social housing and 22.7 per cent private rentals. A couple of other figures include other tenure types of 2.2 per cent, and "not stated" is 5.4 per cent. These figures take it up to 100 per cent, which is 1 029 774 households. This is obviously from 2021, but I think since then, with the Albanese government's immigration policies, we have seen the population of Western Australia expand quite rapidly.

Ms R. Saffioti: It is the success of our economy, too.

Mr P.J. RUNDLE: There is a combination of factors.

I have a population growth graph from the Real Estate Institute of Western Australia that shows that Western Australia's population grew 3.1 per cent in the year to June 2023, which is the strongest annual growth since June 2009. In the year to June 2023, WA gained over 73 000 people from migration, with the majority coming from overseas. Once again, this puts pressure on our housing market, such as the sale of houses, units, townhouses and the like, and also on the rental market. It is nothing new. Everyone in this chamber knows what has happened. I think most of us would be surprised, to be honest. When things started out with COVID-19, people were worried about the value of their house dropping, or being overseas and not being able to get back, and all those factors. The general sense from people at the start of COVID was that the value of their house might drop or they would struggle to rent it out—whatever the scenario—when it has gone the other way. I guess part of that is the net migration intake, which has increased very rapidly in Western Australia.

There are a few figures on rental vacancy rate. According to REIWA, 2.5 to 3.5 per cent represents a balanced market. However, the vacancy rate in Perth has been around 0.7 per cent for more than a year, with no relief for renters in sight. In January 2024, the vacancy rates across WA were 0.7 per cent in Perth, 0.6 per cent in Albany, one per cent in Bunbury, two per cent in Kalgoorlie and 0.9 per cent in Geraldton. They are very low vacancy rates. This reform will be beneficial for renters, but the questions are: Will it take investors and landlords out of the market? How is the government aiming to address this? As I pointed out earlier, that is certainly my main concern.

I will quote from quite a good article of Saturday, 27 May 2023 titled "Renters and landlords reveal what they think of Western Australia's rental law shake-up" by Keane Bourke from the ABC. It states —

The relationship between WA renters and landlords is set for its biggest shake-up in years, and not everyone is fully onboard.

Under reforms announced yesterday, renters will soon have greater rights to keep pets and make minor modifications, with landlords restricted to only increasing rent once a year.

Landlords and property managers won't be able to encourage tenants to offer more than advertised rent, the release of bonds will be streamlined and disputes will be handled by the Commissioner for Consumer Protection rather than magistrates.

The changes are due to take effect from mid next year ...

The article provides the example of Jacinta Goerke. It states —

Jacinta Goerke has been a landlord for about 30 years and said she was still planning to sell up in the near future.

“People back then [when I started] told me don’t do it, all you’ll be doing is cleaning up homes, fixing houses ... try and enjoy your life and get into something a bit better,” she said.

“Unfortunately, they were right and I am leaving.

“Will the changes today stop me from selling? No, absolutely not.”

It is a balancing act between renters and landlords. The article continues —

The minister responsible for delivering the long-awaited reforms, Sue Ellery, acknowledged as much when she announced the changes alongside Housing Minister John Carey.

Both pointed to the fact that only increasing the number of rentals on the market would drive down prices.

That is that element. Neither Hon Sue Ellery nor Hon John Carey can tell us whether there will be an increase or a decrease in the number of rentals available due to this legislation. Mr Carey is quoted in the article as saying —

“We are using every lever we can to accelerate the delivery of housing in Western Australia ...

As I said, the vacancy rate is about 0.7 per cent in Perth and most surrounding areas. The article continues —

The low vacancy rate is driving up prices and left the government hesitant to do anything that scares more investors away.

“If we restrict the decisions that owners can make about how they manage and use their asset, the risk we take is that they remove them from what is already a really tight rental market,” Ms Ellery said yesterday.

“It’s not the right time to make it more complex to own and manage a long-term private rental property.”

Will the changes in this legislation make it more complex to own and manage a property? I believe that a landlord could well and truly argue that if a tenant has pets and they are worried about the damage the pets might do to the property or worried about the minor modifications that could be made. Once again, another challenge with this legislation is that the regulations are still being worked on. That is the challenge we face when trying to get information about what will be defined as a “minor modification”.

Mr J.N. Carey: Are you suggesting that because of these changes we are driving out investors from the rental market?

Mr P.J. RUNDLE: No. I am concerned about the potential for people to say that they do not want to have to deal with pets or a tenant making minor modifications that the landlord is not sure about. They are the questions I am posing, minister. I am not necessarily saying that it will have an effect either way, but I am saying that it could, and this and many other articles that I have seen have pointed out that it is a challenge. Landlords may go down that path.

I intend to ask those questions during consideration in detail because I am here to ask questions on behalf of landlords and other people around the state who might be thinking about putting their property up for rent. That is where I am coming from.

The removal of no-grounds evictions has been partially taken up in other states. It was one of the biggest things that the government and the real estate lobby figured would drive out investors. To quote Cath Hart from the Real Estate Institute of Western Australia —

“If we were to remove it [no grounds evictions] we would see a disproportionate response from investors who would simply exit the market now ...

That is pretty strong wording about some of REIWA’s members. I think most people welcome the fact that this government has not taken up those changes, unlike the likes of the Victorian state government. I think that is probably a positive and something this government realised.

A member interjected.

The ACTING SPEAKER: Minister, you are not in your seat.

Mr P.J. RUNDLE: That is right!

People from different parts of the landscape obviously have different opinions. I think it will be very interesting because of certain elements, such as rent increases. The median rent jumped by 20 per cent to its current price of \$600 in January 2024, and I believe it has actually increased since then. The Premier said on ABC Radio Perth in the same week that capping rental increases could turn investors off, which would be to the detriment of housing supply, and that the government did not want to drive investors out of the rental market, yet this reform may do exactly that. I think most people would generally agree that limiting the frequency of rent increases to once every 12 months from every six months is probably a fair thing to do for renters.

The issue of minor modifications has created some concern amongst landlords. New South Wales developed a comprehensive list of minor modifications in its regulations. We hope that the Western Australian government does much the same. I foresee that there will be elements that will present a challenge. If someone says they are going to make a minor modification, it may get out of control inside the house, and when the landlord comes back to do an inspection a few months later, things may be a little bit more radical than first anticipated. That will be interesting.

The other element is the pet situation. I will ask questions in consideration in detail about that. I have a few stats here. In 2018, 3 182 private renters in Australia were surveyed on their experience of renting. Of the respondents with a pet, 42 per cent said that having a pet limited the availability of rental properties, 7.5 per cent indicated that they were unable to rent within their preferred location as a result of having a pet, nine per cent had to compromise on the type of dwelling they rented, and six per cent admitted to not being truthful about having a pet in order to access a dwelling.

Research undertaken in Australia in 2021 found that progression to pet-inclusive housing policies is critical to enable people living with pets in unsafe and precarious living situations, such as domestic violence or homelessness, to transition to safer housing. I think that is self-explanatory. I personally support the ability for a tenant in a family or domestic violence scenario to put extra locks on or the like. That is also pretty self-explanatory.

The opposition will ask questions. If a landlord states in an advertisement that pets are not preferred, how will that work? As I asked at the briefing, will there be any implication if a landlord puts that out there? Of course, that would limit the number of applicants. What will happen if someone says that they do not have a pet but, a week after they move in, they move in with a pet? Those are the sorts of questions I will ask the minister during the consideration in detail stage.

Of course, retaliatory action is an issue. This occurs when the property manager or owner gives a notice to remedy a breach, gives a notice to leave or increases the rent in response to a tenant asserting their rights in an attempt to intimidate or punish them. Under these reforms in WA, a lessor will be considered to have taken retaliatory action if they give the tenant a notice of a breach, other than for failure to pay rent, and require the tenant to remedy the breach; increase the rent; take action to terminate the tenancy; or refuse to renew the tenancy agreement. Of course, it will always be a challenge to prove that a lessor has taken retaliatory action if they do not renew a tenancy agreement. How will a tenant prove that the lessor has taken that type of action? That will be a challenge, because obviously there might be other reasons, such as wanting to sell the place or move a family member in. However, they may just want to move the tenant out and get someone else in. That is going to be a challenge.

Rent bidding has developed over the last year or two. That is not ideal. That has developed because of supply and demand issues. This reform aims to stop landlords and property managers from pressuring or encouraging tenants to offer more than the advertised rent. Curiously, this will not apply to printed ads placed near a rental, which are not required to state the price. This loophole occurs in other states, including New South Wales. Someone could wander down to their local deli and put up a notice. Potentially, someone could say that they will pay a little more, and so it goes on. That interesting scenario, in which an ad that does not state the price is allowed to be placed near a rental, could develop. Proposed section 27 AA(2) states —

A person does not commit an offence against subsection (1) if the person places a sign advertising or offering residential premises for rent at or near the premises and the sign does not state an amount of rent for the premises.

What other rules will there be around advertising on social media? Will a landlord be able to take an image of a printed ad and share it on social media? That is another question that might crop up.

As I said, I will be asking a variety of questions on many elements of this bill. From a landlord's perspective, the provisions around pets and minor modifications will probably be the challenging parts of this legislation. I think that most renters will welcome this legislation. Of course, I understand that strata by-laws will override this legislation in most cases, which is another element that I will look at. If a strata company has, say, 30-odd units and its by-laws state that people cannot have pets inside the property or in the common area, will that be the end of it? Will that by-law override this legislation?

As pointed out, there were 350 submissions from landlords, tenants and members of the real estate industry. There are certainly provisions that I think are fairly logical, such as the power for the Commissioner for Consumer Protection to determine disputes about the disposal of bonds. From my understanding, at the moment, the bond disposal at the end of a tenancy can be challenging, and it would certainly help to, if you like, streamline the process in the event of a bond dispute. Of course, another element is the \$260 pet bond, which I understand is to allow for fumigation and the like. However, as I think most of us here understand, if someone has a couple of big dogs inside a unit, they can well and truly rack up costs of more than \$260 worth of fumigation. They can rack up costs for things such as new carpets and paint right throughout the house. This is another question: if the pet and security bonds added together still do not add up to the cost of replacing the carpets and repainting the whole place, where will everyone stand on that; what will happen if the actual expenses are more than the total of the pet bond and the normal property bond? There is a challenge in front of us there as well.

I will leave my contribution there. As I said, I have a lot of questions to ask in the consideration in detail stage. There has been a lot of interest in this bill. I look forward to the minister responding and giving clarity on many of those elements. Certainly, the overriding question that many people have put to me is: will this actually restrict housing supply for our renters in Western Australia; when this legislation goes through, will some landlords actually take their rental property off the market, creating a shorter supply of housing?

Mr J.N. Carey: Where are you backing that up from? What facts, statistics, evidence?

Mr P.J. RUNDLE: I am just giving the minister feedback from my constituents and others who have brought that up.

Mr J.N. Carey: That's not what REIWA is saying.

Mr P.J. RUNDLE: I am not saying that the Real Estate Institute of Western Australia has said that; I am talking about other constituents.

Mr J.N. Carey: Give me their names and addresses and I'll call them.

The ACTING SPEAKER (Ms R.S. Stephens): Thank you, minister.

Mr P.J. RUNDLE: I have referenced them here in some of these statistics, and I have referenced REIWA and some of the population statistics.

Mr J.N. Carey: But you haven't demonstrated any evidence of that at all.

Mr P.J. RUNDLE: I am talking about people who have actually spoken to me and expressed their concerns.

For argument's sake, REIWA's modelling, which I will now refer to, estimates that there are 8.1 per cent fewer rentals in WA than there were in the peak in February 2021—a loss of more than 18 000 properties in the rental market. Those figures are based on the Department of Energy, Mines, Industry Regulation and Safety's bond data, so I think that is pretty self-explanatory. That is not to say that that downward trend will continue when this legislation goes through, but I have had plenty of information —

Mr J.N. Carey: Where do you think those homes are going to? Do you think the possibility is that people are buying rental homes and moving into them?

Mr P.J. RUNDLE: That is one element, minister. There are any number of circumstances. There are adult children living with their parents and the parents might say, "I've had enough of this; I might move my children into this rental." That is another scenario.

Mr J.N. Carey: But you would acknowledge that that house is still being used and is still providing a home and is still part of the housing continuum?

Mr P.J. RUNDLE: I acknowledge that. I am saying that if there are four people in one house and the parents move two adult children out into a rental property, all of a sudden there are two properties being used instead of one, so that will theoretically reduce the housing stock for other people on the street who might want to come in as outside renters. As I said, I am just relaying some of the concerns that have been outlined to me. I think that is a natural response when we look at the experiences of people with large pets and so forth. Obviously, we understand that there are small pets and companion pets and dogs that assist people with their disability and mental health challenges. There are different arguments that can be raised. That is all I am here to do; I am here to raise those arguments and to ask questions. I look forward to contributions from other members and the minister's responses in consideration in detail.

MR D.A.E. SCAIFE (Cockburn — Parliamentary Secretary) [4.37 pm]: I do not think the member for Roe is looking forward to my contribution! My view is that the member for Roe should not be allowed to speak between 3.30 and 5.30 pm because between his delivery and the mid-afternoon slump, my blood sugars need one of those big bags of glucose jellybeans that you get in chemists! I love them!

Ms R. Saffioti: Great colours!

Mr D.A.E. SCAIFE: In a family of diabetics, I grew up on those glucose jellybeans. I was just sitting there then, thinking, "God, I could guzzle half a bag of those right now!"

Ms R. Saffioti: Big question: favourite colour?

Mr D.A.E. SCAIFE: I am a fan of the black jellybeans—the licorice flavour!

Ms R. Saffioti: Green!

Mr D.A.E. SCAIFE: Okay, we have votes for green. I am glad to have at least sparked some interest in the chamber, because that was a meandering performance from the member for Roe.

Mr P.J. Rundle: You're a hard man!

Mr D.A.E. SCAIFE: I am!

I found something extraordinary about what the member for Roe said. We all know there is significant pressure on our housing market, and that is affecting people's ability to buy properties and to find rentals. We all know that; we have all had constituents come to us. The member for Roe and his opposition colleagues come in here all the time, bashing up the government for not doing enough to provide rentals to the market. They are always bashing us up, as though we are not doing enough on behalf of renters, but then the member for Roe in his contribution just now described his role as being here to ask questions on behalf of landlords!

That is what he said. He said that he is just here to ask questions on behalf of landlords; I wrote it down because I thought it was so extraordinary for an opposition to come in here —

Mr P.J. Rundle: I said constituents and many others.

Mr D.A.E. SCAIFE: No, the member can go back. We will check *Hansard* when we have to. Do not worry, member for Roe, my background as a lawyer means that I am used to writing file notes while people speak, and I heard that one correctly; that is, you are here to ask questions on behalf of landlords. That is what we heard from the Minister for Housing in question time last week, which is that a leopard does not change its spots. This opposition cries crocodile tears on behalf of renters, but when it comes down to it, it is not here to ask questions on behalf of renters or the diverse range of people in public housing, community housing or the private market about the significant pressures placed on them when finding housing. Fortunately, we have a government that is getting on with the job of boosting housing supply.

It is fortuitous that on the same day we are having the second reading debate on this bill, the Premier and the Minister for Housing this morning stood side by side with the Prime Minister and the federal Minister for Housing, Hon Julie Collins, to announce a significant investment from state and federal governments in the Pier Street development. It is a build-to-rent development that will see 219 new apartments brought into the housing market. Of those 219 new apartments, 30 per cent, or 66, will be social rentals; and 20 per cent, or 44, will be affordable rentals. That is 110 social and affordable rentals that will be brought into our system just off the back of that one development at Pier Street. The development at Pier Street is not happening of its own accord. It is not happening by accident; it is happening because of reforms and investments that this state government has been driving. It is because of an \$88.6 million investment from the federal government as part of its National Housing Infrastructure Facility and a partnership agreement with the state Cook Labor government whereby it will also contribute \$40.6 million towards the development. State and federal Labor governments are stumping up real money, real investment, to make sure that we get off the ground innovative housing solutions like the Pier Street build-to-rent development to provide alternative housing choices for people.

That \$40.6 million investment from the state government forms part of broader investment that this government has been making over several years. We have invested \$2.6 billion so far in housing, and that includes the delivery of around 4 000 new houses into the system. In the current construction market, which is cooling somewhat but still heated, we know it is difficult to get projects off the ground, particularly higher density projects. That is why we are partnering with the federal government on projects like Pier Street. The purpose of that is to produce apartments not just for the private market, but also the social and affordable rental markets. We are also undertaking many other initiatives. These are initiatives that the government and the minister have been driving. I think of the housing diversity pipeline. I believe that applies to the Pier Street development. The housing diversity pipeline is an initiative to identify those bits of lazy government land lying around not being used effectively and activating them so that we can build the housing supply that we need now and in the future. The housing diversity pipeline initiative underpins the Pier Street development.

We also have other initiatives. We have our infrastructure development fund that subsidises the cost of connecting infrastructure like power and water to apartment blocks that are eligible under the criteria of that program.

The partial subsidy per apartment means that the commerciality of those developments becomes easier to achieve for the investors and proponents of those projects. A wide range of measures is being taken by the state government to improve access to a diverse range of housing options. That is something I am always confused about with opposition members. They always focus on one particular issue. They never look at the fact that we need to have a diversity of housing options in the market. We need to have social housing, affordable housing and higher end products in the market that allow people to downsize out of bigger properties and free them up for other people. We need solutions across the spectrum.

The other project I want to briefly speak about is the build-to-rent project at the former Stirling Towers site. This comes off the back of a significant announcement that the minister made in December last year, about two months ago. The announcement was that a consortium comprising Community Housing Ltd and Tetris Capital had been selected as the proponent to demolish the former Stirling Towers complex and prepare the site for redevelopment. The Smith Street build-to-rent project will be coming out of the ground over the next few years. We are obviously in the initial stages of that project, with proponents selected to first demolish the site and then redevelop it. It is another exciting example of a large-scale built-to-rent project, together with the project on Pier Street, which was announced today.

In closing, I want to reflect on the comments I made at the start that we have an opposition that pretends to be on the side of renters, but, clearly, when we get down into the detail, they are not here to support them. I want to say to renters that I am a member of Parliament who supports them and they have a government that supports them as well. They can clearly see that in the text of the bill. I was a renter up until about 18 months ago. I rented my whole adult life. I am very fortunate to be in the privileged position of owing a bank a lot of money as part of my mortgage; nonetheless, I have been able to get my foot in the door of the housing market, which is getting harder and harder for people of my generation and younger. It is not that long ago that I was a renter and I saw some of the really difficult situations renters can get themselves into. I remember one landlord in particular who was completely outrageous about releasing our bond. They made all sorts of wild claims about the state of the house when we moved in. It also turned out that they had lost the property condition report that we had filled out and lodged with the agent. Fortunately, we took photos of it before we handed it over, so we had timestamped photos of the property condition report. In that case, I had to go all the way to lodging an application at the Magistrates Court to get our bond back. Eventually, because the landlord did not show up, we got a default judgement releasing our bond. It should not be that difficult, for either tenants or landlords, to get back their bond. A bond is not necessarily a huge sum of money, but it can be several thousands of dollars. Particularly for a tenant who is moving into new premises and stumping up a bond for new premises, it is a really significant amount of money; it is significant to their life. I really want to highlight one of the reforms in this bill that could otherwise be overlooked: the mechanism to allow an application for the release of the bond to be made to the bond administrator. They will have the ability to refer the case to the commissioner for a determination, rather than having to work out how to fill out the form at the Magistrates Court. I have to say that, despite being a qualified junior lawyer at the time, I remember the Magistrates Court trying to reject the forms that I had filled out. In the end, we were able to lodge them and it turned out that the Magistrates Court had got it wrong, but if it is hard for someone who at the time was a qualified lawyer to lodge documents to get their bond released, members can imagine how difficult it must be for so many people out there. I really welcome that reform. I think it is an important one for not only tenants, but also landlords because it is not in landlords' interests to be caught up in a fight about \$1 200 or \$2 000. The only people who benefit from that are the real estate agents and the property managers who get the fees from the landlords to manage the property. I think that is a sensible reform.

The reforms in general will complement our initiatives to boost housing supply. This government has a comprehensive agenda for improving conditions in our housing market, whether that is in boosting supply, getting the balance right between landlords and tenants or getting planning reform right to deliver secure housing for people into the future. We can contrast that approach from this government with the flip-flop droning from the opposition, which has an extremely shallow analysis of the issues and is not committed to delivering for the people of Western Australia.

MS L. DALTON (Geraldton) [4.50 pm]: I rise today to speak on the Residential Tenancies Amendment Bill 2023. Like many in this chamber, I have been a tenant. I have rented most of my adult life, until recently. My experience has been mostly positive. The place I rented for over 16 years was my home. I raised my family there and cared for it like it was my home. I have also had the experience of insecurity of tenure, which caused me great anxiety, and felt the power imbalance that tenants can feel when dealing with property managers. There has been insecurity in rental housing for many years, not only for renters, but also for landlords. The reforms will balance the need for greater rights for tenants with certainty for landlords, industry and potential investors in the rental market.

The bill, like all bills of the Cook Labor government, has undergone a rigorous consultation process, with multiple avenues for people to provide feedback. More than 350 submissions were received from tenants, property managers, real estate agents, landlords and peak bodies representing these groups. With these experiences taken on board, the Cook Labor government is modernising the Residential Tenancies Act to improve long-term prospects in the residential tenancy market.

The proposed changes include modifications to the dispute resolution process. When a disagreement between a tenant and a landlord cannot be resolved, the dispute is heard exclusively in the Magistrates Court. That can be a lengthy process for all parties that causes disruption to daily life and delays resolution. It is something that nobody really wants to have to spend their time on. To alleviate this burden, the reforms will implement a new process whereby the Commissioner for Consumer Protection assumes responsibility for finding a resolution. This innovative approach promises a more accessible avenue for resolving conflicts, sparing parties the need for physical court appearances and instead facilitating resolution through written communication with the commissioner.

The bond disputes process will be improved by the legislation. Currently, the Department of Energy, Mines, Industry Regulation and Safety assumes the role of bond administrator and may dispose a bond only if the parties have agreed to the bond disposal amount or court orders provide for the bond disposal amount. It is due to submissions from both landlords and tenants that this reform will be made. They have said that they find the court processes intimidating and onerous. Streamlining the processes will give people more time to be in pursuit of productive activities, not administrative and bureaucratic processes.

As everyone is aware, the vacancy rate for residential properties in Geraldton is low. As of January 2024, the Real Estate Institute of Western Australia reports Geraldton's vacancy rate as 0.9 per cent. We would like to see it closer to three per cent.

Reforms for alleviating the vacancy rate are another topic of conversation. They include reforms by the Cook Labor government in support of the construction industry through fee-free TAFE courses, skilled migration incentives, reducing red tape on granny flat builds and in planning to encourage more medium-density housing along transport corridors in the metropolitan region.

I am well aware that a barrier to renting for some families in Geraldton is that they are pet owners. Many times they have come to my office to raise that issue with me. Tenants should not have to choose between their home and their pets. The Residential Tenancies Amendment Bill 2023 includes alterations to allow tenants to keep their pets in most circumstances. This will mean that, going forward, landlords cannot refuse a pet except on reasonable grounds. They will need to have permission from the Commissioner for Consumer Protection to not allow pets or have certain restrictions on owning a pet. As I said earlier in my opening statements, I was a tenant for most of my adult life, and while I was growing up with my family in our rental property, pets were a large part of our lives. I could not imagine raising my children without being allowed to have our pets in our lives when we were renting. For most people, pets are part of what makes a home.

This proposed reform will still allow owners to collect a pet bond and home owners will still be protected against any damage caused by pets. To ensure that owners are adequately protected, the prescribed pet bond amount will be reviewed to ensure it accounts for inflation. Landlords of strata properties will maintain the right to refuse pets if the strata by-laws do not allow pets, which I can agree with from the perspective of the animal's comfort, considering strata properties are often built close together and may have only small private outdoor areas. Therefore, each applicant will be able to make an argument to have their pet. The pets and bond disposal reforms are just a few that will form part of the first steps in the modernisation of our laws.

To protect renters as consumers, new reforms will ensure that the product—the house—is advertised correctly and will safeguard against rent bidding. This bill will prohibit the practice of rent bidding. If members have not heard of rent bidding before, it is when a property is advertised at a certain rate but the owner or representative of the owner encourages the interested tenants to increase their weekly rent offer to lock in the lease. In the current market, I can understand that offering a higher amount makes one a more attractive tenant, but going forward, this practice cannot be instigated by the owner or property manager. In fact, this has caused a lot of anxiety for people. When they go to home opens of a certain set price, they understand that that price is in the realm of their affordability, but when somebody else with a different set of circumstances is encouraged to make a higher bid, other people cannot meet it and that is really not fair.

When a tenant signs a lease and moves in, it is important for their safety and enjoyment that they can make minor modifications. Tenants will be able to make minor modifications, with written permission from their landlord, for homely additions such as hanging curtains, building a garden bed or displaying art on walls—all of which we know are part of making a house a home. For those who are ageing, have a disability or have young children, modifications that improve safety and accessibility will be allowed. They include safety aspects such as latches on doors, hand railings and using anchors to secure heavy furniture. Obtaining written consent before making minor modifications will not exclude the tenant from having to restore the property to its original condition before ending the lease. These reforms will maintain the protection of landlords whilst providing a streamlined process for tenants to make the house their home. Under these reforms, landlords will have a reasonable right to refuse modifications if they believe they are unsafe or when the modification could unreasonably impact a heritage-listed home. These reforms and changes to the act will be monitored and subjected to further consultation with stakeholders.

In my time as the member for Geraldton, I have seen a lot of people housed in social homes—people who were previously sleeping rough through no fault of their own. They may not have had a stable support system growing up. They may have medical issues that have put them out of work for one reason or another. They may be struggling and have felt quite alone. To be there when they have received the keys to their first home and see how they made these houses their homes has been an absolute privilege. They are proud to—sometimes for the first time—have an actual roof over their head that is theirs and maybe is not shared by others.

I was very proud to stand with the Minister for Housing a couple of years ago when we opened six refurbished units as part of a pilot program in Geraldton to house residents who had been sleeping rough for a number of years. I spoke with some who had never lived in a home of their own and had always lived either on the streets or in shared spaces with other people or family members. These residents were very proud of the fact that they were able to call these units home. Granted, we cannot expect people who have never lived in a home and had to manage a home on their own to be thrown into that situation without some support. Some wonderful agencies in Geraldton provide fabulous wraparound support to these people, helping them keep on top of their budget, maintain sobriety and pay their rent. They have support through ICARE, Centrecare and agencies like that. I was also very happy to assist these residents with buying some basic household goods to help them furnish their new homes with things like kettles, pots and pans, and maybe a rug for their bed. A lot of the bigger furnishings were second-hand goods donated by Midwest Disaster Relief and other members of the community. We were able to provide the capacity for residents to go into Kmart with vouchers to choose something new. It cannot be underestimated how wonderful that makes people feel if we have not experienced it ourselves. I would like to see a future in which those in social

housing now will be able to enter the private market and pay market rates, if not get into home ownership. I advocate for any reform that provides tenants with more rights now and more certainty for landlords and prospective tenants to ensure that our available rental properties grow to meet demand.

For those who are in private rental accommodation and are experiencing cost-of-living pressures, the Cook Labor government's \$24.4 million rent relief program offers financial assistance to households at risk of eviction, providing relief to those most in need. Working alongside trusted key organisations, this government is supporting vulnerable Western Australians to sustain their tenancies and help keep them in their homes. In response to people who have criticised this program, I encourage them to imagine a future in which dozens of WA families are evicted because of a few hundred dollars in outstanding rent arrears. We cannot let these unfortunate, often temporary circumstances result in families and landlords going through a costly and time-consuming eviction process. As of Friday, 16 February, over 100 households have been provided with rent relief totalling \$450 000 in support. Although it is a one-off payment, it is not a once-off gesture. Eligible tenants are also supported to maintain the tenancy and manage their household budget through financial counselling services. All Western Australian tenants are supported by the tenancy advice and education service. The Cook Labor government has increased funding to this service by 35 per cent, bringing it back to pre-2016 levels and before the former Liberal–National government cut the funding. The tenancy advice education service is run through 16 community legal centres and provides on-the-ground advice and support for tenants facing difficult circumstances. I know that this service is appreciated in my community. It means that minor issues are resolved and the rights of tenants and landlords are upheld.

Targeted funding for preventive services is crucial in this current market. Another reform to keep Western Australian families in their homes is our proposal to reduce the frequency of rent increases from every six months to every 12 months. I think that will be hugely welcomed by tenants in Western Australia. When housing is a large part of a household budget, it is important that we implement legislation that provides certainty. I have heard from tenants of their many experiences of being consumed by the thought of another rent increase. They say, "Didn't it just go up? What else can I cut from my budget?", or "I'm stuck where I am as I cannot afford to move. Where should I move to?" These are ongoing anxieties for renters.

Reducing the frequency of rent rises will put WA in line with other states in Australia. This reform and the prohibition on rent bidding will take effect immediately, with other reforms introduced once enabling regulations have been drafted. These reforms and the record investment of \$2.6 billion into social housing and homelessness measures, which has delivered more than 1 800 homes already, is proof of the Cook Labor government's commitment to ensuring that our most vulnerable are housed and that investment into residential property is still attractive to investors.

Alongside these reforms, we have introduced tax incentives to Parliament to promote large-scale build-to-rent developments in Western Australia. This legislation will help to build the capacity of the rental market, providing more rental properties to meet demand. We are cutting red tape to boost housing supply and support builders to speed up the construction of new homes. We have taken on board our community's concerns to increase tenants' rights so that they feel better protected and a landlord's right to maintain control of their rental property. I commend this bill to the house.

MS J.L. HANNS (Collie–Preston — Parliamentary Secretary) [5.07 pm]: I, too, rise to make a contribution on the Residential Tenancies Amendment Bill 2023. I will go through a number of the key changes, but I note that the member for Geraldton has been very thorough in her approach. I will take on board the things that she has raised and perhaps touch on the things that I can add some value to rather than duplicating her wonderful contribution today.

I want to pick up on the fact that landlords play a very important role within the housing sector in Western Australia and Australia more broadly. Like the member for Geraldton, I have also been a tenant. This bill will try to strike a balance between the rights of both of those groups of people. Later on in my contribution, I will talk to the fact that, as a tenant, I was not treated with respect by some of the landlords that I rented from. I would call myself a pretty good tenant. I know the member for Cockburn noted in his contribution how difficult it was to negotiate getting his bond back. I can imagine there are people who do not necessarily have the skills or perhaps even the knowledge of what their rights are under the law. It is really important that these amendments to this legislation strike the right balance between the rights of tenants and, very importantly, the protection of the rights of landlords to make sure that there is housing supply within the private rental market well into the future.

I start my contribution by framing the context of private rentals in my electorate of Collie–Preston. It is fair to say that probably most people come to my electorate office to raise issues around housing with me. I will talk through some of those things today. I say to everyone who has criticised the government and its policies that this is a really complex issue. It is not something that has been created overnight; however, the role of the COVID pandemic has absolutely changed the landscape of housing in Western Australia and Australia, and, in fact, right across the globe. I remember sitting at a barbecue a couple of months ago and saying to people, "It's not as easy to solve as you might think. COVID did this and that, and we had an influx of people moving back from overseas who displaced a lot of renters because they were previously renting out their house while they were overseas but have remained in Australia since they moved back." I looked at my friend and she was someone who sheepishly fell into that category. She said, "Now you're making me feel guilty about moving back into my own home." We had a laugh about it, but that is the reality of the COVID complexities.

I am really grateful that the supply of housing and the construction industry was constricted over that period. I was interested to watch two houses being built up the road from me that started during the COVID period; they sat at the lock-up stage for what felt to me like an unending amount of time. I cannot imagine what the people who were building the houses felt. I know that those two families were living in rentals in Collie. They were very keen to move into their own homes but were not able to move out of the rental houses because their houses were not ready. They are just a couple of examples of how complex the situation is. No amount of trying or doing or any of those things were going to fix those people's situation because those houses could not be finished overnight for them to move into. The supply chain issues—steel for roofing, timbers for roof structures, pavers and all those sorts of things—have been really difficult. We thought about retiling our bathroom, but the tiles we were looking at, which match our current tiles, were just not available in the quantities we need. There is a whole range of housing supply issues.

The other really devastating part of the COVID and post-COVID era that has had an impact on housing in my electorate is the number of people who have reported separations. They were previously living in one home, but since the husband and wife have separated, they now occupy two homes. Generally—certainly, among the people I have spoken to—one person remains in the home and the other moves into a rental. Again, pressures are associated with that. It is really significant; the number of people I personally know who fall into that category is in double figures just in Collie, let alone the rest of my electorate. It is a huge issue and not one that government can solve. We cannot solve families separating from each other and their requirement for two households instead of one. All of those things place pressure on the housing and rental markets.

The other big factor in my electorate is private rentals. Certainly, the price of a lot of people's houses has increased in Collie, and if they have owned the house for a long time, a lot of people are now taking advantage of the ability to sell their house in Collie at a profit. The great thing is that we are attracting new people to Collie, which is fabulous, but when those private rentals are sold, the long-term renters of those houses are displaced. As a government, we cannot say, "Don't sell your house." We cannot control that. I am starting to build the picture of what is happening in my electorate to create the situation that is compounding the issue.

The other issue I want to discuss briefly today is the large number of older people coming to our electorate office who say that they are now at risk of homelessness when they had not been before. Sometimes, their housing is being sold and they are asked to move out. One constituent contacted us from somewhere else in the electorate to say that their son owned the home that they had rented from him as long-term tenants for the last 30 years. The son had decided to sell the house, and they could not afford to purchase it from him, so they came to our office to find out how they could register for the social housing list. That is a really complex issue for which there is no easy solution.

That is why I am starting my contribution with the fact that these things are, more broadly, community issues and not just issues for the Minister for Housing to solve. It takes a concerted effort from a large number of people. Community housing organisations are doing some amazing work in my electorate. I will talk about those things shortly. We really appreciate and understand the Minister for Housing's extraordinary effort to come up with solutions to these important challenges, and important ways to make sure that people have a roof over their heads. In terms of the changes themselves, as I said, the member for Geraldton covered those very well.

I will highlight a few key points about rent bidding. A number of people have registered their concern about the practice. The amendments contained within this bill will attempt to stop it happening. The sole impact of rent bidding is to drive the rental prices up within areas. All of a sudden there are people who are bidding over and above the range of rental prices, driving the bidding up to the point at which the person who can pay the most, secures the rental. What happens to the people who cannot afford to pay that? We have reached a point at which three years ago the same house could be rented for hundreds of dollars less. It is a significant issue and challenge.

I also want to talk about reducing the frequency of rent increases, and the important amendment to reduce them from six monthly to 12 monthly. That means that families can budget for their costs over a 12-month cycle. If members are anything like my family, they will budget for 12 months. We work out our bills and our discretionary spend and we work to that. People will be able to plan for a yearly rental increase, which gives them security—certainly in terms of their ability to meet their costs—and it will also mean that they can budget for other things, including education for their kids or paying for their health insurance and other things that are incredibly important when raising a family, particularly when there are cost-of-living pressures.

The other day I was reflecting on the huge number of people in my electorate who are hardworking, often blue-collar workers and the backbone of our regional communities. I was thinking, "How on earth can you be a mechanic in a family with a couple of kids, and you are asked to pay \$600 a week rent on a property?" There might be someone in the family who is a mechanic and someone who is a hairdresser. I think paying that amount has happened only in the last three or four years. That is really tough. I do not know how people can stretch their dollar. I see a lot of things on Facebook, such as social media posts about people coming up with new and innovative ways to cook and to make their dollar go further. I went shopping at one of the big chain supermarkets the other day, which I will not name here. I came home with two shopping bags and it whacked me \$180. I got home and I thought, "What on earth did I buy?" They were only everyday essentials.

Cost-of-living pressures are significant for many people. When people are on fixed wages, it makes things incredibly difficult. This initiative will mean that families can budget across 12 months, which will give them surety and certainty that they can continue to pay rent for their family. I reflected on wages and I note that in 2022, the amazing Sally McManus spoke about how wages are fixed and were fixed under a previous Liberal government. I thought it was really interesting. I will read a quote from her in a media release. She refers to how Peter Dutton would be able to change the course on wages. She says —

“A decade of the Liberal Party refusing to act to generate wage growth, improve job security or make workplaces safer and more equitable for women has weakened our economy and left millions of workers going backwards.

“As the new leader of his party Mr Dutton has a chance to leave behind the failed policies of the last Government and embrace policy settings that will build a stronger and more inclusive economy and workforce.”

The question that Sally McManus is posing is: what can Peter Dutton do? Here is an idea that Anthony Albanese came up with a couple of weeks ago: we can adjust the stage 3 tax cuts, and he has. Interestingly, on 30 January in my regional newspaper, the *Bunbury Herald*, there was an article titled “What Labor’s stage three tax backflip means for Bunbury”. One would take it as a negative connotation in that headline. The article states —

The average Bunbury resident can expect to be \$600 better off after the Federal Government’s decision to backflip on an election promise to leave stage three tax cuts untouched.

According to data from the 2021 Census more than 63 per cent of Bunbury residents aged over 15 will benefit from the tax cut reforms.

This is a way that the federal Labor government is addressing issues around wages and tax cuts. Obviously, if people increase their wages or they have a tax cut, it means that they will have more money in the family budget to pay all those things that are incredibly important to pay, including the rent if they are renting or the mortgage in the case of home owners.

I want to touch on a couple of personal renting experiences because they highlight some of the reasons that I so strongly agree with the amendments in this legislation. I was a teacher in Tom Price for a couple of years. I was a Government Regional Officers’ Housing tenant, so I obviously rented in that situation. My housemate and I were stalked by a man—I would not call him a gentleman—who lived in the town at the time. He would knock on our window at night-time, and if we left the blind up in the living room, he would take photos of us through the window. If we left the back door unlocked or unlatched because there was no security screen on it, he would let himself in. We would hear someone going through the cupboards in the house at five o’clock in the morning and it would turn out to be him. He also used to feed our dog for us, which was interesting. We approached GROH and asked whether we could please get some security screens put in and some security lights put out the front. The agency was very obliging and did that for us, which made the house safer for us to live in. That is often why tenants ask landlords to make modifications—to make them feel more secure and safer in rental properties.

I remember a time not long after I had first qualified as a teacher and I was teaching at Mount Lawley Senior High School. I was moving out of a property in the area because the lease had expired. I went on a cleaning blitz for two days, scrubbing all the skirting boards and making sure the carpets were professionally cleaned. When I left, I handed the keys back to the owner and asked to have the bond returned. She refused to release the bond because when she checked the property, she found that I had forgotten to clean the inside of the oven. The house was spotless, but I had overlooked the inside of the oven while I was trying to pack up and move out. That started an issue with the release of the bond. It was incredibly stressful because, as a newly graduated teacher, I was not on a huge amount of money in those days and was also trying to pay off my higher education contribution scheme debt, a car loan and those sorts of things.

[Member’s time extended.]

Ms J.L. HANNS: It took me about six months to get the \$400 bond back, which, in the grand scheme of things, is not a lot of money now—I have seen bonds of \$3 000 these days—but it certainly was back then. It was an incredibly stressful experience.

I will quickly finish off by saying thank you to the Minister for Housing because he has made an incredible difference in Collie–Preston. I highlighted the challenges of people who come into my electorate office. The minister listened and has acted, and a number of people are all the better for his policies and very proactive approach to housing, particularly in regional Western Australia.

I will highlight a couple of things. We identified some fabulous Government Regional Officers’ Housing homes that were not being used to house regional workers. We were able to get some money to refurbish those units, which were then instead put into Collie’s social housing stock. There were six houses, I think, within the first six months of me becoming the member for Collie–Preston. The minister added seven modular homes to that about 12 months later, which are full. The tenants are incredibly happy with their new homes, and very grateful to have the house

they were on the waitlist for, which is incredible. The state government partnered with Alliance Housing to deliver the Bridge Street units in Donnybrook, which allows people to age in place. It has nine two-bedroom units and two one-bedroom units specifically built for people over 65. The two criteria were that tenants had to be on the social housing waiting list and did not own their own home. These amazing, beautiful homes have made those people very happy indeed.

The minister was very proactive in the social housing economic recovery package funding to make sure that some maintenance could be done on some of the older social houses. The Shire of Donnybrook secured \$2.9 million to refurbish Minninup Cottages and Langley Villas. One lot of units was built in 1979 and the other in 1986, and very little work had been done on them. The tenants in those properties are incredibly happy, and almost all of them have moved back in after the refurbishments. The older people living in these units feel very secure and happy, and being within walking distance to town, they do not rely on having a car. They can walk in, do their shopping and come home, and have an incredible quality of life.

I will conclude my comments there, but I place on record the Minister for Housing's commitment to making sure that Western Australians can live in affordable accommodation and social housing, and to the community organisations that support this. His work in this area has been outstanding. On behalf of the people who have thanked me for his work, I pass that thanks on to him, and I am very happy to commend the bill to the house.

MS C.M. ROWE (Belmont) [5.27 pm]: I rise with great pleasure to make a rather brief contribution to the Residential Tenancies Amendment Bill 2023 debate this evening. I begin by acknowledging the incredible work done by the Minister for Housing in bringing this really important bill to the house. As we have already heard from a number of members, it will be incredibly impactful for many Western Australians. I feel as though my electorate especially will benefit, and that is in large part why I want to make a contribution. Forty-two per cent of the electorate of Belmont are renters. This issue is very dear to my heart.

It is important that we make sure that we strike a balance between protections for tenants and doing the right thing for landlords. As the member for Collie–Preston said, the majority of inquiries received in my office, with people either walking in, phoning up or emailing at all times of the day and night, are about being deeply distressed about the housing situation and the lack of affordable rental properties. I was really sad to see that one of the mums from a school in my area had to move back to her original family home—she is an adult now—in Queensland because she could not find an affordable rental property after the owners of her rental property told her that they were going to be selling their house.

This is an important bill. Extensive consultation was done with tenancy groups and real estate agents and the like. It strikes a good balance, which I am pleased to see. Like other members I, too, have been a renter. I have been on the other side of some pretty interesting real estate agents and their approaches to giving back the bond. That was very illuminating. As I said, this legislation is important because 42 per cent of my electorate are renters. That is around 27 per cent higher than the state average. There are a lot of vulnerable people in those situations. A mum was on the phone to me a couple of weeks ago on a Friday evening and was absolutely beside herself because she and her daughter, who has cerebral palsy, were about to be made homeless. Having been a long-term tenant, they were told that the house they were in would be sold, and they could not find an alternative. She was in the depths of despair. I have not gone through that personally, but I can understand the anguish, as a parent, to be faced with that. I talked it through with her. She asked what the government was doing and I told her that she did not want to hear that because she needed to find accommodation immediately. However, we are doing an immense amount of work. As a number of members have said, this is a complex situation and we are facing a different landscape in the post-COVID era when there has been an enormous disruption to the housing industry. We—when I say “we”, I mean the minister and the Premier—are pulling every single lever available to rectify this situation, including levers that we did not know existed previously, and I think that the Premier and minister absolutely need to be commended for that.

Coming back to the bill, I want to touch on a couple of other points. I will unashamedly say that I am proud that this bill will strengthen the rights and protections of tenants. As the member for Geraldton stipulated, there are inherent parallels between landlords and tenants. It makes people feel vulnerable when everybody knows that there is a housing shortage. Of course tenants are going to be reticent if they want to make modifications to the home or are concerned about other issues and, because of the power imbalance, they will think twice if these protections are not in place. They believe that this legislation is important. The key element of the bill that I would like to highlight and that comes up the most in my electorate is certainly the frequency of rent increases. Other members have touched on this. For most people, it is incredibly stressful to not know whether they will be paying the same amount in rent in six months. In most instances, that is unmanageable if they are on a set low income. A rent increase might be the difference between whether or not they can keep a roof over their head if they cannot accommodate the increase in their weekly budget. The head office of Foodbank of Western Australia is in my electorate. I am acutely aware, as are all members in the chamber, that food insecurity is a major issue. A lot of people are choosing to pay the rent over putting food on their table. There is enormous pressure on the charity sector to make sure that people can provide food for their families. That means that some families are not eating regular meals, which is incredibly

distressing. Limiting the frequency of rent increases to once every 12 months is a huge benefit to renters. It will provide them with peace of mind knowing that for the next 12 months they will have to factor a certain amount for rent into their budget. That will give them the budget certainty that the member for Collie–Preston spoke about. I cannot overemphasise how important that is. It will be fantastic for tenants to have that peace of mind.

Providing new processes that will allow tenants to make minor modifications to premises is also important. This will provide certainty for, for example, parents who want to make modifications that allow them to secure furniture onto a wall so that it protects small children or toddlers from having a television or cabinet fall on them. We have seen examples around Australia of deaths resulting from such things, so I am incredibly proud that we will be incorporating and enshrining that in this legislation. It is incredibly impactful. The other element will be allowing people with disabilities to make minor modifications to make a property more accessible. I think that is absolutely important.

A lot of people have talked about allowing tenants to keep pets. In most premises, the lessor is permitted to refuse consent only in certain circumstances or with the approval of the commissioner. The fact that the circumstances will be prescribed will give both landlords and tenants an understanding of and insight into those parameters and whether a tenant will be able to continue to have a pet or not. I have seen heartbroken families in my electorate who have had to surrender pets because they were moving into a new rental home and were told they could not have those pets. That was part of the reason my children were able to strongarm me into getting guinea pigs—long story, but they were surrendered. They are now happily living in our place in Kewdale. That is a big issue. There are many families right across Western Australia, Australia and indeed the globe who love pets and do not want to forgo a pet for the sake of having a roof over their heads. We have also listened to the concerns of landlords, so there are provisions regarding animals that create a nuisance and things like that. I think that strikes a good balance. The other element that I want to highlight is that having a guide dog or therapy animal is a major consideration as well.

Other amendments that are very important are the provisions that will allow tenants to make prescribed modifications for the purpose of preventing a person from entering residential premises. This is important when we face the huge problem of the scourge of domestic violence on our community. We want to make sure that we are doing our bit to protect victims, who are mostly women and children, from perpetrators. If there is a situation in which the tenant needs to make minor modifications to make the premises safe because they are at risk of family and domestic violence, that is something they will be allowed to do under this legislation, which is great.

Touching quickly on the issue of rent bidding, I think the fact that we are now prohibiting the solicitation of rent bidding is a sign of the times. Rent bidding has come to my attention constantly as one of the reasons that people simply cannot get a foot in the door. They go to inspect a home or an apartment and there will be up to 20 people there, and they will hear people bidding against one another well beyond the advertised price. We need very clear boundaries and rules to ensure that this type of thing does not happen. It has been a big factor in exacerbating the housing shortage, especially for people who have limited or low incomes and do not have the capacity to outbid someone for rent. It is just not possible for them. These measures will be fantastic because they will protect the rights of renters in a really sensible way. They are big, radical reforms. Not everyone will agree with them, but I think everyone should in light of the severity of the housing crisis that we face. I think we should all put our shoulders to the wheel to look for ways to alleviate this problem. Everybody needs to have a roof over their head.

It speaks to the gravity of the situation in the eyes of the Premier and the government that we are looking at every opportunity to make it easier for people to find and secure housing. The government has a quite extensive track record of doing things to address this issue and support Western Australians, including, of course, the \$24.4 million WA rent relief program, which offers financial assistance to households at risk of being evicted. The program provides rent relief to those most in need. It is addressing situations in which, if support were not provided, people potentially could become homeless. Under that program, a payment of up to \$5 000 is used to pay rent arrears to prevent people from being evicted. This program was introduced just before Christmas and payments started pretty much straightaway. As of 16 February—only last week—109 households had been provided with rent relief, totalling \$450 000 in support. That is real and measurable support. Those 109 households did not end up homeless because of our rent relief package.

I want to highlight a couple of other things the government is doing. We established an interest-free loan facility to help residential builders complete unfinished properties. The builders' support facility will provide interest-free loans to support eligible residential builders to complete homes that have been under construction for more than two years. A maximum of \$300 000 will be available to each eligible build.

We are also investing a record \$2.6 billion in housing and homelessness, which has already delivered more than 1 650 social homes, with more than a thousand currently under construction. That is just massive.

Mr J.N. Carey: It is more than 1 900.

Ms C.M. ROWE: There we go; the minister has just given a live update. It is now 1 900 social homes. That is fantastic. I think that is more than any other government has done. We are accelerating social and affordable housing supply by investing \$150 million in grants for community housing across the state. Of course, we are now introducing

this bill, which will limit the frequency of rent increases from once every six months to once every 12 months; prohibit rent bidding; strengthen the rights of renters to have pets; enable tenants to make amendments to their rental homes to make them safer for small children, such as by securing furniture to walls; and also, and most importantly, enable tenants to make their homes safer if there is a risk of family and domestic violence. I cannot speak highly enough of these reforms and I am more than happy to commend them to the house. They have been a long time coming. I am really proud of all the efforts of our government and, most especially, the Minister for Housing.

MR J.N. CAREY (Perth — Minister for Housing) [5.44 pm] — in reply: I am very pleased to speak to a number of the issues raised in the debate on the Residential Tenancies Amendment Bill 2023, and also to quickly give a broader context. I note that our government is focused very squarely on the cost of living, health and housing, and we are resolute in our focus. I note that the opposition, which says that housing is so important, has one person in the chamber. Where is the Leader of the Liberal Party, who says that housing is a critical issue in Western Australia? This is really important legislation and there is only one member of the opposition here. The Leader of the Liberal Party is not here. I think it is very telling; it is reflective of an opposition that has no policies.

I want to say this again: we face an extraordinary situation whereby the Liberal Party and the Nationals WA have not released one policy on social housing—not one! They have not released one policy on homelessness or social housing. What reality do we live in? That is arrogance. They are out of touch. They plead and say that it is an issue, and yet they offer no solutions to the Western Australian people. But I tell members what they do: they attack everything that we announce. Hon Steve Martin should hang his head in shame. He not only has no policies, but also attacks everything that we announce—and the opposition wants to be an alternative! But it is not just that. We are seeing a raft of new Liberal candidates around the corner who are actively opposed to social housing. They are actually opposed to planning reform and cutting red tape for housing. They are opposed to homelessness services.

It is really just shrillness on the other side. On the one hand, members opposite talk about concern for the rental market and social housing, and yet on the other they knock everything we do and do not have one policy solution. I think that they are actually going to be in a very difficult space, because they criticise all the measures that we have done. I want to say this: we understand and take very seriously the current pressures on the housing and rental market. We understand that COVID has radically reshaped the market, and, like every state, Western Australia has significant housing and rental pressures. We are deeply cognisant of what is happening in Western Australia and how it is affecting people's cost of living, and we are throwing everything at it, in so many ways, from every different angle. I will quickly go through it, because all this affects the rental market.

Our planning reforms are leading the country. It is leading to cut red tape, from major density developments to single homes. I note that the member for Cottesloe has been de-preselected, but he is still criticising and actually making stuff up, saying that high-density development can be approved by a shire CEO. That is wrong. It is obvious that the opposition does not even understand basic planning reform. We have reformed the legislation on granny flats, which Hon Steve Martin criticised, which has made it easier for people to build granny flats. That is apparently wrong. We have created the rental relief scheme to keep people in housing, which is critical. I think that members opposite criticised that. That is a \$24.4 million scheme. As of Friday, 16 February, 109 households had been provided with rent relief, with \$450 000 in support. We discussed that today, and I will come back to some of the comments that were made by the lead speaker for the opposition.

We also have the short-term rental accommodation incentive scheme, which is about providing a financial incentive to move short-stay accommodation across from the Airbnb market and others to rentals. As of 18 February, there were 119 applications. Of these, 90 have been completed and submitted and the remaining 29 are in progress. Payments can be processed for eligible applicants once proof of a tenancy agreement has been provided. To date, 48 grants have been paid. That is 48 homes that were previously not available to the rental market. Again, the opposition attacked that. In fact, I think it was the Nationals WA spokesperson who said that this would damage the tourism market. Members opposite do not know who they are or what they stand for. This is a good scheme that is providing a boost to the rental market.

We have also created the infrastructure fund. We understand that it is difficult to get density and infill developed, given the cost escalations. We have created an infrastructure fund through which we are funding the headworks for apartments and key worker accommodation. We have been rolling out those funds. We have brought in a range of tax incentives, including build-to-rent tax incentives, to get developments working and moving. We have brought about up-front concessions to drive density and affordable living through apartment construction. We have reshaped our Keystart policy to make it better in terms of costs for mortgagees; people will save money as a result of the changes we have made to the Keystart policy. We have created a new Urban Connect home loan product, which again is about trying to create demand to enable people to buy affordable apartments.

There is a huge number of different changes and reforms that we are driving to boost housing supply and provide relief to the rental market. Of course, there is also our record investment in social housing and homelessness; we have invested \$2.6 billion over four years. We have accelerated the delivery of social housing, including prefab, modular and small homes. We have created small and medium builder panels so that there are pre-approved small and medium builders that are able to get those houses out more quickly.

We are also looking at existing surplus government housing. As we heard from the member for Collie–Preston, there is regional government housing that was used for workers and is now surplus to need. We have renovated those properties and added them to the social housing market. We are using lazy government land through the housing diversity pipeline. This was always going to be a longer term project, through which we identify land and work with community housing providers or the private sector to use it to create affordable social housing. Only today we saw some of the fruits of that labour; the Pier Street development will see 219 apartments being made available, 50 per cent of which will be affordable and social housing. This is the largest build-to-rent project of affordable and social housing in Western Australia.

We have created a call-for-submissions process that basically says to the community housing sector, non-for-profits, local governments and the private sector: tell us your projects, and we might be able to fund them for social housing. We are getting some of those projects locked in. We have provided \$150 million for community housing organisations so that they can fund new housing. Of course, all this, again, is about building and boosting housing supply, understanding that housing is a continuum and that in our tight rental market any additional housing through any lever is absolutely critical. I stand by our record of all the reforms that we have been introducing to boost housing supply.

On the homelessness front we have been driving innovative programs. We are investing \$225 million this year in 130 homelessness services. We have set up new transitional accommodation, the first Aboriginal-run accommodation, Boorloo Bidee Mia on Wellington Street and Koort Boodja on Money Street. We purchased the Murray Street Lodge and converted that hotel to more supported accommodation run by Vinnies. We have created the supportive landlord model that is an innovative model by which Housing Choices, the community housing provider, is the landlord. We buy the home, they provide some homes and rough sleepers directly transition off the street into housing with the support of Housing Choices, supporting their tenancy and getting them access to the services that they need. We only created that program in January last year. To date there are more than 70 homes—I think around 75 or 77—supporting more than 110 individuals who were previously sleeping rough. They are extraordinary figures when we think about the time the program has been running. Based on the success, we are extending the program to the regions. We have gone out to look for providers and buy houses in Geraldton to start the program there. We have also provided a range of other money and funding boosts—in fact, nearly \$48 million, only announced this year, to boost a number of homelessness services and provide a real lift in the funding of critical services. Everywhere we look this government takes very seriously rental and housing pressures.

I note that the lead speaker of the opposition referred to comments I made. He only read part of the comments out, which is the trick of the opposition. It does that when it does not have one social housing or homelessness policy. The member read out the following article —

The minister responsible for delivering the long-awaited reforms, Sue Ellery, acknowledged as much when she announced the changes alongside Housing Minister John Carey.

Both pointed to the fact that only increasing the number of rentals on the market would drive down prices.

“We are using every lever we can to accelerate the delivery of housing in Western Australia,” Mr Carey said.

I went on to say —

“Planning reform to streamline infill development, stamp duty concessions for affordable apartments, a new infrastructure fund to subsidise and get apartment development going.

The point I am making is that I did not say this legislation was about boosting housing supply; I have gone through all the reforms. The point I was making in the article is the raft of all the other reforms we are making to drive supply.

Why is this legislation important? It has been a long time coming. There has been a significant review, work and consultation, but at its heart, the reality is that we need to modernise our rental laws and we need to provide some greater protections for renters, particularly in this time of great uncertainty. It makes sense. We also understand that it is about providing balance—understanding that the majority of landlords would own one home that adds to the rental market. It is a very fine balance. The government took those considerations very seriously in reviewing the rental laws. We took it very seriously. The lead speaker for the opposition suddenly appeared to be suggesting that somehow by strengthening some of the protections for renters, we would be driving landlords out of the market. That was the summary. He said “constituents” but he could not provide me an exact example. That is a classic opposition technique. The lead speaker referred to comments on Facebook, saying he “saw a comment on Facebook”; I kid you not. Surely the level of parliamentary debate is stronger than referring to comments on Facebook. We have considered this legislation in detail, and we believe that we have the balance right.

The Real Estate Institute of Western Australia believes that we have the balance right —

REIWA CEO Cath Hart today welcomed the McGowan Government’s announcement of rental reforms, saying they struck the right balance.

...

“Investors make up about 85 per cent of the private rental market—and the majority of investors only have one property.

...

“The reforms announced today strike the right balance for owners and tenants.

The article talks about the reforms to limit rent increases to once a year. I quote Cath Hart again —

“We understand the difficulties facing tenants at the moment and that the Government needs to strike a balance between investors and tenants,” ...

About pets and modifications, she said —

“Investors generally want two things: the rent paid on time and their property taken care of,” ... “Meanwhile, tenants want to be able to make the house a home and have the freedom to own a pet.

“Many investors do approve and welcome pets ...

...

“When it comes to modifications, our previous research has shown investors are not hesitant to approve minor modifications, but their main concern is rectifying any changes at the end of the lease.

It finishes on this —

“Whether you’re an investor or a potential investor, today’s announcement means you can now make an informed decision knowing the rules of the game.

I note for the record that REIWA strongly endorsed our rental relief scheme. The lead speaker for the opposition said there are concerns that this might drive landlords out of the market. The head of REIWA, which represents property owners and landlords, is endorsing our balanced approach. We still do not know from the lead speaker who those mysterious people are who have expressed concerns when the critical advocacy organisation is saying the government has the approach right. I think it is disappointing. There was even an article today that showed there has been growth in Western Australia for investors. The figures show that for mortgages for investors, Western Australia is still a place of significant interest. That has both pros and cons. Investors are coming here because, in comparison with the east coast, Western Australia is still relatively affordable. As a government, we also understand that puts pressure on housing prices so it is a double-edged sword. There is no demonstration that landlords are leaving the market because of the fear of these reforms or changes. In fact, there has been some research about the impact, which is very useful. It states that the relationship between residential tenancy policy and investment in the rental sector was addressed in a November 2022 report by the Australian Housing and Urban Research Institute

The report looked at the patterns of investment and disinvestment in the rental sector to determine their cause and found that there was no evidence of disinvestment in the rental sector in response to two tenancy law reform episodes interstate. It found that tax policy or incentives and financial regulations, rather than tenancy law, were more likely to influence the number of properties in the private rental market. I suspect that the only other disincentive for potential landlords could be successive interest rate rises. We have seen 13 successive interest rate rises, which we know are putting pressure on all families, including those mums and dads who may have one property.

I also note that the lead speaker for the opposition raised concerns about damage caused by pets and whether the proposed reform would disincentivise landlords from advertising properties for rent. I am advised that there will be no penalties for this. I think the member was in the bill briefing. What would be the implications of it? There will not be a penalty for this. What if the damage exceeds the bond? I think the member talked about a big dog. If the damage repair and cleaning costs required at the end of the tenancy exceed the bond, the landlord may ask the tenant for the remainder of the cost; and, if there cannot be an agreement, a claim could be made in the Magistrates Court against the tenant. This is the usual procedure.

The lead speaker also expressed concern that the modification clause may push away landlords. We already heard from the Real Estate Institute of Western Australia that that will not be the case. I am happy to go into detail, but we believe that these changes are sensible. I want to come back to the thrust of these reforms because the opposition has heavily focused on landlords. As the member for Cockburn picked up, it was “Landlords, landlords, landlords!” The national cabinet agreed on an approach that is about securing a better deal for renters and providing a sense of security given the current market. Some of the critical areas, as have already been discussed by many of our members, include a ban on soliciting rent bidding, which we all agree is a commonsense approach; no more than one rent increase a year for a tenant in the same property, which is about providing certainty to the tenant; and strengthening protections against retaliatory eviction notices. I think people recognise that in some cases the relationship between a landlord and a tenant breaks down and a landlord may seek to take retaliatory action. We want to address those concerns.

I will leave it there so that we can go into the consideration in detail stage, but I reiterate that our government has never made the claim that this bill is about boosting housing supply. I have gone through all the other initiatives that

we are doing to boost housing supply and provide relief to the rental market. This legislation is in line with the national cabinet's agreed approach, which is, in part, about providing greater security to renters at this time, which we acknowledge is a very stressful time. We hope the opposition also acknowledges that. It is also about providing balance and ensuring that we get it right so that mum-and-dad investors, who make up the majority of the market with their one property, continue to stay in the market and be a critical part of providing housing supply.

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

Consideration in Detail

Clause 1 put and passed.

Clause 2: Commencement —

Mr P.J. RUNDLE: I want some clarity over the final sentence about clause 2 in the explanatory memorandum that says the flexibility to fix commencement dates by proclamation is therefore required. Is there any prediction of when those dates of proclamation will happen? Can we have a bit of an explanation and some clarity there?

Mr J.N. CAREY: The first part of the answer is that these provisions will come in in stages. Some of the provisions do not require regulations, so they are likely to come in soon after royal assent; for example, some provisions relate to administration and rent increases and rent bidding. However, we will have ongoing consultations, as we have flagged, with stakeholders including the Real Estate Institute of Western Australia on the development of other regulations.

It will effectively be in three phases, and, as I have said, some provisions will commence as soon as the bill passes. Phase 1 includes technical amendments, the disclosure of bond data, rent bidding and retaliatory action. Phase 2 will commence in mid-2024 and relates to pet and minor modifications, but that is the time we aspire to and is based on consultation on the regulations.

Mr P.J. RUNDLE: The minister spoke about his aspiration that mid-2024 would be the time for the pet and minor modifications provisions. Is that as part of the regulations? Is the minister predicting that the regulations will be wrapped up by mid-2024?

Mr J.N. CAREY: Clearly, I am the minister in the lower house and not the Minister for Commerce. I will not pre-empt a finite time frame because regulations have to be consulted on. I know that the minister takes those consultations seriously. There is obviously significant interest in modifications and pets. That is the aspiration. Also, supportive work will be required for the introduction of those regulations. To date, given the Real Estate Institute of Western Australia and other stakeholders' serious engagement, when meeting stakeholders my sense so far is that they are pleased with the process and level of consultation.

Mr P.J. RUNDLE: My information is that there has been very little consultation about regulations. I am concerned about whether we will see these regulations come through in this term of government.

Mr J.N. CAREY: I do not know who the member is speaking to, because if REIWA did not like the bill, it would not have put it in its media statement and made it public. I am talking about the broad consultation for the bill and engagement by the minister. The minister has committed to ongoing consultation on the development of the regulations. If there were a concern, surely REIWA would have put that in its media statement. It did not and it has not said anything since. We will be developing those regulations, and the aspiration is for mid-2024.

Mr P.J. RUNDLE: Can the minister clarify the third part of what he said? There were three stages.

Mr J.N. CAREY: The third part will commence in approximately early 2025 and will implement the new bond release processes. These changes will require the development of new processes and upgrades to IT systems.

Mr P.J. RUNDLE: Given the election in March 2025, the writ period and the like, will that process come to a standstill during that period? I do not have any experience with that, so I am interested.

Mr J.N. CAREY: No, because regulations will be put in place. For example, upgrades to IT systems are not decisions of the minister. That is supportive work.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Section 3 amended —

Mr P.J. RUNDLE: I would like some clarity on the definition of "assistance animal". This is quite an interesting subclause because I could see a scenario in which a tenant could claim a certain dog, cat or whatever it might be as not an assistance animal but as a support for their mental health, if you like. Can the minister please clarify firstly on how wideranging "assistance dog" as defined in the act or "assistance animal" is in that particular scenario?

Mr J.N. CAREY: The definition of “assistance animal” is modelled on the definition used in the commonwealth Disability Discrimination Act 1992. The definition also includes references to an assistant dog as defined by the Dog Act 1976, which provides —

assistance dog means a dog —

- (a) that is trained or is being trained by a representative of an organisation that is prescribed for the purposes of this definition; or
- (b) that is trained or is being trained by an individual having the qualifications and experience prescribed for the purposes of this definition; or
- (c) that is assessed by a person mentioned in paragraph (a) or (b) as being competent to be an assistance dog; or
- (d) that is being assessed by a person mentioned in paragraph (a) or (b) to decide whether the dog is competent to be an assistance dog; or
- (e) that has been approved, for the purposes of a law of another State or a Territory, as a dog whose use can alleviate or manage an effect of a person’s disability or medical condition; or
- (f) that is approved by the CEO for the purposes of this definition.

Overall, the key element of the definition is that an assistance animal must be accredited or trained.

Mr P.J. RUNDLE: I thank the minister for that. If a tenant makes a claim such as “Yes, I need my dog here. It provides mental health support for me” but that dog is not an assistance dog that has been trained by an accredited animal training organisation, will that claim have any grounds? Is there some scenario in which that person could go to a psychologist to get some sort of documentation to support their claim?

Mr J.N. CAREY: It is a pretty standard definition. The dog must be an assistance dog or a trained dog.

Mr P.J. RUNDLE: Under this scenario, is the minister ruling out the viability of any claim made by a tenant that an animal provides mental health support to them?

Mr J.N. CAREY: We imagine that there would be scenarios in which there could be someone with an assistance dog for a particular mental health or other medical condition.

Mr P.J. RUNDLE: I refer to clause 4(1)(c)(ii). It states that an animal must be trained “to meet standards of hygiene and behaviour that are appropriate for an animal in a public place;”. Can the minister tell me who defines that and what that behaviour actually is?

Mr J.N. CAREY: The wording is taken from and modelled on the definition of an assistance animal used in the Disability Discrimination Act 1992.

Mr P.J. RUNDLE: Can the minister clarify the standards of hygiene and behaviour that are appropriate for an animal in a public place; can he give me an example of that?

Mr J.N. CAREY: I am really struggling to understand the member’s point. The definition of a trained animal or assistance dog is based on the Disability Discrimination Act 1992. Can the member clarify the concern he has here? What is the risk? The member appears to be challenging the definition set in the Disability Discrimination Act 1992.

Mr P.J. RUNDLE: I am not challenging anything. All I was looking for was an explanation of what the appropriate behaviour for an animal in a public place is. That was all I was asking.

Mr J.N. CAREY: I am not an expert on the training of assistance dogs, but one could assume that it relates to, for example, the dog not being aggressive when in an environment with other people.

Mr P.J. RUNDLE: I will now move on to the definition of minor modification, which states —

... in relation to premises, means a modification to the premises of a minor nature prescribed for this definition;

Can the minister give me some clarity about that? Is there a list or will it be detailed in regulations down the track and we have no idea what those minor modifications will be?

Mr J.N. CAREY: As the member mentioned, minor modifications will be developed in consultation with stakeholders and prescribed in regulations. This is a similar approach to that taken in other states, such as New South Wales and Victoria. The types of modifications that are prescribed in other states and will be considered in WA, based on consultation, are picture hooks, LED light bulbs that do not need new fittings, curtains, adhesive child safety locks, painting a room in the premises, vegetable or herb gardens, and flyscreens on doors and windows.

I note that this will be subject to consultation with a range of stakeholders, and the minister will carefully consider what is appropriate in Western Australia.

Mr P.J. RUNDLE: I move on to the definition of original condition. It states —

(b) in relation to residential premises that have been damaged — the condition of the premises before the damage occurred, fair wear and tear excepted;

If possible, could the minister give me some clarity on that paragraph as well? The member for Cockburn gave us an explanation of his property and the fact that he had taken photos, but the landlord had lost the original condition report et cetera. Can the minister give me some clarity?

Mr J.N. Carey: Which page are you looking at?

Mr P.J. RUNDLE: It is page 5, paragraph (b), at the top—on my copy, anyway.

Mr J.N. CAREY: This definition is to provide clarity of what is meant by original condition. I would say that I think it is very well crafted. It states —

... the condition of the premises before the modification was made, fair wear and tear excepted ...

It is about providing a very clear definition of original condition.

Mr P.J. RUNDLE: I move on to the definition of personal information. It states —

... (including an individual’s name) or an opinion, whether true or not, about an individual whose identity is apparent ...

Can the minister explain to me why there is not an explicit need for the information to be true?

Mr J.N. CAREY: This is about protecting a person—I think the member has flipped it. Whether the information is true or not, we want to protect that person from any potential damage. Does that make sense?

Mr P.J. RUNDLE: It does not really make sense, to be honest. I cannot see the purpose of having a sentence stating “information ... or an opinion, whether true or not, about an individual”. That is what I consider to be a pretty bizarre definition.

Mr J.N. CAREY: I am trying to decipher this for the member. Proposed section 11AA(2) states —

The bond administrator may disclose bond information, including personal information, to a relevant entity to the extent the information is required by the relevant entity in the course of the entity’s duties or functions.

That information or personal information could be an opinion; it may be true or not true. It should still be trying to protect the person. For an example, a claim may be made about a tenant, and it may be true or untrue, and what we are saying is that the personal information should still be protected, or it can be disclosed to the relevant authority.

Mr P.J. RUNDLE: Thank you, minister. I will not push the friendship any more. I think the drafting of that particular paragraph could be improved. I will move on to the next one, which is proposed section 3(1), and states —

pet means an animal other than an assistance animal;

When we are talking about small units, townhouses, whatever you like, the definition of a pet can be integral to this whole legislation. What is the general definition and what animals fit within that? Is it a goat or a pig or a snake? Is there some sort of definition that will limit the number of animals that fall within that pet category?

Mr D.A. Templeman: I suppose my ferrets are out of the question. I am quite fond of my ferrets. Bazil and Cyril are their names.

Mr J.N. CAREY: Mr Acting Speaker, could I seek your protection from the Leader of the House?

Mr D.A. Templeman: I love my ferrets.

Mr J.N. CAREY: Yes, member, it is deliberately a broad definition, so it could apply to all pets—including the Leader of the House’s ferrets. Obviously, there is some framework for that in the legislation. In addition, there could be regulations based on consultation to further guide that.

Mr P.J. RUNDLE: We can explore this further down the track. One general question is: is there a size issue? Are we looking at cattle? Could a cow roam the backyard of someone’s property? That is part of the question. Is there some sort of answer to that?

Mr J.N. CAREY: That is a good question. Of course, there is an acknowledgement that a tenant will not be permitted to keep a pet in every situation. If someone owned an elephant—that is probably illegal, but let us use that as an example for this purpose—obviously it would not fit in most circumstances. There is a recognition that it is not intended that these laws will place an unreasonable burden on landlords. Every situation will be determined on a case-by-case basis. This is quite important for small apartments. As the member for Perth, my electorate has the most apartment buildings of any electorate. Often strata by-laws will say that tenants are not permitted to have an animal—for example, a dog—in the apartment, so obviously that will apply. In many cases, there are already clear rules in apartment buildings—either yes or no. If not, the lessor may apply to the commissioner to refuse a tenant’s

request on the basis that the premises are unsuitable for keeping a pet. The application may be successful, but it will depend on the specific details. The landlord could go to the commissioner to refuse the request to keep a pet. If someone wanted to keep a miniature pony in a one-bedroom apartment in Perth—that is a ridiculous scenario, but obviously there could be other scenarios—the commissioner could back the landlord and refuse the request.

Mr P.J. RUNDLE: This is slightly off the track, but now that we have introduced the issue of larger animals, does the legislation provide any distinction between an apartment in North Perth and a rural property that might be able to sustain a large animal in the backyard?

Mr J.N. CAREY: That is a very good question. I have a terrific policy team here. Effectively, if the commissioner makes a decision, then they will give the reasons for the decision. As the member knows, that starts setting a clear precedent. The commissioner may also issue guidelines, which will provide some clear guidance. I know this is a new system, but I think, over time, it will become very evident. It still comes down to a case-by-case basis, but there will be reasons for a decision. I think it is likely that the commissioner would consider some set of guidelines.

Mr P.J. RUNDLE: I think I will leave it at that and discuss pets a little bit further down the road.

Mr J.N. CAREY: Yes, there are plenty more areas.

Clause put and passed.

Clause 5 put and passed.

Clause 6: Section 8 amended —

Mr P.J. RUNDLE: The explanatory memorandum refers to clause 6 amending section 8 to allow for the commissioner to publish guidelines. Can the minister enlighten me as to who has been publishing the guidelines prior to this bill, or is this just to fix a legal technicality?

Mr J.N. CAREY: Good question. The commissioner already provides information; for example, I am advised, a landlord's tenant handbook. The guidelines will be another way of making information public to inform either a tenant or landlord's application to the commissioner. It will make the process clearer and easy to understand. I suspect, with guidelines being published, a landlord or tenant may not proceed with an application, or seek an alternative resolution.

Mr P.J. RUNDLE: Will this particular commissioner function be for a person totally new to the department, or is it someone who already partially has a role there at this stage? If the minister could provide some explanation on that.

Mr J.N. CAREY: It is already defined under the statutory act. It is an executive director of the agency.

Mr P.J. RUNDLE: It is already defined under the act, but when the new legislation comes in, will this commissioner role be advertised as a new role in the department, or as a person who might have to have some higher standard qualification with legal expertise and so forth? What will be the cost? I might leave that for the next question.

Mr J.N. CAREY: The view is that the commissioner, given their other functions, would already have the capacity, while recognising that some functions would be delegated to other officers.

Mr P.J. RUNDLE: Does the minister envisage that this new commissioner, or the currently upgraded commissioner, will come at a cost to the taxpayer? Does the minister have any estimate on how that will play out?

Mr J.N. CAREY: I am advised that some additional resources will be required, and that will be considered as part of the budget process.

Clause put and passed.

Clause 7 put and passed.

Clause 8: Sections 10 and 11 replaced —

Mr P.J. RUNDLE: Proposed section 10 states, in part —

- (1) The Commissioner may delegate any power or duty of the Commissioner under another provision of this Act to another employee of the Department.

Will the officer in the department need to be of a certain rank to be given those delegated powers?

Mr J.N. CAREY: The provision allows for it to be any employee. However, because the commissioner wants a well-functioning agency, it will be delegated to a relevant officer who has the necessary expertise and experience.

Mr P.J. RUNDLE: I move to proposed section 11, which states, in part —

- (1) A person is not liable for anything that the person has done, in good faith, in the performance or purported performance of a function under this Act.

The minister said that he wants those delegated powers to be given to a quality employee. Will this provision protect the department and the commissioner from any liability, despite that they may have delegated those provisions to a person who might not be up to it?

Mr J.N. CAREY: The advice I have received is that this is a standard protection-from-liability clause. It is consistent with other consumer protection legislation such as the Fair Trading Act 2010. Obviously, when framing this legislation, and given that we are creating new functions for the commissioner and delegations, we are looking to the protections provided in existing legislation. This is not new. It is replicating a provision that is consistent with the Fair Trading Act, for example.

Mr P.J. RUNDLE: Proposed section 10(5) states, in part —

A person exercising a power or performing a duty that has been delegated ... unless the contrary is shown.

Can the minister explain whether the terms of the powers of delegation are uniform in nature? The minister just said that it is from other consumer protection legislation and the like, but this legislation refers to delegated powers “unless the contrary is shown”. Can the minister explain that to me?

Mr J.N. CAREY: This is a standard provision on delegation. Under this proposed section, a person who has the delegated authority will not have to prove in every instance that they have that delegation. Proposed section 10(3) states —

The delegation must be in writing signed by the Commissioner or bond administrator, as the case requires.

Mr P.J. RUNDLE: Thanks, minister. Could the minister also clarify why proposed subsection (6) is necessary? Will the commissioner or bond administrator not already have the required powers or duties?

Mr J.N. CAREY: Can the member clarify what he is asking?

Mr P.J. RUNDLE: I am asking why proposed subsection (6) is even necessary.

Mr J.N. CAREY: Proposed subsection (6) will not prevent the commissioner from operating through another officer in the agency, an agent or a bond administrator.

Mr P.J. RUNDLE: I refer to proposed section 11. Is it standard practice to give individuals and the state this level of legal indemnity?

Mr J.N. CAREY: Yes, it is.

Mr P.J. RUNDLE: I have a final question on proposed section 11 in clause 8. Will proposed section 11(3) make this legislation retrospective in any way?

Mr J.N. CAREY: No.

Mr P.J. RUNDLE: There will be a no-man’s-land period in which disputes might happen between the time the legislation is gazetted and comes into force. Will those disputes continue to be wrapped up under the previous legislation or will they roll over into the new arrangements?

Mr J.N. CAREY: The member can ask me that question, but it relates to a different part of the bill on transitional arrangements.

Mr P.J. RUNDLE: Okay. Thanks, minister.

Clause put and passed.

Clause 9: Section 11AA inserted —

Mr P.J. RUNDLE: I refer to the definition of “bond information” under proposed section 11AA(1). Proposed paragraph (b) states —

a tenant compensation bond payable under a tenant compensation order;

Can the minister explain that?

Mr J.N. CAREY: A tenant compensation bond is when compensation is given to a tenant when the landlord has not met their obligations.

Mr P.J. RUNDLE: Would the minister be able to give any examples of a situation in which that might arise?

Mr J.N. CAREY: This is a good example. Let us say there is a need for an urgent repair such as a significant electrical safety matter that puts the tenant at risk, the landlord does not respond or engage, despite urgent or repeated requests, and, accordingly, the tenant has to pay for an electrician to come in and fix the matter. It could be a scenario like that in which perhaps an order may be applied.

Mr P.J. RUNDLE: I refer to proposed section 11AA(2), which states, in part —

The bond administrator may disclose bond information, including personal information, to a relevant entity...

The relevant entities are listed above. Could anyone else potentially come into the mixture as a relevant entity, and what sort of personal information is being referred to in this paragraph?

Mr J.N. CAREY: The relevant entities are only those authorities listed there. They are only the chief executive officer of the department, the commissioner, the Housing Authority or the Magistrates Court.

Clause put and passed.

Clause 10 put and passed.**Clause 11: Part III Division 1 inserted —**

Mr P.J. RUNDLE: Once again, I just seek a little clarity. I refer to proposed section 11D, which states, in part —
... a *party* to an application made in relation to a residential tenancy agreement ...

Proposed subsection (b)(ii) refers to a co-tenant. I would like some clarity on whether a co-tenant as referred to in the legislation would have to be listed on the tenancy form, if you like. Would they have to actually be listed on either the periodic or the fixed tenancy form as a co-tenant, or could it be someone who has moved in after the rental agreement has begun and is now residing in the house, but the landlord or the lessor has not been informed?

Mr J.N. CAREY: A co-tenant would have to be someone on the lease.

Mr P.J. RUNDLE: My extension to that question is if the lessor has a problem and the co-tenant is not listed but the tenant says “They moved in and then I couldn’t control their activities”, and all the rest of it, is there any protection at all for the lessor for someone who is not listed but has moved in?

Mr J.N. CAREY: Just to be clear about what the member is asking, this provision relates to with whom the commissioner must communicate. Proposed section 11D(a)(ii) states, in part —

otherwise — known to the Commissioner as a lessor, tenant or co-tenant ...

That is why that part of the provision is there. The member seems to be asking a broader question about someone living in a house who is not on the lease and what responsibility they will have. The advice is ultimately that the tenant on the lease is responsible for that household.

Mr P.J. RUNDLE: I really want to get some clarity about someone who has moved in during a tenancy period. On many occasions the tenant does not update the fixed or periodic tenancy form. That is the example I was looking at.

Mr J.N. Carey: Could you restate that?

Mr P.J. RUNDLE: I was just seeking clarity: if the tenant has not updated the form but someone has moved in, is it a case of, “Bad luck, this is the tenant. You’re the one that signed the form. It doesn’t matter who has moved in between times.”?

Mr J.N. CAREY: First of all, the tenant is liable. If they are the tenant on the agreement, they are liable. Under this provision, if one tenant makes an application, the commissioner is responsible for communicating with all involved parties. If there is another cotenant on the agreement, the commissioner will have a responsibility to engage with them. The member is asking broader questions about people living in households. Respectfully, that does not relate to this provision.

Mr P.J. RUNDLE: I refer to proposed section 11F, “Notice of application and invitation to make submissions”. Proposed subsection (1) states —

This section applies to an application other than a security bond release application.

What other applications, if you like, are potentially covered under that provision?

Mr J.N. CAREY: That relates to the member’s favourite topics: pets and minor modifications!

Mr P.J. RUNDLE: Proposed section 11G(2)(a) states, in part —

provide evidence to support a claim made by the person; ...

How is that claim made? Is it only in writing, or is there some other ability to make that sort of claim?

Mr J.N. CAREY: Generally it would be in writing, but there may be circumstances in which, to accommodate a person, an alternative method could be considered.

Mr P.J. RUNDLE: Proposed section 11G(4) states, in part —

The Commissioner may, in writing, extend the period stated in the notice.

Is there any limitation on how long they can extend that for?

Mr J.N. CAREY: No, it is to provide some flexibility.

Mr P.J. RUNDLE: I refer to proposed section 11H(1), which states —

Penalty for this subsection: A fine of \$10 000.

Is that the only fine? Is that a maximum fine or can there be a lower fine?

Mr J.N. CAREY: That would be the maximum penalty, and it would be up to the court to decide what level.

Mr P.J. RUNDLE: I refer to proposed section 11K “Commissioner may publish decision and reasons”. Proposed subsection (2) states that a published decision must not include information that could identify or lead to the identification of the individual or the premises. How will a decision be published without leading to identification?

Mr J.N. CAREY: We would redact.

Mr P.J. RUNDLE: I refer to proposed section 11L(1)(a), which is about the commissioner considering the application cannot be decided on the information available to them. Why would a magistrate have more information? If the commissioner cannot decide on the information available, why would the magistrate have any more ability to decide?

Mr J.N. CAREY: The member is coming to the heart of the legislation. Currently, these matters go to the Magistrates Court. I suggest that creating and giving power to the commissioner seeks to resolve minor matters, but very complex cases would go to the Magistrates Court.

Mr P.J. RUNDLE: I am at the end of clause 11. I refer to proposed section 11L(1)(c)(ii), which is about the commissioner considering that the amount in dispute is more than the amount of the security bond. Can the minister clarify whether that would be in relation to a pet or pets doing damage that adds up to more than the pet bond and the security bond together?

Mr J.N. CAREY: It relates to any damage or matter that is beyond the bond.

Clause put and passed.

Clause 12 put and passed.

Clause 13: Section 12 amended —

Mr P.J. RUNDLE: I understood we might be finishing at seven o'clock, but nonetheless.

Mr J.N. Carey: We are going to keep on going.

Mr P.J. RUNDLE: I have quite a lot of questions.

Mr D.A. Templeman: We will do a few more.

Mr P.J. RUNDLE: Yes, we can do a couple more.

Clause 13(2) relates to prescribed disputes. If the minister could give me some examples of what a prescribed dispute is, I would appreciate it.

Mr J.N. CAREY: A prescribed dispute just reflects existing definitions. It is up to \$10 000.

Mr P.J. RUNDLE: Proposed paragraph b(i) refers to an application to the Magistrates Court in relation to the bond release application —

... regardless of the amount of the security bond the subject of the application;

Is there a minimum or is it up to \$10 000?

Mr J.N. CAREY: There is no minimum.

Mr P.J. RUNDLE: I refer to proposed section 13C, "Appeals from decisions of Commissioner". It states —

(3) The appeal must be started within 7 days ...

If they are not organised and they do not have the appeal happening within that seven days, is that the end of the story or is there an ability to ask for an extension?

Mr J.N. CAREY: In this section, yes, the magistrate could extend it but that would be a decision of the magistrate at the application.

Mr P.J. RUNDLE: Proposed section 13C(5) reads —

The appeal is to be by way of rehearing of the matter the subject of the Commissioner's decision.

Basically, is it a magistrate with all the same information overriding or hearing all that information again and potentially making a different decision?

Mr J.N. CAREY: Yes.

Clause put and passed.

Clause 14 put and passed.

Clause 15: Section 15 amended —

Mr P.J. RUNDLE: I have a very brief question on the note underneath proposed section 15(1A). It reads —

The Commissioner may decline to decide an application made to the Commissioner under Part III Division 1 and advise the parties that they may apply to the Magistrates Court for relief ...

On what grounds would they apply to the Magistrates Court for relief?

Mr J.N. CAREY: I am advised that that proposed section refers to the circumstances in which the commissioner may refer a matter to the Magistrates Court.

Clause put and passed.

Clause 16: Section 18A inserted —

Mr P.J. RUNDLE: Proposed section 18(4)(a) states —

the court may, without conducting a hearing, order that the security bond be paid to the persons and in the amounts stated in the application ...

How will it do that without holding a hearing?

Mr J.N. CAREY: Sorry, could the member just ask that question again?

Mr P.J. RUNDLE: Proposed section 18(4)(a) under clause 16 states —

the court may, without conducting a hearing, order that the security bond be paid to the persons and in the amounts stated in the application ...

How will it make a decision without having a hearing?

Mr J.N. CAREY: To be clear, this already occurs. For example, if one party who should be part of the proceedings does not participate, the magistrate will still make an order.

Mr P.J. RUNDLE: That is the end of the debate on clause 16.

Clause put and passed.

Debate adjourned, on motion by **Mr D.A. Templeman (Leader of the House)**.

House adjourned at 7.18 pm
