



Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
2023

LEGISLATIVE COUNCIL

Wednesday, 29 November 2023

Legislative Council

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THE PRESIDENT (Hon Alanna Clohesy) took the chair at 1.00 pm, read prayers and acknowledged country.

BILLS

Assent

Messages from the Governor received and read notifying assent to the following bills —

1. Reserves Bill 2023.
2. Duties Amendment (Off-the-Plan Concession and Foreign Persons Exemptions) Bill 2023.

BUILDING INDUSTRY — INQUIRY

Petition

HON BEN DAWKINS (South West) [1.02 pm]: I present an e-petition containing 421 signatures couched in the following terms —

To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled. We the undersigned ...

1. Call upon the Legislative Council and WA Government to conduct an inquiry into the WA building industry. 2. During the pandemic builders in Western Australia took advantage of government stimulus grants to sign up thousands of clients beyond what they had the capacity to handle. After calling for the grants themselves, they now blame the government for their own poor choices. 3. Tens of thousands of West Australians are facing homelessness, mental health crises, marriage and family breakdowns, and suicidal ideation at the current state of the industry. The Government must act to protect the lives and livelihoods of the people. 4. Call upon the Legislative Council and WA Government to protect vulnerable Western Australians by ensuring the review of the regulatory framework of the building industry, including but not limited to the State Administrative Tribunal Act 2004, the Home Building Contracts Act 1991, and the Building Services (Complaint Resolution and Administration) Act 2011.

And your petitioners as in duty bound, will ever pray.

[See paper 2863.]

FIREARMS ACT — REFORM

Petition

HON BEN DAWKINS (South West) [1.03 pm]: I present an e-petition containing 1 577 signatures couched in the following terms —

To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled. We the undersigned ...

Seek the Legislative Council's support in urging the Government to: 1) recognise the Law Reform Commission report that preceded these changes and the view of the LRC that; "the vast majority of firearms users in Western Australia are law-abiding and the Commission certainly has no intention of recommending legislative change that could make it more difficult for firearms users to abide by the law" 2) guarantee that no currently licenced firearm users will lose their licence simply as a result of the proclamation of the legislation and that as per the FAQ on the WA Police website 'all existing licence holders to be transferred to the appropriate new licence type'. 3) guarantee that all family members and business partners who have an interest in the land OR the entity that operates the farm OR operates the farm for a family member will be captured by the definition of Primary Producer' and therefore eligible for a Primary producer Licence. 4) guarantee that if a Primary Producer has clinical depression or clinical anxiety which is managed in accordance with doctor's guidance (eg. medication) they will not be rendered ineligible for a firearm license by new laws due to their illness that they have admirably sought treatment for. 5) recognise that Primary Production regularly involves a degree of situational anxiety and depression associated with drought, market fluctuations and business stressors and guarantee that situational depression and anxiety will be distinguished from clinical depression and anxiety for the purposes of the health/eligibility checks.

And your petitioners as in duty bound, will ever pray.

[See paper 2864.]

FIREARMS ACT — REFORM — CONSULTATION*Petition*

HON COLIN de GRUSSA (Agricultural — Deputy Leader of the Opposition) [1.05 pm]: I present a petition containing 160 signatures couched in the following terms —

To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We the undersigned call on the Legislative Council to urge the State Government to extend the consultation date for their proposed firearm reforms from one month to three months. This extension is necessary to ensure all stakeholders have the appropriate time to understand the Government's proposed changes and provide feedback ahead of new legislation being introduced in Parliament in 2024.

The Firearms Act Reform Consultation Paper is a 62-page document outlining significant changes to all aspects of the licensing and regulatory regime, including:

- A proposed cap on the number of firearms for licensed owners
- An overhaul of the property letter system
- The application of health and mental health requirements to hold a gun licence
- And various changes relating to the secure storage and safe handling of firearms

In the interests of ensuring genuine consultation with firearm owners, dealers, recreational and sporting shooters, primary producers, and collectors, we urge the Government to extend their consultation timeframe.

And your petitioners as in duty bound, will ever pray.

[See paper 2865.]

PAPERS TABLED

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

CORRUPTION AND CRIME COMMISSION*Notice of Motion*

Hon Nick Goiran gave notice that at the next sitting of the house he would move —

That this house —

- (a) notes with appreciation the Parliamentary Inspector of the Corruption and Crime Commission's report of 27 November 2023 correcting the errors and omissions contained in the Corruption and Crime Commission's report of 12 March 2019;
- (b) endorses the parliamentary inspector's conclusion that it is not a responsible exercise of the CCC's powers to report to Parliament speculating that a person has "possibly" committed an offence in a situation in which it does not know whether a person has committed a criminal offence, and when it has not conducted sufficient research to determine the matter;
- (c) notes with concern the CCC's refusal to prepare a supplementary report to address the errors and omissions;
- (d) thanks parliamentary inspector Matthew Zilko, SC, for his continued service as a monitor on the operation of the Corruption, Crime and Misconduct Act 2003;
- (e) expresses its appreciation to the members and staff responsible for the drafting, tabling and publishing of the sixty-first report of the Standing Committee on Procedure and Privileges;
- (f) notes that the committee's audit revealed that 1 120 privileged documents were provided without parliamentary approval by the government to the CCC;
- (g) reasserts that draft parliamentary speeches, motions and questions are subject to parliamentary privilege in the same way as confidential parliamentary committee material such as committee deliberations and draft report recommendations; and
- (h) reminds the CCC that the legislature has entrusted it with extraordinary powers and that its immunity from defamation actions and other claims for damages highlight why those powers must be exercised with caution and prudence.

CRITICAL MINERALS PROJECTS — INDUSTRY SUPPORT*Motion*

HON SHELLEY PAYNE (Agricultural) [1.10 pm]: I move —

That the Legislative Council commend the Cook government for continuing to support the Western Australian mining industry to explore for the critical minerals essential to a clean energy future.

This is a great opportunity today to talk about all the great work that the Cook government is doing to support the Western Australian mining industry, particularly exploration for critical minerals. I also acknowledge all the work we are doing to help transition to a renewable economy. We all know that we are very fortunate here in Western Australia with our abundance and diversity of minerals and that we host almost all the minerals on the critical minerals list, including half of the global lithium supply.

I want to talk about a few ways that the government is supporting our transition to a renewable economy, particularly in the mining industry. One of the great programs we have been running since 2009 is the exploration incentive scheme. Since 2019, the program has been funded through rents on mining tenements, which is a really fantastic way for that money coming in to go back into supporting exploration. Two things that the government understands is the need for continued investment in exploration and the ability to transition that exploration into mining. These are two things we will really need to face. Looking first at exploration, one of the programs under the exploration incentive scheme is the co-funded drilling program. I am pleased that this year we made a \$40 million investment in critical minerals, and some of that money went to expanding this co-funded drilling program. We are up to round 28, and round 29 will be the next one that comes out. We have put in an extra \$1 million annually, so \$7 million is available annually for companies to apply for over two rounds. It is interesting that in the most recent round more than half the applicants were searching for battery minerals. There were 33 successful applicants, and, as I said, over half of them were exploring for battery minerals, including lithium and rare earths. A lot of that rare earths exploration is happening in Esperance.

I want to take a moment to commend the Department of Mines, Industry Regulation and Safety for these programs, because they turn over very quickly. For instance, the last round opened at the beginning of August and closed at the beginning of September, and the miners and explorers found out only a month and a half later who the successful applicants were, which really allows people to get moving with the exploration work that they want to do.

I have probably talked about one of the rare earth exploration companies in Esperance, OD6 Metals, which was successful in the first round this year, doing a lot of exploration. I thank Minister Johnston for taking the time to meet with CEO, Brett Hazelden, when he was in Esperance a few weeks ago opening our brand new fast electric vehicle charger. He looked at the importance of some of these small exploration companies and took the time to chat to them about some of their exploration work and finds. As I have said before, the interesting thing about rare earths in Esperance is that they are not hard-rock based like the Lynas project in Kalgoorlie, they are in clays, so they may be easier to extract, and there is work going on looking at ways of extraction. There is a lot of activity. I think there are over 10 explorers drilling in the region. There has been a huge increase in drilling companies, particularly with exploration in the south of the state. So many projects have been helped through this co-funded drilling project. The drilling companies are super busy.

I was coming back from Kalgoorlie recently and ran into some guys in Widgiemooltha from Seismic Drilling Australia, the first Aboriginal-owned drilling company in Western Australia, who had been doing a lot of drilling there. The company was started by Dwayne Reynolds from Esperance. Last weekend, I also ran into Francisco, who is a geologist at EMU NL, which is another rare earth company exploring around Esperance. He was great at showing me all his profiling and how the company runs its drilling programs at a bigger phase before zooming in. All the levels and depths the company is drilling to was quite interesting. Mount Ridley Mines is another company exploring close to where OD6 is.

A lot of these companies really have positive working relationships with our native title organisations. It was interesting to talk to them about what they think some of the constraints are and what we are working on now, such as slashing green tape and things like that. Environmental approvals for some of these companies are a three-year process, which significantly limits getting projects off the ground. I am pleased our government is looking at how we can improve those things. The other issue is the future energy supply for some of these projects. Minister Johnston is keen for a lot of these projects to connect to the grid. We need to make sure that our electricity companies such as Western Power are adaptable and able to meet those companies' needs as they come along.

I have talked about the \$40 million investment, but another new project that is part of the exploration incentive scheme is the co-funded geophysics program, which is another great program that will start. There has been \$2 million allocated to this program, and the first applications will be taken in February next year. It aims to provide new information on greenfield regions of the state to get a better idea about what minerals are out there. I look forward to seeing what applications come in from some of these geophysical and mining companies under that program.

I want to talk bit about graphite because there are, I guess, four exploration areas in WA, and two of them are really close to Esperance—Munglinup, about an hour west of Esperance, and Springdale, which is close to Hopetoun on the coast. Graphite is a really important mineral. Members might not know that there is 10 to 15 times more graphite in a lithium-ion battery than lithium, so in an electric vehicle there is probably about 70 kilos of graphite. One project I want to mention is that of International Graphite, which is looking at mining in Springdale, which, as I said, is near Hopetoun. It has been really successful in some of the funding programs. First of all, it received \$4.7 million through the federal government's critical mineral development program. It also received \$2 million through the Collie industry transition fund. International Graphite has been working to set up a pilot plant and a research and

development facility in Collie. The idea is for it to run its graphite plant in Springdale and do a simple crushing and flotation process to create about 95 per cent graphite and then truck it through to Collie, where it is creating jobs, and to process downstream to make really high quality battery anode materials. International Graphite's resources in Springdale are the second biggest in Australia and in the top 15 globally. This will be a very exciting project. It will be very good for Collie.

I want to mention some of the other stuff International Graphite is doing as well. It did some interesting projects last year with schools, the Einstein-First Project and the Quantum Girls Project, helping to encourage kids to get into science, technology, engineering and mathematics and look at building their future workforce. It did this program in Collie, Katanning, Ravensthorpe, Esperance and Kalgoorlie. It is looking to do the program again next year as well. I commend International Graphite for that work.

International Graphite's mine site is mainly on farmland, which makes things a lot easier environmentally. Mineral Commodities is another company close by in Munglinup that has taken a long time to get through the environmental approval processes. It has made its agreement with the native title owners. I hope that environmental approval process will be finished by the end of the year, allowing the company to get on with this graphite project.

I also want to mention Ravensthorpe. Most of the employees in Ravensthorpe work in the mining industry. Ravensthorpe is a small town with just over 2 000 people. Its economic output is worth \$1.3 billion. There is a really important lithium mine just outside town. Allkem Ltd is supporting Freight Lines Group, a local Esperance trucking company, by using it to truck spodumene to Esperance. This has been a really great project for the Ravensthorpe community. Yesterday, my first set of schoolkids had a trip to Perth, because obviously Esperance and Ravensthorpe are quite far away, and that was funded through Allkem, the lithium company. I was glad to host them for lunch yesterday with my colleague Hon Sandra Carr. It was a great opportunity for them to come to Perth and have a little bit of a look around.

I briefly mentioned the environment and I would like to make a few other comments on that. The locals in Ravensthorpe are really passionate. There are quite a lot of black cockatoos. Hon Stephen Pratt, who is away on urgent parliamentary business, is also passionate about cockatoos. Some of the mining exploration activity has to weigh up both sides. Bulletin Resources is trying to get a permit to drill for lithium quite near the existing lithium mine, but at the same time there is a lot of concern about the black cockatoos and the proximity to a national park. I think the government can get better at managing and working with companies to make sure that approvals can be streamlined, while at the same time looking at the parts of the environment that we want to protect and making sure that that is communicated to mining companies up-front. The company has done a lot of work to minimise any sort of damage that could occur. I also acknowledge that it is quite a special area.

Ravensthorpe Nickel Operation also operates close to Esperance. The mining companies in Ravensthorpe are doing a lot to give back to the community. A new youth centre funded by Ravensthorpe Nickel and Allkem Ltd is opening in Hopetoun. I used to think of nickel as something that is used to coat knives and forks, but we have about one-quarter of the world's nickel reserves, so this is a really important metal in the move to a renewable economy.

IGO Ltd is another company that works north east of Esperance and I want to acknowledge it as well. It is concentrating on battery minerals—lithium and nickel. It has also made a commitment to the Esperance community and always comes to the Esperance Show. Joanne McDonald, the company secretary, was at the show. It put a lot of money into the Esperance community during the COVID pandemic to help with social and economic boosts to the community; for example, it helped build capacity with our tourism businesses through some of its economic stimulus funding.

Another mine site that is operating east of Narrogin, which Hon Steve Martin would know about, is owned by WA Kaolin, which mines for clay. It has historically been shipped offshore to use for paper and making china and things like that, but more and more work is being done to extract the high-purity alumina out of Kaolin's clay. This is becoming more and more important. I want to commend the government for its feasibility study on the rail line from Wickiepin to Narrogin. It is looking at reopening that rail line to minimise the number of trucks that come from the mine site. It is a huge clay reserve that will be open for many generations.

I have talked about a couple of the issues that some of the mining companies are facing. I want to briefly mention water, which I know Hon Kyle McGinn will probably talk about when he talks about the goldfields. It is great that Minister McGurk has agreed to set up a water forum that will look at addressing some of the water issues in the northern goldfields, and Esperance might be able to help with that. About 20 years ago, there was talk of a desalination plant being built in Esperance, but it never went ahead. Some rare earth mines might need a chlor-alkali process to extract the elements, so they need to either truck salt or use brine. Who knows what kinds of opportunities there might be down the track for some of these projects if we keep our eyes open.

I also commend some of these mines for their initiatives for renewable energy. A lot of this is happening out Hon Kyle McGinn's way at Gold Fields' Agnew mine. Over half of its electricity requirement is being generated from renewable sources. Quite a lot of mine sites are now taking on renewable energy and are transitioning to wind and solar energy. With favourable wind conditions, the Agnew mine site can get up to 85 per cent of its requirement from renewable energy. It has transitioned a lot of its other mine sites to renewable energy sources.

Obviously, another issue is housing. Again, I want to mention the issue of power connection and our need to work with some of the mining companies in the south. A lot of the mining companies that are looking to come on are in existing communities, not in the north, and are looking at opportunities to connect. Rather than building mining camps a few kilometres from town, these companies want to leave a legacy by having their housing in the towns.

I want to talk quickly about workers in the mining industry. I love talking to members about my Uber drivers. As our critical minerals sector expands, having skilled workers is becoming increasingly vital. This morning, I met my first Uber driver who is a fly-in, fly-out worker at the Gudai-Darri mine. He works as a chef at one of Rio Tinto's newest mines. He had to say the name so many times to me. He is from India and trained as a chef in Melbourne, but obviously has to work in regional areas under his visa requirements. I asked him whether he wanted to stay or go back to Melbourne when he had met his visa requirements and he said that at first he thought he did, but now that he has been in Perth for a while, he really wants to stay, although he said that it was a little boring for him. I want to commend the Rio Tinto site. It is a multibillion-dollar investment. It is the first greenfield iron ore mine in over a decade and is one of the most technically advanced mines. It is amazing. I was reading about it.

I commend the government for the respect in mining forum that it ran in August this year. Hon Peter Foster was there. There was a huge showing from the mining industry. It was a great initiative of the state government and I commend it for some of the other programs that it is doing to address the issue of sexual harassment in the mining industry.

We are doing a review of our battery and critical minerals strategy, which is open to 4 December. This is really important and a great way for mining and exploration companies to give feedback to help us understand what support we need to provide to help expedite the development of our critical mineral resources. As I said at the beginning, we are doing a lot of exploration, but the real issue is the transition to creating and operating mines and looking at some of the downstream stuff. I talked about International Graphite and the fantastic work it is doing in investing in downstream processing, which will allow that sort of processing to happen in Australia so that we can have a quality product that we can sell, as well as ship overseas.

I think that is pretty much all I wanted to say, apart from talking briefly in closing about just how well the mining companies are doing. Our resource sector had record sales of \$254 billion last year. Lithium became the second most valuable mineral in Western Australia behind iron ore, with sales of over \$21 billion. The industry employs over 126 000 workers, which is really amazing. Things like nickel are among the highest levels in the past 15 years, at \$5.7 billion.

In closing, I commend the Cook government on all it is doing to help support the mining industry in Western Australia to make it the best in the world for environmental responsibility, and also for the work it is doing for the transition to the renewable energy economy.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [1.30 pm]: It is the last motion of the year for us, so I will try to be a bit upbeat and positive today. It is not often that I accept that we commend the Cook government for anything. I thought that was perhaps one step too far, so I tried to find something positive to say out of this. I will say this in a positive bent: the Cook government is doing a better job than the Albanese federal government in this regard, so well done everybody! I feel a bit cautious, because if you read *The West Australian*, we are surrounded in the chamber by people who are on their way out, either by choice or not, so we need to be a little bit sensitive today. As someone who has come and gone once before, I can tell members it is not the most pleasant exercise.

Hon Lorna Harper: They'll miss you here today.

Hon Dr STEVE THOMAS: That is right. Members should not necessarily let it get them down.

I suppose that the motion's intent is reasonable in that it is to support the mineral extraction industries, particularly those rare earth and critical minerals that the world will need to transition to a lower-carbon economy. That is a reasonable thing for us to talk about. These things are absolutely critical. As I have said—I do not know how many times in this chamber—I am a believer in a transition to a lower emissions future. I have explained numerous times how, in my view, I think the government could do that better and its failures with the generation, transmission and storage problems that it currently has. However, it is nice to see that the government does intend to promote critical mineral exploration and mining, so that is the highlight of the day so far. Every government does this, because it is critical for the future of every country and the world, so it is good to see the focus on that.

Critical minerals in Western Australia are some of the greatest resources in the world—it is absolutely true. The question will be how efficiently and to what level we can extract those and get them into the marketplace. One issue is that Western Australia's economy is not very diverse; it is very much a mining economy. A midyear report will come out fairly soon outlining exactly how big that mining economy is and how much money the government makes out of it. We are not necessarily diversifying the economy a lot into other areas, especially around manufacturing. It is going to be very mining based. The reality is that there is no alternative. We are a mining state and will remain one for decades to come. It will be the most significant industry in Western Australia and, with all the best intent in the world, we will not be able to change that. I am not blaming the current or former state governments for the position we find ourselves in. It is the natural response to the wealth of resources that we have.

What the government has to get right is the capacity to extract those resources in a fairly rapid manner. There are some incredibly ambitious targets for decarbonisation around the world, most of which will not be met and are impossible to achieve. One critical reason for that is the government cannot get enough critical minerals out of the ground in the time frame to be able to deliver the infrastructure required to meet those decarbonisation targets. Batteries are a very good example of that. If the world were to decarbonise through batteries, battery storage and electric vehicles to support renewable generation, we would probably have to increase a hundredfold the extraction of things like lithium around the world. We simply cannot get enough of it out of the ground in a time frame that allows us to meet the current set of targets. Lithium may ultimately not be the be-all and end-all for storage. The prospects of vanadium is probably leaving lithium behind. The problem is that the vanadium industry is in its infancy compared with the lithium industry. The lithium industry is in its infancy compared with iron ore, and iron ore is in its infancy compared with gold. Therefore, it takes time to deliver those industries and build them up to a point at which they deliver the required outcomes. It means that they will be developing industries in Western Australia. Those industries will grow, and to some extent, do so irrespective of government policy. There is such world demand for those things that it is going to happen. I think it would happen whether governments on either side of politics wanted it to or not. Those things are going to occur. One thing we get a bit stuck on, particularly when in Parliament and around government, is that we start to assume government policy drives things. In the end, despite what people here think, government policy does not drive the economy. Most of the time it does not do too much to impact on things like interest rates.

Hon Stephen Dawson: That's far too cynical.

Hon Dr STEVE THOMAS: It does a little bit. It is not a fun Thursday yet; it is cynical Wednesday.

Hon Stephen Dawson: Government action can drive policy.

Hon Dr STEVE THOMAS: It has an effect. It does not necessarily drive outcomes, but it can have an effect. Normally, government policy is much better at having a negative effect on an industry than a positive one.

Hon Stephen Dawson: With the exception of COVID. If you think if it wasn't for government actions —

Hon Dr STEVE THOMAS: For COVID?

Hon Stephen Dawson: Yes. The actions that we took during COVID certainly drove the economy.

Hon Dr STEVE THOMAS: I suspect we would find that much of the mining sector would have managed its own risks irrespective of what government did. The government's job at the time was to work in conjunction —

Hon Kyle McGinn interjected.

Hon Dr STEVE THOMAS: Sorry?

Hon Kyle McGinn: The mining industry was under threat from the federal government at the time.

Hon Dr STEVE THOMAS: There was plenty of work being done to keep the mining sector.

Hon Stephen Dawson: Let's agree to disagree and I will get everybody to listen to you in silence.

Hon Dr STEVE THOMAS: I have said a few times that the government did not do a terrible job at managing COVID. It did a reasonably good job at implementing the health advice it was given. I have been fulsome in my praise of the government as much as I am prepared to be in that particular regard.

Hon Kyle McGinn: You were in Scotty's camp. Scotty's camp!

The PRESIDENT: Order! Enough.

Hon Dr STEVE THOMAS: It is not quite a Thursday, President.

Government policy has some impact, generally more so on the negative side than on the positive side, but the industries are going to develop and it is critical that they do, particularly around the plethora of minerals that Western Australia has. Lithium has been our biggest success story. Lithium royalties were effectively almost non-existent a couple of decades ago and now it is on its way to \$2 billion—it is heading up there. It is going to be a significant contributor to the Western Australian economy and the wealth of the Cook Labor government going forward. The next \$6 billion to \$7 billion surplus will be partly on the back of iron ore and lithium. I will have to expand my Scrooge McDuck campaign because some of the critical minerals will be making a significant contribution, and lithium is.

Now let us have a bit of time to catch up. The private sector is driving this and it is doing a pretty reasonable job. I have to say that the government is doing a reasonable job at not getting in the way too much. I am full of praise for it today. A reasonable job of not getting in the way is good.

Again, I have to say that probably the biggest threat to exploration in mining development in this state comes from Labor's federal colleagues. I listened with great interest to the government's statements around streamlining the approvals process. It is always good to hear the government say that. I think the Premier—who is also the Minister for State and Industry Development, Jobs and Trade—was talking about those things in the not too distant past. He did it at an energy conference a week or so ago, and that is good to hear. I have been hearing that for the 20 years

I have been in politics, but it is still good that it gets reinforced and put forward. It is harder to deliver than to say, so I hope that we will see some specifics going forward. I have taken this to heart. Members who were around a couple of years ago—the Minister for Emergency Services was—know that I tried to insert some statutory time lines into the approval process in the Environmental Protection Act. It was resisted by the government, so there is some onus on the government to try to make sure that the approvals process is streamlined as much as possible.

The issue the government faces in getting things out there is as much because of its federal colleagues as anything else. Right now, we have an Environmental Protection Authority in Western Australia. Over the years, it has not been perfect, but it has done a reasonable job. It assesses projects. We are also about to have a federal environmental protection authority. We went from a stage not too long ago when the state Labor government under Mark McGowan—gee, I have nearly forgotten his name already —

Hon Stephen Dawson: It is still Hon Mark McGowan.

Hon Dr STEVE THOMAS: Hon Mark McGowan—the minister is quite right; sorry. The state Labor government under Mark McGowan and the federal Liberal government under Scott Morrison were trying to streamline and coordinate the approvals process. I suspect that the Minister for Emergency Services, who was probably the Minister for Environment at the time, played a role in that.

Hon Stephen Dawson: With Hon Ben Morton.

Hon Dr STEVE THOMAS: Yes, with Hon Ben Morton, who was brought in to try to make it work. The problem, as I understand it, was largely the federal Department of Climate Change, Energy, the Environment and Water and its refusal to operate in a streamlined manner. This is not new. The proposal was simply that we would have concurrent approvals with sharing information; it would not necessarily be an automatic tick-off from one to the other, but at least things would operate in a concurrent and cooperative manner, but the federal department of environment was the problem. I know that Ben Morton was very keen to get that resolved, and then an election came along and he was no longer in Parliament. The problem is that Labor's federal colleagues under the Prime Minister have now gone completely in the other direction. They will now install a second EPA. In the not-too-distant future, a mining proposal in Western Australia will have to pass a state EPA and then, ultimately, under some sort of revamped Environment Protection and Biodiversity Conservation Act, will have to go through a federal EPA as well. The federal EPA process is likely to be longer and more troublesome than the state EPA process, so there is a problem here. Even with the best intent in the world to get critical resources and minerals out of the ground—which we all agree is important for not just us, but also the entire world and certainly the government's enormous budget surpluses—the reality is that the biggest issue facing the state government is its own federal Labor government.

It has two issues. The other one, of course, which it has managed to rectify to some degree but is still a problem, is the reversal of the Aboriginal Cultural Heritage Act. That probably took away a significant set of roadblocks for the next round of mineral development, but difficult negotiations are still to be had. Do not think for a minute that throwing out the Aboriginal Cultural Heritage Act after five weeks of operation has streamlined the approvals process, because heritage approvals have just gone back to an already very clumsy process. The government has those issues to deal with as well, and they will not get any easier. They will become even more difficult as time goes by. The best example of that is not critical minerals but an oil and gas project off the coast. Despite years of heritage consultation, apparently, one person was missed out and the courts decided that that person was not consulted adequately; therefore, the project is put back. Once the process of holding up projects through heritage is firmly established as a principle, it will go on ad nauseam. It would be ideal if the government addressed that in a fairly uniform manner. Something that government policy could genuinely do to have an impact on the extraction of critical minerals and an area that absolutely needs work is how to get past that level of the approvals process. It has to do that or somehow get the courts under control, and I am not sure how anybody does that, given the separation of powers principle. Some significant clouds out there need to be dealt with.

The government has done a bit in this direction, and the minister will probably stand and talk about some of the things the government has done. It has not all been bad; some of it has been reasonably good. We often support the good bits, which is good. As the opposition, we are here to help. In this era, we all accept that this must get better; we all accept that as we transition. I personally remain committed to the 2050 net carbon neutral target. I do not believe that it should be in legislation, because I think we will struggle to get there, but every now and then we get a step-change of technology and it becomes possible that we will achieve it. Let us be optimistic that we might get there and deliver it. That would be a good outcome. To deliver that, we will have to do a pile of things. We will have to create a pile of energy generation in higher technology and lower carbon futures. That is absolutely the case.

Unfortunately, as it currently exists, the state government's transition plan does not work, but I note that the government is slowly eking out and releasing little bits here and there. Its transition plan for the transmission of lower-carbon electricity was woefully underfunded. A probably \$3 billion, \$4 billion or possibly higher infrastructure requirement was completely unfunded. I note that the federal government has come in with \$750 million in the last couple of weeks as a result of that conference, so the government is probably 15 per cent or 20 per cent of the way there, but it is still unfunded.

As the coal-fired power stations are closed down, generation is completely unfunded. I have to say that the government's management of the coalfields is a disgrace and an embarrassment. As we discovered in the answer to a question yesterday, it has handed out \$40 million of free cash to a company that is insolvent and foreign owned and has no capacity to pay any of it back, just because the government has no idea how to manage the coalfields. Coal is a critical mineral that is in a disastrous state. It is in an absolute mess. The government has to invest significantly more to transition out of coal, and it probably will not. It has already extended the life of one of the coal units, funnily enough, to one month past the next state election so it can try to keep the lights on while we get to the transition point. If anything defines my cynical nature, it is my view of a government that extends an announced closure of a coal-fired generation unit to one month past the next election. It is not six or 12 months past or a couple of months before but one month past the next state election. I am absolutely guilty of some cynicism and sarcasm. It is one month past. As the government closes those down, it will not have enough generation, enough transmission and not even close to enough storage for that process. That plan needs a massive overhaul. It is dramatically underfunded and under-planned.

What will happen? I have said in this place before that I have great respect for the Minister for Energy. He will trickle and dribble these things out. He also got a run in *The West Australian* today. We will see whether he is here in the longer term to trickle it out a bit further; time will tell. He will trickle out these announcements as best he can. It is a patched-together strategy, based on a plan that is currently undeliverable. I wish him luck with it because he does at least understand and have the energy for the energy portfolio. He has an almost impossible job because he has to deal with the ideologues of the Labor Party who demand things that cannot be delivered. That has to be the focus of the government at the same time as the government is, to give it its due, developing the exploration and extraction of critical minerals. Obviously, it has a vested interest to do so because of royalties, but it also recognises, as the opposition does, that we must have in place those critical minerals.

One thing, for example, is silicon. Hon Shelley Payne, who moved the motion, went through a range of critical minerals, and I agreed with pretty much all the critical minerals she identified. Silicon is one that is suffering from potentially two government policies impacting on it, as with most critical minerals. The American Inflation Reduction Act 2022 has made billions of dollars available for projects in places such as Australia, and we will see a massive increase of private investment in critical minerals. That is one positive government policy. The biggest silicon producer in Western Australia is the Silicon Metal Company of Australia, and it relies on timber harvest to deliver the high-quality product. I suspect it will no doubt benefit from the Inflation Reduction Act in the US because people will need silicon for the transition, but this has been decimated by the closure of the forest industry in Western Australia. It is in with one hand, out with the other.

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [1.50 pm]: I rise to indicate that the government is supporting this motion this afternoon, and I am very grateful to Hon Shelley Payne for bringing the motion before the house. It was nice of the Leader of the Opposition to say some nice things about the government and to acknowledge that we as a government are continuing to support our mining industry in the state, particularly to help it explore for critical minerals. Western Australia is in an amazing place in terms of the significant transition that needs to take place as the world races towards net zero by 2050. We, as a state, are making a significant transition to clean energy, and we are indeed well placed in this part of the world to not only support the work the state needs to do, but also help the country and indeed help some of our new neighbours. The challenge is to decarbonise our state to help confront climate change and with that brings the opportunity of not only creating new industries, but also leveraging our natural advantages that we already have to become what could be a global force in renewable energy.

Both batteries and critical minerals represent an immediate opportunity for the state to leverage Western Australia's key strengths and traditional strengths of mining and mineral processing. It will also establish a new highly skilled workforce and industry that is focused on chemical and component manufacturing. The size of this opportunity is far greater than first thought. In his contribution, Hon Dr Steve Thomas mentioned the Inflation Reduction Act 2022, and that has been a game changer—if I can use those words—because it finally has people in the US talking about climate change. I think there probably has been countries around the world that have wanted the US to take action in this area for nigh on 12 or 13 years. Finally, as a result of this policy and this legislation, the US has shifted a gear and have well and truly made a significant effort into reducing inflation—obviously, it is named Inflation Reduction Act—but the benefits of it will be new, clean industry trends that will help the US and the world decarbonise.

Hon Dr Steve Thomas: The only issue is it is entirely debt funded.

Hon STEPHEN DAWSON: The shadow Treasurer has spoken! I will not make comments on how other jurisdictions fund their policies or, indeed, get into their domestic politics, but I will say that that decision is a game changer. In fact, I think the US put \$400 billion on the table initially, and that \$400 billion has already been spent. We have seen companies from around the world change focus; where they may have had projects in a number of countries, they are now focusing their decision-making on their projects in the US. In that regard, it is potentially challenging for some of us, but I think it creates many, many opportunities for us all, Western Australia included, by virtue of what we have here already, and that includes the critical minerals motion before us. I will get on to that more in a second.

In Australia, a diversified battery industry comprising mining, processing, manufacturing and recycling industries is forecasted to contribute just under \$17 billion in gross value added, and about 61 500 jobs by 2030, which is only seven years away. There will be massive benefit to the state. We have the second-largest lithium deposit in the world, which in 2021 was 28 per cent of global reserves. We are also the largest lithium supplier in the world, and we supply about 52 per cent of the world's lithium, so we are in the right place and have the right resource available to us. In 2021, one quarter of the world's nickel reserves were also in Western Australia, and we have the second-largest cobalt reserves in the world. We have vast amounts of manganese, graphitic carbon, vanadium, high-purity alumina, copper and other minerals. I have heard Chief Scientist Peter Klinken, AC, talk about the periodic table, and we have many, if not all, elements available right here in Western Australia. Over the last few years, we have seen Western Australia welcome major industry advancements in the mining and the advance processing of critical minerals. This also includes the construction and commissioning of large-scale battery chemical facilities as well as major investment in rare earth element refineries onshore in WA. These projects are a first for Australia in many regards. This has put us, as a state, in an enviable position because we have a local industry and local workforce that have the skills and experience needed to build and operate what are essentially complex projects.

Exploration activity has increased significantly since 2019, and I want to acknowledge the Minister for Mines and Petroleum, Hon Bill Johnston, who has been an amazing minister for these portfolios and has certainly made sure that we are taking every opportunity that we can in the mining and resources space to capitalise on the resources that we have in the state. We have seen a significant investment in the exploration activity taking place, and the government has backed an exploration incentive scheme. The EIS has increasingly been used for critical minerals exploration, and that has been a good thing. The EIS, as I said, has been operating since 2019, and aims to simulate private sector resource exploration through regional geoscience data acquisition programs and drilling. Further initiatives include transforming the state's vast repository of geoscience data to facilitate data-driven exploration targeting and a statewide passive seismic survey, which is currently underway, to help unlock more of the state's resources. These programs are supported by the \$40 million sustainable geoscience investment package that was announced in the 2023–24 state budget, and that was to specifically target increasing critical minerals exploration. The 2024–2030 strategy will consider what continued support can be provided to increase and expedite the development of our critical minerals resources here in this state. Certainly, from our perspective, supporting the mining industry to mine for critical minerals is a cornerstone of not only WA's, but also the world's transition to clean energy.

A couple of weeks ago, the Premier, Hon Roger Cook, addressed the WA Energy Transition Summit, run by CEDA, and I think it is important to place on the record in *Hansard* some of the comments that he made in his speech. I quote —

We're at the point in time where there has never been more urgency to act, and critically, there has never been more agreement to act now.

I'm not going to lie, getting to this point has not been easy.

For years, decades even, a distracting debate has engulfed conversations around climate change and renewable energy in Australia.

...

But in recent years, there's been a shift.

...

Increasingly, the nation has witnessed what has been achieved with renewable energy elsewhere, and gradually, the switch to renewable energy revealed itself as basic common sense, not only from an environmental perspective, but also an economic one.

At last there is a will from corporations, from governments, and critically, from the public.

We're now at a point where the energy transition has never made more sense.

...

Our state is the engine room of the national economy.

...

WA is in a truly unique position leading into the energy transition.

If we could, just for a moment, take stock of our states' key attributes, abundant land, sunshine and wind, one of the highest uptakes of rooftop solar in the nation.

Beneath our earth, all the ingredients required to make a lithium ion or vanadium flow battery, a mining and resources industry with world recognised expertise and a skilled workforce.

A proven history of success in delivering projects of epic proportions.

And an impeccable record as a reliable and responsible trading partner, a world leading exporter of iron ore, LNG and critical minerals.

When you consider all of these factors, it's plain to see WA is fundamental to the green energy transition and global fight against climate change.

Yes, we have a responsibility to decarbonise our state, but our resources are so great that arguably we have an even bigger responsibility to help our neighbours to decarbonise as well.

With an energy transformation of this magnitude, and as we transition to net zero emissions by 2050, of course there are significant energy challenges that we need —

Hon Dr Steve Thomas: Are we calling it a “transformation” now, not a transition?

Hon STEPHEN DAWSON: It is an energy transformation.

Hon Dr Steve Thomas: Is that the election campaign slogan now?

Hon Kate Doust: It's better than the one you guys ran, isn't it?

Hon STEPHEN DAWSON: Let us not take me off course because I would hate to go back to the Liberal Party's energy policy at the last election.

Hon Kyle McGinn: Please do!

Hon STEPHEN DAWSON: No, I will not, but I think that the Leader of the Opposition and me probably have similar views on the policy that was taken forward at that stage.

Hon Dr Steve Thomas: My comments are already public.

Hon STEPHEN DAWSON: Correct. The member's views on the policy have been made clear previously, so let us not dwell on those. Suffice to say that with the energy transformation that is before us, and as we transition to net zero by 2050, there are significant energy challenges that we need to overcome. There is no doubt about it but it does not mean we should stop doing it.

Our main electricity grid, the south west interconnected system, is leading the way on a global stage. Last year, about 34 per cent of the energy generated was from renewable energy. Households in this state have also been driving the transition. Almost one in three households in this state have rooftop solar and industry is now joining the switch. A lot is happening in the solar space. Demand in our main electricity grid could increase fivefold by 2050 and this will require more than 50 gigawatts of generation capacity and up to 4 000 kilometres of new and upgraded transmission network could be required. That is the distance between Perth and Singapore. Of course, this will not be cheap. As we have heard and seen, the government is making an investment into this infrastructure. The Pilbara alone will likely need about 50 gigawatts of generation and storage capacity by 2050. That will require more than 3 000 kilometres of transmission network. It is not an easy task ahead of us but the work has commenced.

If we look beyond the two main grids—the NWIS and the SWIS—decarbonising standalone mining operations and microgrids in the off-grid sector is even more difficult. The off-grid sector is home to many critical minerals that are needed by the rest of the world to meet their emissions targets. We need unique solutions for our unique landscape. There are some significant projects in the approval pipeline at the moment, which, once they come to fruition, will substantially lower energy prices, bearing in mind that energy prices in this state are substantially lower than our eastern states counterparts. It will mean that some of the projects that have been long thought about and wanted in this state will be made easier.

As I said, we need unique solutions for our unique landscape. That is why the Cook Labor government is taking the actions it is taking and is responding so strongly to the challenges that we face but is also trying to grasp the opportunities that exist before us at the moment. We are investing about \$3.8 billion in renewable energy, and generation and storage infrastructure. That will replace the state-owned coal-fired power stations that are being retired by 2030. This investment is already on the books and is happening. We are also investing about \$700 million towards improving our energy infrastructure. This funding will allow Western Power to move more quickly and start building the network infrastructure that is needed to enable industry decarbonisation to take place. Increasing the capacity will also help increase output from existing wind farms in the central and midwest regions. Of course, the minister has also negotiated a \$3 billion concessional financing deal with the Albanese government called Rewiring the Nation. It will help to fund the transmission bills over the years to come.

I also congratulate the minister for his work on the Pilbara industry round table where he brought together the major players in the region, who, for the most part, generate their own power at this stage but do it individually. They have not connected together. The minister brought those players together to explore options for common-use electricity infrastructure. The vision the minister and the government have is that there will be a shared grid that all those companies could deliver into. That would deliver low carbon electricity to meet increasing industrial demand while also maintaining system security.

Powering WA was mentioned earlier. It is a new policy announcement because the transformation that needs to take place is both large and complex. It will require an expert team of specialists to help manage the transition and

the extraordinary scale of electrification that needs to take place. The team also needs to help and manage the speed at which it needs to be delivered. It needs to be project managed and its scope reaches outside of Western Power's current skill level. A decision has been made to establish Powering WA, which will be a new specialised entity. It will help coordinate the actions that need to take place to deliver the electricity infrastructure that is required to decarbonise between now and 2050. The intention is Powering WA will help streamline the development of transmission and renewable electricity generation and battery storage projects, which will need to take place over the years ahead.

The intention is also for Powering WA to engage with First Nations peoples and regional communities. Already in Western Australia we are seeing a number of traditional owner groups or Aboriginal organisations become partners in these new, big generation projects across the state. Yindjibarndi is one that has made a decision to be involved in a project, as has MG Corporation and Lawford Benning in Kununurra. They are also involved in a partnership to get one of these new, big projects off the ground. This, too, is a new way of operating. The investors and the financiers of the world want projects to have good environmental, social and governance credentials. They would prefer that the traditional owners of the land where the projects might take place be shareholders rather than get a royalty from the project. Some Aboriginal organisations are making decisions that will have them at the decision-making tables for these projects. The other thing that Powering WA will do is ensure that robust foundations are in place for investment in electricity infrastructure. As I said previously, the projects that will be required to take place are significant both in size and cost. Significant investment will need to take place to make sure we have the infrastructure in place.

There are exciting times ahead. The race is on to get to net zero emissions by 2050. As I have said and the Premier has said, we have an opportunity but there is also an expectation that we do some of the heavy lifting for the state and also the country. While we do that, we want to make sure we have a stable, low-carbon energy supply so that we can reach net zero status by 2050. As a government, we are committed to supporting Western Australia's mining industry and we want them to keep exploring for critical minerals because they really are essential to a clean energy future. Again, I congratulate Hon Shelley Payne for bringing this motion before us. It is a good one. It is important to remind ourselves of the opportunities that exist in Western Australia and the fact we have the minerals here in Western Australia that are not found in many other places around the world. We have a significant and safe economy. As I have said previously, we have the skills and the workforce here already to take up the opportunities that will be provided over the time ahead. Of course, our miners are world leaders in many regards. They are world leaders in automation, robotics and remote operations of mine sites. They, too, offer opportunities in other sectors, including our burgeoning space sector in Western Australia.

It is exciting times in Western Australia. We are keen to diversify the economy. We are keen to get new industries on board in Western Australia and, more importantly, we are keen as a state government. The Cook Labor government is very keen for us to play our part and to ensure that the critical minerals that exist here are able to be accessed in a timely fashion; our approvals processes are rigorous, but not laborious; and we work with our various stakeholders to make sure that we can mine these critical minerals as quickly as possible. I think the world is relying on us and certainly the state government is very keen to rise to the challenge. We are keen to work with international stakeholders and national governments to make sure that we play our part and that is exciting.

I thank Hon Shelley Payne for bringing this motion before the house. It is always good to have a motion on which the opposition says positive things about the government for a change. I acknowledge the contribution—most of it, some of it—from Hon Dr Steve Thomas. I thank him for acknowledging the great work the government is doing in the critical minerals space and I commend the motion to the house.

HON KYLE MCGINN (Mining and Pastoral — Parliamentary Secretary) [2.10 pm]: I, too, would like to commend Hon Shelley Payne for bringing this motion to the chamber. I know Hon Shelley Payne is very passionate in the environmental and renewables space and has been looking forward to having this type of motion debated in the house for some time.

It is good to rise as a member for Mining and Pastoral Region as well because a lot of people would be aware that my electorate plays a big role in this space—just like the minister who was on his feet before me. I will also have to clarify something for Hon Dr Steve Thomas. I think it was interesting because I know the mining industry was very thankful for the government's performance and the role it played during COVID, and I think the critical minerals space is no exception to that. We all know—just to have it on the record once again—what the former federal government wanted to do to our resources industry. It wanted to close it.

Let us be very clear that we are in a very good position because the state government was well aware of what would have happened if our resource industry was to shut. I think the government should be commended for the steps it took to ensure that that industry continued to operate. I also commend industry for what it did throughout that period with heavily regulated testing and all the things it did to ensure that it was safe in their workplaces for their workforces. That was a very tumultuous period, but I think the industry was very thankful that the government did not follow what the former federal government was going to do at the time. I know that the minister, like me, in the Mining and Pastoral Region would be very happy that we did not do that.

I want to talk about the goldfields. Obviously, we might even call it the critical minerals fields nowadays. Zing! It has been an interesting space, and it has been really interesting to follow it in the goldfields. When I first got out there in 2017, gold was obviously the huge conversation point. It was seeing a bounce back at the time, which is still going now, but gold, gold, gold was all that was being discussed. I had come from the Pilbara before that where iron ore was everything and so it was interesting to see the difference when I got to the goldfields and gold was the major player. When I arrived, the Nickel West smelter in the goldfields looked like closing. It looked like it had only a year or two left and it was going to close down. That was about 300 local jobs. One of the issues that arose was that over in China they found a new way to produce stainless steel that was not utilising the resource, and the situation was looking quite dire.

I am really proud to say that since then, with the bounce of critical minerals, Nickel West did a massive upgrade of the nickel smelter and secured it for long into the future and it is now playing a critical role in the critical minerals boom. It is absolutely playing a massive role. I have been out there to open days. I am not allowed onsite because I would have to shave my beard to put on the gasmask. I will not do that because I want to spare members in this chamber from seeing this face without a beard. I definitely want to spare the Leader of the Opposition from seeing this face shaven. I have been out there and spoken with Nickel West and BHP and the turnaround of that facility has been amazing. That has happened only due to this massive craze that is going to be the critical minerals race.

We are very well positioned in Western Australia and in the Mining and Pastoral Region and, listening to Minister Dawson, we are very well positioned as a government to ensure that we are ready for critical minerals. We are taking the appropriate steps to ensure that Western Australia benefits fully from what we are about to experience. Also, as always, we are very passionate about how we work closely with our First Nations people. I thank the minister for his words around taking that appropriate approach to working with traditional owners and putting them at the forefront of decision-making in that space. I think that is a very, very good and smart decision for us as a government to make.

When I hear about critical minerals, it rings so many bells for manufacturing opportunities. I would love to see Western Australia back in the spotlight and firing on all cylinders in the manufacturing space and having the opportunity to sell the goods as a finished product. I have seen so many industries in Australia that have turned back and gone basically to no manufacturing. It has been quite disappointing with the resources that we have in Australia. From a federal perspective I think there has been a bit of a change, but I think that manufacturing here in the state the best we can will only benefit Australia and Western Australian people.

If we look at the figures today on what is likely to be the gross value added per annum from critical minerals, we see that it is about \$16.9 billion and 61 000 jobs are forecast. In 2021, the prediction for that was half. We have seen growth double in the last two years just around what the world wants to see in that space. I know the minister touched briefly on the USA in respect of its hunger for critical minerals and rare earths now. I have had the opportunity to look into that and I had a discussion with the embassy in Washington DC about the legislative changes in America and how that affects my electorate because we have so many critical minerals.

There is some pretty heavy language when we start looking into American politics. I am not going to lie. It is interesting. But I did find just one excerpt that was from the Biden–Harris administration, which states —

Companies Announce Major Investments to Expand Domestic Critical Minerals Supply Chain, Breaking Dependence on China and Boosting Sustainable Practices

Like I said, it is colourful language. I just want to read out this section —

Executive Order 14017 ... *America's Supply Chains*, signed one year ago this week, ordered a review of vulnerabilities in our critical mineral and material supply chains within 100 days. In June, the Biden-Harris Administration released a first-of-its-kind supply chain assessment that found our over-reliance on foreign sources and adversarial nations for critical minerals and materials posed national and economic security threats.

In addition to working with partners and allies to diversify sustainable sources, the reports recommended expanding domestic mining, production ...

From talking to the embassy and listening to that language, I think there is a real hunger from the United States of America to find allies that are providing these critical minerals. The minister mentioned about \$400 billion, which is what they were talking about there. I heard that it could go up to \$1 trillion.

Hon Stephen Dawson: They have gone over that \$400 billion. It could go up to \$3 trillion.

Hon KYLE McGINN: Not even six months ago, I was told that it was \$1 trillion and now it is up to \$3 trillion. The growth in this space is just unbelievable and Western Australia is at the forefront. We have cobalt, nickel, manganese and rare earths in the goldfields. We have almost all the critical minerals that the world is screaming for right now. As the minister alluded to, we have a mining industry that is proven, it knows what it is doing and it is a leader in the world in mining.

The minister mentioned automation. A lot of what has happened in that space was created in Western Australia. I just wish we built a lot of the automation systems here. It is absolutely great that Western Australians understand that companies and the government are focused on what they can do to be part of this global boom in the critical minerals space.

I am also a huge supporter, and have been learning about it since 2017, of the exploration incentive scheme. Again, the minister touched on it. It is fantastic. I want to go through some projects in my electorate, particularly those based in the goldfields. Some of these projects are in exploration, while some are in operation. The first project I will refer to, which I think a lot of members in this place will be well aware of, is Lynas Rare Earths Ltd. It is engaged in the exploration, development, mining, extraction and processing of rare-earth minerals. That project is worth about half a billion dollars. It set up a cracking and leaching plant just outside of Kalgoorlie. As far as projects go, working with the government and with the government acknowledging the seriousness of the situation, it flew off the shelf. Lynas engaged locally; it provided locals with jobs and engaged local First Nations organisations and businesses. The government absolutely understood the critical need for Lynas to get that facility up and running. It has been great for the local area.

I may have been saying in jest that the goldfields should be in the critical minerals field. It is diversifying from what was just a goldfield and just mining gold. I cannot stress enough that when I got out to the goldfields in 2017, I was told that gold was the reason everything was happening out there. Now I am hearing about cobalt, nickel, rare earths and cracking and leaching plants. There are projects everywhere in the goldfields. There are so many add-ons. Lynas has an interest in Mt Weld, a project in the electorate that develops and operates advanced materials processing and concentration plants. The Mt Weld deposit is one of the highest grade rare earth deposits in the world. Lynas processes the ore at the Mt Weld concentration plant to produce a rare earth concentrate that is sent for further processing at Lynas's Malaysian advanced material plant, which will be located in the goldfields. Getting to that next step in the supply chain locally is absolutely fantastic.

I have to give a massive shout-out to the member for Kalgoorlie, Ali Kent, who has worked tirelessly with industry and the government, pushing to ensure that we are front and centre. She has been working very hard with shires and industry around a goldfields industrial areas working group. At the end of the day, so many things need to be created so we can capture downstream processing and leaching and cracking. So many things need to be built up. She does a fantastic job fighting for it in that space, along with trying to get rid of hurdles that industry encounters so that it has the best opportunity to establish itself.

I will touch on Alkemy Capital Investments, owner of Tees Valley Lithium, up in Port Hedland, where the minister's office is located. It is a very good project. Again, it conducted a feasibility study to build a four-train lithium sulphate refinery utilising WA-produced spod-a-meen concentrate. I have heard —

Hon Dr Steve Thomas: Spodumene.

Hon KYLE McGINN: I was going to say that I have heard Hon Dr Steve Thomas mention that. Alkemy plans to export the lithium sulphate for conversion at its lithium hydroxide plant in Wilton in the United Kingdom. It is fantastic to see more diversification in Port Hedland. No-one can ever judge Port Hedland for sitting on its hands!

Liontown Resources is located 300 kilometres north-west of Kalgoorlie. Liontown engages in the exploration, evaluation and development of mineral properties in Australia. The company explores for lithium, gold, vanadium, copper and nickel deposits as well as platinum group elements. Its flagship project is the Kathleen Valley lithium project, which is in the construction phase, with the company expecting its first production in 2024. Liontown is currently undertaking exploration and scoping works of the Buldania lithium project. Liontown is currently investigating opportunities to develop downstream processing capabilities. That is fantastic.

I touched on Nickel West. BHP Billiton, an Australian multinational mining company, has nickel operations in Western Australia. Its Nickel West operation includes Mt Keith nickel mine, Leinster nickel mine, Kambalda nickel concentrator, Kalgoorlie nickel smelter and Kwinana nickel refinery. As I said, when we got out to the goldfields in 2017, it was not looking very good but now it has been reinvigorated and things are looking better.

Alliance Nickel Limited is another company to note. So many projects are operating. They are just the ones that I have picked out. I do not think I will get through them all in the time I have left. If we do a bit of research, we see that critical minerals is front and centre, and that is just in the goldfields, in the Mining and Pastoral Region. Alliance Nickel engages in the exploration and development of mineral properties in Australia. It holds a 100 per cent interest in the NiWest nickel cobalt project located in Leonora. A pre-feasibility study has confirmed the technical and economic viability of heap leach and direct solvent extraction operations at NiWest out in Leonora.

Ardea Resources Limited is seeking to develop its 100 per cent owned Kalgoorlie nickel project. The KNP is located in the eastern goldfields and holds the largest nickel cobalt resource in Western Australia. The project has the potential to produce battery-grade nickel and cobalt sulphate. Ardea has signed a non-binding memorandum of understanding with a consortium of Japanese companies to conduct feasibility studies. It has feasibility studies underway now, which is really exciting.

Glencore engages in the production, refinement, processing, storage, transport and marketing of metals and minerals, and energy products worldwide. In WA, it owns and operates the Murrin Murrin project in the goldfields region through its subsidiary Minara Resources. The project consists of a major nickel-cobalt mining operation and includes a refinery.

I have just rattled off the names of a number of companies. The amount of industry that has been created through these companies, which is separate from the gold industry, which is still going strong in the goldfields, shows that so many smaller businesses can be started up or pre-existing businesses in the goldfields are benefiting from this boom. As Hon Shelley Payne said, it is good for the environment. It is the future and how we are going to see this world transition. WA is front and centre in that space.

I need to give a shout-out to the Shire of Coolgardie. The president and the CEO of the shire have done a lot of work in the critical minerals space. They have tried to bring industry out and show that they want to get ahead of the game. The surrounding shires are also supportive, including the Shire of Dundas, the Shire of Esperance, the Shire of Leonora, the Shire of Laverton, the Shire of Wiluna and the City of Kalgoorlie–Boulder. There is a huge press on. I give special mention to the Shire of Coolgardie because I know that it has put in a lot of work to bring industry together. The member for Kalgoorlie, Ali Kent, has been standing side by side with the shire, bringing industry in and making sure, as I said before, that any hurdles that can be taken out of the way are taken out of the way.

I know plenty of members want to talk on today's motion. I could keep going through projects, but I just want to say to Hon Shelley Payne that this was a great motion to move. It is really good to know that over the last six years there has been this huge change and diversification in the mining industry in the goldfields. The change in attitude from being heavily reliant just on gold has been really refreshing. I am not saying that gold does not still play a massive role in the goldfields—do not get me wrong, misquote me or cut my *Hansard*, which somebody might do—but having this massive add-on in the goldfields is fantastic. The future gains of this do not seem to stop doubling every couple of years. As the minister said, the USA alone is expected to spend \$3 trillion in that space. We can only imagine what China and other countries will look to invest. I have been closely following the Quad, and trade with India from a federal perspective has been a little bit more investigated. We can only imagine the need that India will have for our critical resources and minerals. I thank Hon Shelley Payne. I absolutely and wholeheartedly, from my electorate to here, support this motion.

HON SANDRA CARR (Agricultural) [2.30 pm]: I rise in support of the motion moved by my colleague and friend Hon Shelley Payne. I thank her for moving it. It is important and worthy of discussion today, particularly as we make the transition to renewables and a clean energy future. It is important that the government put forward some considerable investment to develop these new industries as a means to encourage some of our more traditional industries and bigger polluters to look at ways to transition or reshape the way they do things to make sure we can achieve the goal of a clean energy future, as is mentioned in the motion.

As we know, WA is already a leading supplier of battery and critical minerals. In June last year our now Premier, Hon Roger Cook, was the Minister for Tourism; State Development, Jobs and Trade; Hydrogen Industry; Science. At the time the government released a prospectus focused on the battery and critical minerals industries, and it appealed to investors around the world. It outlined how WA was essentially establishing itself as the destination of choice across battery and critical minerals value chains. That prospectus featured one such industry, which I will focus on today because it happens to be in my favourite patch the world, the midwest. It is Australian vanadium and it plays a role in batteries. As part of the transition to renewables and a clean energy future, battery storage is an issue. Vanadium has a particularly interesting role to play. It is perhaps one of the lesser known battery storage options at our disposal. It is a rapidly developing industry. I will talk a little bit about vanadium and explain its role for those who may not be aware, but also because retelling always helps me understand it a bit better. Australian-born vanadium redox flow technology is a homegrown electrolyte source. I will explain what I mean by “homegrown” in a minute. It is a product that is definitely set to bulk up our renewable storage options and may address some of the gaps left by lithium supply chains. We tend to focus a lot on lithium and batteries, but the role of vanadium is increasingly exciting. I say it is Australian-born because the inventor of the vanadium redox flow battery is an Australian chemical engineer, Emeritus Professor Maria Skyllas-Kazacos. In 1999, she was appointed a Member of the Order of Australia for service to science and technology, particularly in the development of the vanadium redox battery as an alternative power source. As an aside, she is a fascinating and incredible woman. If members have a chance, they should read through some of her published work and research. She has done some incredible things. I felt a little bit sad that the first time I heard about her was just after I had been elected. I was to meet with Australian Vanadium Ltd, so I started to do a bit of research about vanadium because at the time I did not know much at all. That is when I started to learn about the amazing Maria Skyllas-Kazacos. She is an incredible lady and an incredible Australian scientist.

I will talk a bit more now about the emerging role of vanadium in the energy transition and, in particular, in long-duration energy storage. That is an exciting thing about the role of vanadium. In September this year, our Minister for Mines and Petroleum; Energy, Hon Bill Johnston, presented a speech at the Future of Mining in Australia conference in which he highlighted Australian vanadium production and the investment by the Australian government to the tune of \$49 million. Additionally, VSUN energy, a wholly-owned subsidiary of Australian Vanadium Ltd, has vanadium flow battery market development. Western Australian regional energy provider Horizon Power has

now signed a contract for the purchase, installation and commissioning of a redox flow battery in Kununurra. Vanadium batteries are very exciting because their temperature is resilient in harsh conditions, which Kununurra certainly experiences. They have long duration capacity and provide a stable energy source. The use of that long-duration energy storage in the form of VFBs—I will say “VFBs” instead of saying “vanadium redox flow batteries” because it starts to become a tongue twister—will be critical in accelerating decarbonisation, particularly for Horizon Power as it works to provide energy needs for those living in the north of Western Australia while decarbonising its network. That network covers some 2.3 million square kilometres.

I will talk a little bit about where AVL is at. It has a deposit near Meekatharra. It is a high-grade deposit. It has also purchased an option for a processing facility at a property called Tenindewa just outside Mullewa, which is quite close to Geraldton, conveniently located along the track. Anyone who has ever travelled along the east–west road from Geraldton right through to Meekatharra will know it is a very busy and productive route, with quads and trucks transporting all sorts of things to our incredibly busy and efficient midwest port in Geraldton. AVL has chosen its site very well in terms of where it can process for a number of reasons, which I will touch on in minute. Vanadium could be the answer, given that it has a long storage life and is a stable source of energy. It could be quite useful in terms of resolving some of the solar and wind production issues. When the sun is not shining and the wind is not blowing, there will be long-term storage that vanadium batteries can provide. We have some quite vast vanadium reserves, but most of the vanadium in the world is sourced through China, Russia and South Africa, and goes into making steel alloys. This is a rapidly changing environment and we can start to see the potential end-to-end chain from mine to electricity grid in Australia in particular. AVL is emerging as a really important piece in the renewable energy puzzle, and that really well placed project in the midwest is well established to meet our growing demand. The site is located at a tier 1, so low-risk, mining jurisdiction. As I said, it has a high-grade vanadium resource amenable to an industry-standard processing route.

I will talk a little bit more about the mine. It has the potential to produce 11 200 tonnes of vanadium pentoxide over its life, which is predicted to be about 25 years but with the potential to expand beyond that. The company describes the project as a pit-to-battery storage offering, with downstream processing and manufacturing potential. There is also the associated job creation that comes with it. As I mentioned, it will provide long-duration energy storage. Alongside that, vanadium is robust, nonflammable and scalable. Those things make it a really attractive option for an energy storage solution in our transition to renewables. The location of the processing facility just outside of Mullewa is particularly useful in that it provides easy access to the port for moving things in and out of the region. It is a well-established freight route. What the plant was established for is well known, and that makes it ideally located.

I will also mention that the construction of the company’s first vanadium electrolyte facility in Perth is almost complete. In the last report I saw, which was last week, it predicted that it was about a week away from being commissioned. It is an any-day-now project. As I have talked about the location of the project being very close to the port, which allows for efficiency, it is probably worth noting the Cook government’s \$350 million investment in the port to allow for the development and scale-up of projects like Australian Vanadium’s. I know that Australian Vanadium was very excited by, and supportive and appreciative of, the announcement about the port by the Cook government and also the support and advocacy of the member for Geraldton, Lara Dalton, in ensuring that the port is scaled up and gets the funding that it needs so that we can meet the ever-growing demand in the emerging industries and the add-ons that are happening in some of the industries. For example, down towards Eneabba, Iluka Resources is about to step into reprocessing some of its slurry to access some rare earths. Again, this will be really important in servicing the need for components for renewable products.

I would also like to talk about some of the benefits of vanadium. I have five benefits; I like my fun facts. Vanadium redox flow batteries use a water-based, nonflammable liquid electrolyte. There is no risk of cross-contamination. Vanadium electrolytes in vanadium redox flow batteries offer a high degree of safety and reliability, which is particularly important in large-scale energy storage. If we are talking about large-scale energy storage and powering things, safety and reliability must really start to pick up particularly for regional customers. It is starting to promise some really exciting developments. We see that Horizon has taken up that option around Kununurra. The third fun fact is that recycling and re-using vanadium electrolytes directly contributes to the economic viability of vanadium redox flow batteries. This allows for lower level costs of energy over the lifetime of a battery, making vanadium batteries a more competitive option for grid-scale energy storage. We cannot say that that recycling and re-using aspect applies to lithium batteries. This is an exciting alternative. I know that the honourable Leader of the Opposition mentioned the progression and development of that material being far along the chain, and lithium is certainly on the front foot, hence the importance of people like me standing here and mentioning it. It is an industry that I am pleased to see both the federal and state governments supporting, because it offers some really exciting solutions. Western Australia is a vast state and it offers some great opportunities here.

Hon Dr Steve Thomas: I agree.

Hon SANDRA CARR: Thank you. It is lovely to have the honourable member’s agreement. I think that might be a first for us. It is my lucky day!

Hon Wilson Tucker: It must be getting close to Christmas!

Hon SANDRA CARR: It must be getting close to Christmas—good point!

I have lost my way now. I was so excited to be agreed with across the floor.

The fourth fun fact is that recycling vanadium electrolytes in batteries can lead to a remarkable reduction in carbon emissions, and that is certainly something that we are all striving to achieve across the globe. They have a great application there. It has been estimated that the practice can result in a reduction of up to 78 per cent in emissions per megawatt hour of energy stored. That is a fantastic indication that shows us the potential of vanadium batteries.

The fifth fun fact is that unlike many other battery technologies, vanadium batteries exhibit a unique feature: their efficiency remains relatively stable regardless of the number of charge and discharge cycles they undergo. That is because the electrochemical reaction that occurs in vanadium electrolytes is highly reversible, so there is stability. Everyone knows that old diminishing return story. After a while, the battery does not charge as fast and it does not last as long. It is an issue that is less problematic with vanadium batteries.

As I wind up my discussion, I thought I would talk about some of the other applications that vanadium offers, because there are some interesting developments around vanadium. Vanadium redox flow batteries have been successfully used to power charging stations for electric vehicles. That is certainly an exciting development in the way that we transition and how we look at our fuel needs and the way that we get around. The quite substantive batteries for electric vehicles are highly disposable, so it makes it difficult to transition to clean energy solutions when we are creating another waste product in another area. That is an exciting development for vanadium.

This is more a fun fact kind of thing. Adding vanadium to steel makes it extremely strong and lightweight. It has been used in military applications, but it also allows for greater resistance in blasts and seismic shocks. It is good for vehicles and high-speed aircraft. I think it has been used in spacecraft and things like that. If a product is resilient and durable, it is going to last longer. If vanadium is added to or blended with things, it can create a product that can be built to last or to last longer, unlike many things that we encounter these days. Panasonic North America already uses vanadium in some of its coin batteries—those terrible batteries that we do not want our kids to get their hands on because they can cause all sorts of issues if swallowed. It is already using them, so if people have a Panasonic product, it may already be in the remote control or an electronic device. Vanadium may be closer to people than they think.

This is another fascinating potential application for vanadium that I was reading about. It has been explored for its potential antimicrobial properties. When it is blended or combined with fabrics, its compounds can help inhibit the growth of bacteria, fungi and other micro-organisms, which is quite fascinating. I appreciate that I am fully nerding out here. I have gone right down the vanadium rabbit hole! I put my hand up and I am willing to admit it.

Hon Darren West interjected.

Hon SANDRA CARR: I am going to start the vanadium party next week!

Hon Wilson Tucker interjected.

Hon SANDRA CARR: I believe the honourable member is looking for a party, so we will talk later!

The fascinating thing about its capacity to inhibit the growth of bacteria, fungi and other micro-organisms is that it has some amazing potential applications in the health field. If it is in clothing, curtains and those kinds of things, there is a huge potential to decrease infection risk in a hospital or health context, which is a really exciting development for vanadium.

I thank the honourable member for bringing forward this motion today. I am in fierce agreement that our investment in critical minerals, particularly for batteries and storage, will allow us to address some of the large polluting and more complex fuel sources that we are using at the moment and some of the more complex practices that we use those fuel sources for. Hopefully, it will help us to exponentially develop those industries and see a significant change, and we will have this nice compounding effect once all these industries find their feet and technology catches up with us. I would like to have talked about hydrogen, but time has not allowed for that. Those industries will allow us to rapidly transition once we hit our straps with those kinds of things.

I thank Hon Shelley Payne for bringing forward this motion. It was a really nice opportunity to recognise the Cook government's endeavours to make sure that WA plays its part not only within the state, but also in the global transition to a clean energy future—I emphasise the word “future”—for all people. I think we are playing our role and are recognising and understanding what our role is as a state not only in looking after ourselves and our state, but also in a global collaboration to ensure that we all work together so that there is a clean, optimistic future for our young people and future global citizens. I thank Hon Shelley Payne.

HON DAN CADDY (North Metropolitan) [2.49 pm]: I will go for 10 minutes. I will do my best, anyway.

This is a fantastic motion brought by Hon Shelley Payne, and although it hones in on rare earths specifically, I will concentrate on the last four words of the motion and pick up on a couple of things that Hon Sandra Carr said. The last four words are: “a clean energy future”. I will talk broadly to this theme, because it is the crux of everything.

It is a clean energy future not only for WA and Australia, but also the globe, as pointed out by Hon Sandra Carr. Within this framework, it is important for Australia, and Western Australia more specifically, to also help our neighbours in India, China and Indonesia—to name a few, but there are many others—in their endeavours towards a lasting solution through a transition of their energy and sometimes their manufacturing sectors as well.

I have spoken in this place before about the wind turbine industry, its history and how it happened in Denmark. When we talk about hydrogen in Western Australia, or the value chains of critical minerals, we can really be in at the front end and keep that knowledge here. I have spoken about hydrogen on more than one occasion. I am a firm advocate for establishing a green hydrogen industry in Western Australia. Indeed, my highly esteemed former colleague, Hon Alannah MacTiernan, often spoke about hydrogen in this place and continues to be one of the biggest advocates in the state. She would be very glad that this motion has been brought today by Hon Shelley Payne.

I will talk a bit about hydrogen and pick up on that, because just as rare earths are essential to a clean energy future, hydrogen technology, supported by renewable energy at the front end, also presents a really clean energy source for the future of Western Australia and the world. We have been a world leader for the best part of 50 years in the export of resources and minerals around the world. Hon Alannah MacTiernan pointed out that if we get this right on hydrogen, there is a huge economic benefit to Australia as well. The value of Australia's low emission hydrogen exports could be over \$2 billion by 2030 and nearly \$6 billion by 2040. Compare that \$6 billion with our wool exports a few years ago, which were only \$3 billion, and our wheat exports at the time, which were \$5 billion. As well as hydrogen heading and helping transition Western Australia, Australia and the globe towards a clean energy future, its market in an economic sense would not be insignificant.

Right at the start, I touched on one of the more compelling reasons to keep going down the hydrogen path, which is the opportunity to become a world leader in this industry. I have spoken in this place before and say again about what happened with Denmark's wind industry and how it now pretty much controls the wind turbine production industry, and its intellectual property, around the world. This is relevant to us here with hydrogen. Like I said, it is also relevant to rare earths, especially if we get the value chain right. I was recently speaking to Hon Bill Johnston about opportunities for gold hydrogen, which is interesting in itself. There are many shades of hydrogen: green, gold and white. However, I found gold hydrogen especially interesting.

Members will also be aware of the many professionals in their field who come in to this place and provide briefing for members who either have the time or the desire to go. This group is led by Geoff Baker, MLA, the member for South Perth, and Hon Dr Steve Thomas. In recent weeks, we have had many opportunities to hear from industry leaders. One was on using hydrogen to support the green steel industry. In that briefing, I note that of the 10 steps outlined to us, from the initial drilling through to the shipping, the iron-making step is responsible for almost all the carbon emissions in that value chain. It was an extraordinary presentation that very quickly showed where and what we can concentrate on to bring down emissions.

We also heard from a company called Carbon280. An issue Hon Dr Steve Thomas often discusses when we talk about hydrogen is that it is limited to being an energy storing mechanism. I disagree. I do not think it is limited to that, but to a certain degree, I see the point that the honourable member makes. We were briefed on a new product, and I think the name of it was Hydrilyte. In my opinion, it has taken hydrogen storage to a new level both in capacity and safe means of transport. More importantly, at the end of the transport process, the extraction of pure hydrogen is what I would describe as best practice. It does not require further purifications like some storage mechanisms do. That is a significant issue and cost as well. In its early days, this product has attracted investment from Woodside. The technology and knowledge around this at the moment sits with a small Western Australian company, which is super exciting.

I will finish off and leave some time for my good friend Hon Wilson Tucker to have a chat. I will talk about Victory Metals and return to rare earth. Victory Metals is a small mining company based in Western Australia. I am sure most members have probably not heard of it. It is now Australian Securities Exchange listed. The CEO is a bloke called Brendan Clarke. I do not know him, nor do I have any connection to the company, but it is exciting to look at what it has. It currently has Australia's largest heavy rare earth clay deposits. This is impressive because members know heavy rare earths are by far the most valuable. This deposit on its own has metals required for a whole range of things, such as lasers; X-rays; metals required for electric vehicles; semi-conductors; nuclear reactors—Hon Louise Kingston would be pleased to know—wind turbines, and many other defence applications.

I am watching the clock, but in the short time I have left, I pick up what Hon Stephen Dawson said about how WA has the second-largest cobalt deposits in the world. This is another issue with critical minerals, and Hon Sandra Carr talked as well about WA being a global leader in this space, because we do have the second-largest deposits of cobalt in the world. The largest deposits in the world are found in the Democratic Republic of Congo, and they are nearly three times as large as the deposits we have here. In fact, its deposits are larger than the next 10 countries, including Australia, put together. I highlight the real issue I have—I hope I get this right—which is that I believe the Democratic Republic of Congo, on certain poverty scales, is considered the second-poorest country in the world. This is a real issue because there are massive mines there. There are massive problems with what I would refer to—and probably not technically correct—as slave labour or cheap labour. There are a lot of people who live on

the edges of these mines, and of the 19 large cobalt mines in the Democratic Republic of Congo, 15 of them are owned by China. This is an issue because of the way workers are treated there. We need to be a world leader in this way. We need to not only make the most of our own reserves, especially through improving the value chain, but also use all the diplomatic mechanisms and everything we have to seek to change this outcome for the people of the Democratic Republic of the Congo. My great fear is that once all the cobalt is mined, the people will be left simply with a lot of giant holes in the ground—these things are like the Super Pit—and nothing to show for it. We need to not only do our part as a nation and as a state in dealing with our carbon emissions, but also be a leader on the world stage and help others, which in turn helps everybody, by bringing that economy up through working with diplomatic allies. Every economy as it advances is more and more on the road to a clean energy future. That is what this is all about, so we absolutely need to be a world leader on that stage as well.

HON WILSON TUCKER (Mining and Pastoral) [3.00 pm]: In the short time I have, I will sidestep the praise of the Cook government element of this motion, as I would like to share some thoughts and experiences about the resource sector and critical minerals in Western Australia. We know that the resource sector is a massive contributor in WA. When we talk about the Mining and Pastoral Region, the name is really on the tin for what goes on there, with mining being far and away the largest industry and contributor to gross domestic product. I believe that the resource sector in WA contributes about \$99 billion to the Australian economy, but I am happy to be corrected by the Leader of the Opposition if he has some more up-to-date figures. Perhaps he has a chart or a graph that he would like to table.

Hon Dr Steve Thomas: If you are talking about the entire economy, it is a bigger number than that. The \$99 billion is probably to the federal economy.

Hon WILSON TUCKER: Okay. It is a very big number. We have over 100 active mines. If we talk about critical minerals and rare earths, the goldfields is obviously a very important player. In 2021, I was fortunate enough to visit the Lynas Rare Earths processing facility that is based out of Kalgoorlie. I have to thank Lynas for its hospitality. It picked up the top gong at the Diggers and Dealers Mining Forum awards in 2021 when I attended. I have to give myself kudos; I think I was the only member of Parliament who stuck around for the entire conference and listened to a lot of the speeches. A lot of members just swanned in for the evening drinks at the end of the day. Lynas has given me an invitation to visit the Mt Weld mine, and it is something I hope to take up in 2024.

I have admittedly been critical of the resource sector in the past. That is more about oil and gas, but I think that gas has a role to play in the transition to a green energy future. I also think that the resource sector has a larger role to play in giving some of the wealth and profit back to WA through federal taxation and state royalty regimes. Previously, I talked about a super profit or windfall profit tax that would come into effect only for high profits beyond operating costs. Especially in the gas industry, a lot of profits go overseas. In comparison with other industries, it is not a big industry in WA as a bottom-line contributor, but it gets a lot of tax breaks and concessions in WA, and that completely and constantly surprises me.

We know that it is important to diversify our economy, and critical minerals help to diversify our export portfolio. That is good. When we talk about diversifying our economy as a whole and really leveraging what we are good at in the mining sector, there is a real opportunity. WA is a leader in automation, robotics and remote operations capabilities. The adage is that if a mine site in the Pilbara can be controlled from the Perth CBD, which is a couple of thousand kilometres away, it can basically be done anywhere. It can be scaled up to any distance on the planet and sometimes off the planet. We know that NASA is interested in our low-latency, high-availability capabilities and infrastructure that is produced here in Western Australia.

Throughout the pandemic, a lot of mining companies invested very heavily in automation, and some mining companies saw a productivity increase of about 20 per cent by investing in automated haulage and drilling. Through that investment, they are increasing the digital footprint of their operational technology network, which is separate from their corporate network. There is a conversation about the cyberthreat that that poses, but a lot of homegrown capability has been created and could be leveraged in WA and taken out of the resource sector. The resource sector sometimes falls into the category of just digging things up and putting them on ships, but we all know that a lot more happens behind the scenes and beneath the surface and could be leveraged in other areas.

I am very conscious of the time, so I will leave my remarks there and let Hon Shelley Payne have the right of reply.

HON SHELLEY PAYNE (Agricultural) [3.04 pm] — in reply: I thank Hon Wilson Tucker for allowing me a bit of time for my response.

I thank members for their contributions today. I particularly thank Hon Dr Steve Thomas for his support of what the government is doing. We are working very hard, so it is great that he acknowledges that. I know that a lot of his colleagues talk a lot of crap, but I want to acknowledge the way he commends us when we do things. He speaks in a very constructive way, and I commend him for that. I have been wanting to do that all year, in fact.

Moving on from that, I thank Hon Stephen Dawson for his response on behalf of the government. He mentioned the Energy Transition Summit, our need to act and how there has not been a time until now when there has been

an agreement to act. Particularly, we have a role to play in helping our neighbours to decarbonise. I heard comments from Roger Cook about China wanting to move away from coal, but that will not happen without us being able to provide it with our gas. We need to work on a global scale and have the potential to help the global economy decarbonise. Hon Stephen Dawson talked about PoweringWA. Setting up PoweringWA was a great initiative to help transition our energy infrastructure for the future as we move to renewables. A huge amount of money has gone into that—for example, the \$708 million that has gone into the south west interconnected system network—as we transition to net zero by 2050. Hon Stephen Dawson also talked about us being world leaders in automation and remote mine sites. A lot of members talked about the global example we can be for the mining industry. Hon Dan Caddy talked about the Democratic Republic of the Congo and our potential to lead in the way we do things.

Hon Stephen Dawson wrapped up by talking about how we are really keen to diversify the economy to get new industries on board, to assist mining companies to extract the minerals, to make sure that our approvals are rigorous but not laborious, and to get mines going as quickly as possible. The government is really keen to rise to the challenge of working with our international stakeholders.

I pick up on the good comments made by Hon Kyle McGinn, particularly about COVID and the huge amount of work we did to keep our mining industry going. It ran our whole country and kept us and our economy going. I commend the former McGowan government for that. He also talked about working with traditional owners and putting them at the forefront. I am really proud of a lot of the work that we and the mining companies are doing with traditional owners. He talked about the goldfields industrial area working group and the work that Ali Kent is doing. I mention the Goldfields–Esperance Development Commission and its support because it is helping Esperance to look at more industrial land. I did not mention or pick up on this, but it is important to make sure that we have industrial areas so when we want to do further downstream processing, we have areas to do it in and we can promote that.

I thank Hon Sandra Carr for educating me about vanadium because that was not something that I had looked at. I thank her for telling the house about vanadium redox batteries and their importance for long-term energy storage. Horizon Power has committed to an energy storage pilot in Kununurra using vanadium batteries. The first commercial one is in South Australia, and I think that is cranking up pretty soon. It is a stable energy source. She talked about going down the rabbit hole of its antibacterial properties, but it is interesting. The running shirt that I wear has silver in it. When my son burnt his foot, the silver in the bandage helped healing, so I think it is important to research this area. She also talked about Iluka Resources' reprocessing, which is happening. It is great when technology improves and we can do a lot more of the downstream processing and waste processing. A lot of that is happening in some of the newer mine sites; they are looking at processing the tailings, and that is really something we can work on.

Finally, I want to thank Hon Dan Caddy. He is always passionate about a clean energy future, and I knew he was going to mention windmills in there somewhere! He also talked about us having the second-largest cobalt deposit. Interestingly, the Ravensthorpe Nickel Mine, near Esperance, produces nickel–cobalt hydroxide.

Question put and passed.

COMMITTEE REPORTS — CONSIDERATION

Committee

The Deputy Chair of Committees (Hon Stephen Pratt) in the chair.

Joint Standing Committee on the Commissioner for Children and Young People — Fifth Report — Report review 2022: Examination of selected reports by the Commissioner for Children and Young People — Motion

Resumed from 15 November on the following motion moved by Hon Ayor Makur Chuot —

That the report be noted.

Hon KLARA ANDRIC: I rise today for what will be the last committee report that I will speak on in 2023. This is probably one of my favourite committees that I have ever had the opportunity to be on—not that I have been on many! However, it was a delight to be a member of the Joint Standing Committee on the Commissioner for Children and Young People in 2021, albeit for a very short period. As a former member, I know the committee does incredible work to ensure that children and young people here in Western Australia are well looked after, and any concerns that we might have are addressed through the great work of the commission and the committee.

Before us today is the fifth report, titled *Report review 2022: Examination of selected reports by the Commissioner for Children and Young People*. This report entails the committee's consideration and review of the Commissioner for Children and Young People's *Annual report 2021–22*, and several other reports are noted here. Most of the reports that were considered were published after January 2022 when Commissioner Jacqueline McGowan-Jones took over the role from former Commissioner Colin Pettit. I had the privilege of meeting both commissioners during the transition period back in 2021–22, and I take this opportunity to congratulate both the former commissioner and

the current commissioner in her role today. In saying that, because it was a transition period from one commissioner to another, some of the work referenced in this report was commenced by former Commissioner Pettit. One of those pieces of work was the Speaking Out Survey that was conducted in early 2021. It was the second Speaking Out Survey because, from my understanding, the initial survey was conducted in 2019. In 2022, the commissioner's office further explored the survey's data concerning the findings around our children's views of their own personal safety. The committee held a hearing with the commissioner on 18 October 2022 to discuss the annual report. It has three key areas. I will focus on one of them, and depending on the time possibly another one.

The commissioner's annual work plan supports the *Strategic directions 2022–2026*, as outlined in the fifth report. The work completed for this is outlined in the annual report under the strategic plans of those three key platforms—one or possibly two of which I will be able to go into in some detail today. I will use some of my time today to consider the first of these platforms—that being, promoting the rights, voices and contributions of children and young people—and view some of the trends from the regional listening tour reports that were conducted. One of the most recent listening tours took place in March 2022, with the current commissioner. She engaged with Western Australia's youth and other key community members about what our children and young people need in the pursuit of positive health outcomes and in reaching their full potential. During the tour, the commissioner visited several regions, including the south west, Peel, midwest, West Kimberley, goldfields and the remote Ngaanyatjarra lands—apologies for my pronunciation!—as well as metropolitan schools and organisations. I understand that the former commissioner, Colin Pettit, also did listening tours to the West Kimberley, Gascoyne, Peel and great southern regions, which were held in the second half of 2021. This was a good and widespread tour across the regional areas of our state.

Following the listening tours, a report was published for each of the regions that I listed. I will outline some of the trends from the south west region's report from what the commissioner heard directly from youth. The trends included, but were not limited to, first, students appreciating a sense of community and the ability to know and interact with everyone in town; second, students expressing enjoyment in spending time with friends, supportive teachers and engaging with challenging activities at school; third, students expressing a desire for more education about Aboriginal culture; and fourth, students showed concerns around issues such as bullying, homelessness, food insecurity, the impact of substance abuse in their communities and the difficulties in understanding course work. The final note brought up by the students who took part in this tour was that affordability was a recurring issue. Some of the examples that they used included affordable housing, sports options and transportation. To get a better understanding of the challenges that children and young people face, they must be engaged with directly. It was really pleasing to see that both commissioners carried out the practice through a listening tour, which very clearly outlines in its title what it does. We all know that children in the age group between nine and 16 years, through both of the Speaking Out Surveys, have said that being listened to, not only in the environment of their homes but also in schools, is a really important factor in their lives. It plays a big part in them feeling that they are understood.

The information provided by the youth and other members in these listening tours, as I said, can prove to be quite valuable in drafting various policies and legislation, which in turn can impact children and young people. It can certainly assist us as government and community to better understand some of the areas where we can improve. I am pleased to read from the report that the commissioner established the Girls' Wellbeing Project and has released insights from the Speaking Out Survey on girls' wellbeing. They were the three key points I wanted to speak about today. I will leave the opportunity to do that at another time. The 2021 survey really highlighted some key areas and the disadvantages that girls face in their wellbeing across our state. The commissioner has done some great work to make sure we outline this and find out how we can do better in that area.

Hon DAN CADDY: This is the first time I have spoken on this report, the fifth report of the Joint Standing Committee on the Commissioner for Children and Young People, *Examination of selected reports by the Commissioner for Children and Young People*. Given it is the first time, I will briefly recognise the chair, Robyn Clarke, MLA, the member for Murray–Wellington; the deputy chair, my good friend Hon Neil Thomson, MLC; and the other members of the committee, Rebecca Stephens, MLA, the member for Albany; and Hon Ayor Makur Chuot, MLC. I also recognise the staff for the job they have done.

It is interesting to look at the chair's foreword —

The Committee has reviewed the Commissioner for Children and Young People's annual report ... and considered several other reports published by her office in the past year.

I will get to one of those reports shortly. Another paragraph in the chair's foreword stuck out to me, which I will read in —

The Commissioner also received Lotterywest funding to extend the Speaking Out Survey to several groups that the mainstream survey could not cater for. These were students who are home-schooled, students with special educational needs and students in remote communities. It is important to capture the views of these minority populations to provide the best possible understanding of what children and young people in this state are experiencing. Hopefully funding will be available to do this in future years.

The funding was provided by Lotterywest, which I have spoken about in this place before. In fact, the very first time I spoke in this place, other than my inaugural speech, was a contribution on Lotterywest, as I think was the second, third and fourth times I spoke. It was because of the way it happened; I was having an ongoing conversation over several days with my good friend Hon Peter Collier. Lotterywest is an incredible institution. This year marks the ninetieth anniversary of Lotterywest. In that time, I am reliably informed that it has given back over \$17 billion. It has given literally billions of dollars to the community, community groups, not-for-profits and a host of other small organisations. Lotterywest remains the only state run and operated lottery in Australia. It is one of the few in the world where all profits made go back to the community.

Looking at the chapters, I will address each of them in the report but, before I do, I want to acknowledge the commissioner, Jacqueline McGowan-Jones, and congratulate her not just for the important job she is doing, but also the way she is doing it—the way she is going about it. I have not had the opportunity to speak to any report of the Commissioner for Children and Young People since just after her appointment, which, from memory, was in February 2022. I note, as did my colleague who spoke prior, Hon Klara Andric, with particular interest the paragraphs in the report dedicated to the commissioner’s listening tour —

Commissioner McGowan-Jones visited the South West, Peel, Mid-West, West Kimberley and Goldfields regions and the remote Ngaanyatjarra Lands, as well as metropolitan schools and organisations.

The title of this section is what gets me: “Promoting the rights, voices and contributions of children and young people”. That essentially sums up exactly what drives the commissioner and what this tour was all about. With those areas, it was a genuinely statewide tour. She absolutely made sure she got to all corners of this state. In looking at what has come out of that, one of the key concerns for the kids was safety. They talk about safety, including food insecurity and safety in the home. I reflect on my childhood and I am not sure they were common things that children in my era worried about. That is important to note and I once again commend the commissioner on everything she has done. The other thing I commend the commissioner on is the paragraph that reads —

Monitoring and advocacy to strengthen the wellbeing of all WA children and young people

...

The extension project enabled another 327 Aboriginal children in remote locations to participate, bringing the total to 987. Given the lack of data on the health and wellbeing of Aboriginal children, the Committee commends the Commissioner for reaching out to these remote children ...

The committee commends the commissioner and so do I. Reaching out to all is important when we seek to improve the lives of our children. There are many people who do that in many different ways. There are many what I would call local heroes in our community and I think, as members of Parliament, we know not all of them because many of them are unsung but we know who a lot of our local heroes are. They are the ones who take the initiative in making the lives of children better and that is part of their commitment. There are many in my local area, if I can digress. One of them is the principal of a local primary school in the Wanneroo district. Interestingly, I was reading the *Profile of children and young people in WA 2022*. If I look at the break-up of vulnerability in the Perth metropolitan area, Wanneroo is at 9.1, which is sort of in the middle, but it is still at the high end. It says 9.1 per cent of children are developmentally vulnerable. The school that I am talking about is in the Wanneroo district. There has been an improvement in the figures in that district from 2015 and a significant improvement, which is encouraging. I will name her. She is the principal of one of the local primary schools in Yanchep and her name is Helen Demiris. She makes a difference because not only is she an outstanding principal at a day-to-day level, but also she has put programs in place to absolutely improve the wellbeing—and I would say the future—of some of her students. She has put programs in place to improve attendance rates to the extent that, as a school principal, she has access to a bus and she drives the bus in the mornings to collect some of the students who have what we might call high truancy rates, who do not always turn up to school. It is not that the kids are up to mischief. They stay home; they do not come to school. She has had fantastic results from doing this. She goes above and beyond in that area. She also goes above and beyond at her school when it comes to cultural awareness, which is absolutely fantastic.

Even though her day-to-day job is teaching—although she is now a principal and has been for some time—it is people like her who make a massive difference to the lives of young people with whom they come into contact. I would label her a hero, but I am sure many of her colleagues and many educators in Western Australia also go above and beyond simply doing their job. They take what they do incredibly seriously and do everything they can, not just in the classroom and the school environment, to better the lives of so many young people. I could name others as well and I could even name some of Helen’s colleagues, whom I know, who ensure that someone will fill in if for some reason she cannot be there as principal. There is an absolute commitment from the teaching crew at this school to get the best results and outcomes they can for their students and young people in the area. Helen has also implemented other programs at the school and invited students from nearby schools so that they can benefit from the stuff she does.

I will finish there, talking about Helen Demiris, but I also finish by shouting out to all teachers and educators for what they do for our young people.

Hon SHELLEY PAYNE: It gives me great pleasure to speak again on the fifth report of the Joint Standing Committee on the Commissioner for Children and Young People, *Report review 2022: Examination of selected reports by the Commissioner for Children and Young People*.

A lot of members today have talked about the Speaking Out Survey and the fact that it has identified a gender wellbeing gap between young girls and young boys. A lot of members have commended the commissioner for her continued investigation into the issue and how we can reverse and close the gender wellbeing gap. I also commend the commissioner for her ongoing work and comment on the report that was tabled today, which followed on from the work of the Speaking Out Survey. Another survey has been run by the commissioner and her team on the issue of the gender wellbeing gap.

As a lot of members have talked about, the Speaking Out Surveys conducted in 2019 and 2021 showed female young people rated their wellbeing less favourably than male young people. I commend the commissioner for her girls' wellbeing survey to further explore this issue, which surveyed girls aged from 12 to 24 years. I would like to say a few words on this report and particularly the girls' wellbeing survey, which was done last year, which invited anyone in WA aged 12 to 24 to answer questions about their self-esteem, the transition from primary school to high school, belonging and gender inequality. There were 938 participants in the survey. The report that was tabled today, *Speaking out about girls' wellbeing*, gives some of the key findings from the survey, which I want to go through quickly.

The first area is self-esteem. It looked at four areas —

- The opinions of others
- Social comparisons
- Social media use
- Performance in school and sport

The report states —

Self-esteem is shaped by multiple, often intersecting influences in a young person's life ... there were two key interrelated processes that shape their self-esteem: receiving external validation from others and comparing themselves to others.

We all know that with the advent of social media that is really becoming a bit of an issue. People are getting validation from social media and also girls are using it as a way to compare themselves with each other.

The second issue is the transition from primary school to high school. The report states —

The transition from primary to high school is a critical time that coincides with the onset of puberty when young people undergo ... physical and neurological maturation. It is also a period of identity formation ...

It was interesting to look at what the respondents said about their transition from primary school. The analysis of the responses revealed five key areas that students felt would be most helpful for the transition, including —

- Transition programs in primary school —

I commend the work of the Clontarf Academy on that —

- Secondary school programs to support them once at high school
- Feeling supported by teachers, school staff, and other students
- More respect and kindness from others, more self-confidence and being taught coping skills
- Accepting that some challenges are normal

These are some really good points that are coming from the students themselves.

The third area is belonging. The survey looked at whether students were —

Feeling socially and culturally connected helps young people build healthy relationships and assists with identity formation, yet research shows that significantly fewer female than male young people feel a sense of community connection and belonging.

The survey found —

Three key barriers to girls feeling like they belong to a community include:

- Girls being subject to different social and behavioural standards than boys —

Which I think we can all relate to —

- Social interactions and relationships being more intense for girls than boys
- Gender bias in community-based activities and opportunities

The fourth part of the survey looked at gender equality and noted —

Although gender equality has improved significantly in Australia over the last 50 years, a majority of female and gender-diverse young people told us they feel gender inequality still impacts many aspects of their everyday lives and is seen as a barrier to them leading a full and happy life.

The results coming out of the survey area dealing with gender inequality showed —

For girls and gender-diverse young people, these experiences included:

- Gender inequality through stereotypes
- Boys getting more opportunities and freedom than girls
- Sexism
- Feeling unsafe

I urge members to look at this report and the great work that the Commissioner for Children and Young People has done following on from the Speaking Out Survey. *Speaking out about girls' wellbeing* reports on the new survey that was completed. I again commend the committee for its great work and also commend the commissioner.

Question put and passed.

*Select Committee into Cannabis and Hemp — Final Report —
Medicinal cannabis and industrial hemp in Western Australia*

Resumed from 30 March.

Motion

Hon LORNA HARPER: I move —

That the report be noted.

I think we have all been waiting a wee while to mull over this report! I thought I would get some of the jokes out straightaway!

I had the privilege of being a member of the Select Committee into Cannabis and Hemp, which looked at medicinal cannabis and industrial hemp in Western Australia. I thought I would start by referring to some of the comments made when this committee was formed. A lot of people made a lot of comments. We took them reasonably well at the beginning and then we starting arguing back. When the committee was formed, our chair was Hon Dr Brian Walker, who unfortunately, as we aware, is away on COVID business. It is not quite urgent but he is away. Our deputy chair was Hon Matthew Swinbourn, who is away on urgent parliamentary business. Also joining us on the committee until 13 February 2023 was Hon Jackie Jarvis, right up to the point when she decided to leave us because she got a better gig as a minister.

Hon Jackie Jarvis: That was a “high” light though!

Hon LORNA HARPER: It was a very good highlight. A former member, James Hayward, was a member of the committee until 24 July.

At the beginning of this speech, I would like to extend my thanks, and I am sure the thanks of the committee, to the tireless patience of our advisory officer, Laura Hutchinson. Laura had to deal with all of us, so I really thank her and also Tracey Sharpe, our committee clerk, for everything she had to deal with.

Although people do make jokes, medicinal cannabis is quite a serious matter. Although cannabis-based medicinal products have been lawful across Australia since 2016, the Select Committee into Cannabis and Hemp identified that there are barriers for healthcare professionals and patients in relation to prescribing and accessing medicinal cannabis. I will probably leave it to Hon Dr Brian Walker to make one of his regular talks on how wonderful it all is. We have a slight disagreement about some of that; I might think a lot is wonderful but I think a bit of work still needs to be done.

During this inquiry, we looked into the potential to amend the current legislation to address some of the barriers to the use, prescription, availability and affordability of medicinal cannabis products. We also looked at the potential benefits and risks of permitting industrial hemp for human consumption.

As somebody who got to eat hemp straight off a plant during our visit to the south west, only to spit it out because it tasted foul, it was quite interesting. We also got to taste hemp oil and we saw hemp grain. It was very interesting to go to the south west and see these things.

We need to go back and find out where all the information comes from and why people confuse medicinal cannabis with marijuana. Industrial hemp, medicinal cannabis and recreational marijuana all come from the same species of plant, *Cannabis sativa L.* However—that is a very important word—they are genetically distinct forms of cannabis with different chemical compositions, uses and cultivation practice. How medicinal cannabis is grown is completely and utterly different from how people would grow marijuana for recreational use. I do not like using the word

“recreational”. How medicinal cannabis is grown for medicinal prescribed use is completely different from the black market in marijuana. As members could imagine, medicinal cannabis is grown in very strict circumstances with very strict protocols around contamination and ensuring that it is as pure as possible. It is grown in different areas to ensure, as occurs with all medicines, that if it is consumed by a human being, it needs to be as pure and as perfect as possible, whereas black market marijuana could be grown in our next-door neighbour’s garage with hydro, lights and things like that. It could also be artificially enhanced with lots of chemicals to increase the tetrahydrocannabinol levels so people get higher quicker and so that more money can be made from it. There are differences. We do not know what has gone into it; we do not know what chemicals have been used on it. Although people think they have a herb that is good for them because it is a herb, they could be ingesting or smoking a lot of chemicals. I am not sure what farmers put on plants to make them grow. As members can probably guess, I am not really green fingered or very good at growing plants. I usually stick to growing yuccas or frangipanis because the meaner we treat them, the better they grow. I think it is safe to say that I will not be growing any cannabis plants at my house. If the yuccas keep dying, people will know that they will be quite safe.

Medicinal cannabis is pharmaceutical-grade medicine available only via a prescription from a medical professional and dispensed from a pharmacy. All other use of cannabis, including for self-attributed medical reasons, remains unlawful in Western Australia. All medical practitioners can prescribe medicinal cannabis, providing it is clinically appropriate for the patient, and they obtain the necessary approvals. Patients use medicinal cannabis to alleviate symptoms of various health conditions, including, but not limited to, epilepsy, multiple sclerosis, chronic pain, nausea and vomiting, sleep disorders and palliative care. It is widely known that medicinal cannabis is used for those conditions. Unfortunately, some people believe that black market marijuana can also be used for some of these conditions. That is not pharmaceutical grade.

Western Australian and commonwealth legislation has created a permit system for accessing, prescribing and manufacturing cannabis for medicinal and scientific purposes. The Medicines and Poisons Act 2014 provides a framework regulating medicines and poisons in WA. The Therapeutic Goods Act 1989 governs the scheduling, product registration, access pathways and quality standards of all medicines in Australia, including medicinal cannabis.

There are barriers to the use of medicinal cannabis. That was one of the main goals of the committee. At the time the report was written, Australia-wide, more than 300 000 approvals had been issued to allow patients to access medicinal cannabis products. However, many barriers still exist. The first barriers are regulatory and administrative. The committee heard that the need for medical practitioners to obtain approval from the Department of Health before prescribing a schedule A medicinal cannabis product was an unnecessary administrative burden. The committee also heard that the Department of Health’s prescribing limits of 40 milligrams of THC a day was a barrier to access. A second barrier is that some clinicians are reluctant to prescribe medicinal cannabis products due to the lack of randomised control data on efficiency and long-term effects and a lack of confidence in their knowledge of the subject and its regulatory processes. Healthcare practitioners are often time poor and do not have the time to dedicate to researching the prescribing process and current scientific literature. I suppose that some patients are reluctant to ask their doctors if they can access medicinal cannabis because they may believe that a stigma is attached.

The reason for the lack of randomised control data for medicinal products is complex. It relates to factors such as the commercial viability of conducting expensive trials, issues with commercialising the cannabis plant’s compound via patenting and the complexity of the plant itself.

The DEPUTY CHAIR: I will interrupt there. The question is that the report be noted. Hon Lorna Harper.

Hon LORNA HARPER: Thank you, deputy chair. I did not hear the ding.

A best-case scenario would be to encourage clinical trials to assess the effectiveness and safety in areas of public demand, such as chronic pain and anxiety disorders. There is scope to develop a patient registry to collect a uniform dataset across all indications for patients prescribed medicinal cannabis. The Therapeutic Goods Administration special access scheme application process collects some data, but there is room to improve.

The third barrier is the costs to patients. This is one of the areas that came up on a regular basis when we were speaking to people and they were giving evidence to the committee; that is, it is, cost-prohibitive to a lot of people. I have no idea how much black-market marijuana costs, but medicinal cannabis can end up being quite expensive. It is expensive because it is not subsidised through the pharmaceutical benefits scheme. Whether medicinal cannabis products should be included on the PBS will be a matter for the commonwealth government. It is outside the scope of this report. However, there is scope for the WA government to implement a compassionate access scheme for patients who have not benefited from other therapeutic options. The committee noted that should medicinal cannabis prove a viable alternative for these patients, the costs saved to the health system may significantly outweigh the scheme’s cost. If Hon Dr Brian Walker were here at the moment, I imagine he would start talking about the cost of opioids for pain management that a lot of cancer patients may use and how they may be better off with medicinal cannabis. Then he would tell us of all the benefits with the in-depth knowledge he has as a medical professional. Not being a medical professional, we will just leave that for him.

The fourth barrier, and one we really have to think about, is driving laws. To be very clear, it is unlawful for anybody to drive with any tetrahydrocannabinol in their system, regardless of whether it is legally prescribed and whether the person is actually impaired. The mere presence of THC in a person's bodily fluid has no correlation to their current level of impairment. Someone might take some medicinal cannabis, which has some THC and some cannabidiol—I hope members have read some of the report so they understand some of the terms we are using—at night to help with sleep because they suffer from chronic pain. As somebody who has problems with sciatic nerves, it would be a really good thing right now. Say I was prescribed with medicinal cannabis to help me sleep because of sciatic nerve pain and I took it before I went to bed. By the time I got up, showered and was ready to leave the house the next morning, I would feel that I was not impaired in any way and that I was fine to drive. However, if I was pulled over by a police officer and I was drug tested, I would still have a level of THC in my saliva, which means that it would be unlawful for me to drive and I would have to stop driving straightaway. I have never been stopped for any of that, so I do not know what happens next with the police, but I imagine I would get taken away for further testing et cetera. That is something we have to consider very, very carefully in terms of where we are at and how we can move on.

There is a fifth barrier that relates to medicinal cannabis and that is zero-tolerance workplace drug testing. The committee recommends treating medicinal cannabis the same as other potentially impairing prescription drugs and producing contemporary information resources to assist employers with developing workplace drug policies. Working on a mine site is a very dangerous occupation and people have to be very aware of what is going on. There is compulsory drug and alcohol testing at a lot of workplaces. Again, a person may have taken medicinal cannabis to treat chronic pain, which is the easiest thing to come up with and think about, to assist them sleeping so they are not taking opioids or using alcohol to assist with anything. Again, they would sleep it off overnight, they would have a good sleep and get up refreshed for work, but if they were drug tested, I believe on a mine site it would be straight off—

Hon Martin Pritchard: With regards to alcohol, many people who drink alcohol in the evening have a sleep, have a shower in the morning and often feel they are not impaired. They drive off, get pulled over, they are tested and they are over .05. A person may have a personal view about whether they feel impaired or not, but there has to be a line in the sand, and with alcohol it is a blood alcohol reading of .05. I am not sure whether you could rely on a person's personal view of their own impairment because often with alcohol they swear black and blue that they are not impaired, but according to the law they are.

Hon LORNA HARPER: Once we get further into the report, recommendation 8 states —

The Western Australian government amend the *Road Traffic Act 1974* —

Hon Dan Caddy: Chapter 9.

Hon LORNA HARPER: I am looking at recommendation 8, which states —

The Western Australian government amend the *Road Traffic Act 1974* and *Road Traffic (Drug Driving) Regulations 2007* to introduce a defence for patients using medicinal cannabis as prescribed who are not:

- driving whilst impaired; or
- under the influence of alcohol.

We spent a long, long time looking at this and we made some recommendations. The government response to recommendation 8 states that the government noted this and it will establish a medicinal cannabis and safe driving working group to consider reasonable amendments to Road Traffic Act 1974 and Road Traffic (Drug Driving) Regulations 2007 that would allow a defence for patients using medicinal cannabis as prescribed who are not driving whilst impaired. A lot of work has to be done on this. It is not a case of—I do not know what the term is—“I got my law degree from a cornflakes packet and I will decide how it is going to be.” A lot of work still has to be done in this area. It is not just a case of everyone should have it and that is fine; there is still work to be done.

Hon Martin Pritchard: With regards to impairment, apart from a person's own view as to whether they are impaired or not, is there some test outside of that that can determine whether a person is impaired, whether they view it themselves or not?

Hon LORNA HARPER: That is a really good question. Of all the travels the committee went on, the countries and places we went to, and different authorities we spoke to, at that point in time there was not a test for impairment. There are tests to say that someone has THC in their system, but there was no test to say that there was impairment. If the member looks at the whole chapter, he will see some of the responses from some of the police officers who attended. They were very clear that they would follow the law as it is right now. They will just keep going through with that. Not one country we visited had come up with anything to state that it had a test for THC impairment et cetera. Again, I am sure Hon Dr Brian Walker will go in depth into some of that stuff, and there is quite a lot.

I leave my comments there to allow my colleagues to put their points.

Hon DAN CADDY: I am very happy to speak, and be one of the first people to do so, on this report of the Select Committee into Cannabis and Hemp, *Medicinal cannabis and industrial hemp in Western Australia*, which was handed down in March this year. I recognise the hard work done by the members on this select committee, the chair, Hon Dr Brian Walker; my colleague who just spoke, Hon Lorna Harper; Hon Matthew Swinbourn; Hon Jackie Jarvis, MLC, for her tour; and James Hayward.

I have spoken about hemp on more than one occasion in this place. The uses for hemp are certainly impressive and include hemp blocks for housing. I think Hon Sophia Moermond has used the term “hemcrete”. Hemp products are found right around the world. The last time I spoke on this, I think I said that over 25 000 products are derived from hemp. The last time I was on my feet talking about this issue, I talked about changes to the misuse of drugs laws because we were indeed talking on a bill in this place. I talked at length about the drug-driving laws, although I did not finish my contribution, unfortunately. I want to make the point today that one of the more contentious parts of any discussion is whether marijuana is used in a recreational sense or is medication given by a doctor. It is interesting that when Hon Lorna Harper was speaking, she took an interjection on that point and there was a very cordial cross-chamber conversation, obviously through you, deputy chair, about that very issue.

Later on I will talk about chapter 8, “Prescription drug driving”, and chapter 9, “Workplace drug testing”. When I spoke previously about driving offences, I listed in quite a lot of detail many of the specific offences that relate to driving while under the influence of substances, one of which is obviously cannabis, so I will not go through that again. As I said, this is the area that is probably most talked about. I look forward to the comments from the chair of the committee, Hon Dr Brian Walker, when he gets an opportunity to speak on this report because of all the people in this chamber, he is the one who has firsthand knowledge of dispensing medicinal cannabis.

Hon Stephen Dawson: We should probably wish him a speedy recovery from COVID as well.

Hon DAN CADDY: We should. He would no doubt be speaking on this today if he had not been struck down with COVID. On behalf of the Acting Leader of the House and everyone else here, I wish him a speedy recovery. I look forward to him speaking on this report because I would like to hear the firsthand knowledge. We have heard a little bit of it before, because, as has been pointed out by other members, most of the time when Hon Dr Brian Walker is on his feet, he advocates for cannabis in many different ways.

As I said at the outset, I want to look at the drug-driving laws because there is a huge amount of advocacy out there for either amending or relaxing these laws, depending on which group is advocating for it. This is really one of the pointy ends of this debate. What I find interesting in the report is that chapter 8 is about prescription drug driving, while chapter 9 is about workplace drug testing, for which I do not see the same advocacy. I do not hear people saying that we should not have drug testing in the workplace. I do not hear groups saying that drug testing in the workplace should be relaxed or even reviewed in any way. I ask myself the question: What is the difference? Why do we think workplace drug-testing laws are important? The reason we think they are important is that people want to be safe in their workplace. People may operate a machine in their workplace, and impaired operation may lead to injury to themselves or someone else or to the death of themselves or someone else. I will just pause and let that sink in for a minute. The two things are identical. If someone is driving a car while impaired, they are, by definition, operating a machine and if something goes wrong, they may well injure themselves or someone else or they may cause their own death or the death of someone else. I find it incredibly interesting that some people are advocating for reviewing, relaxing or amending the drug-driving code, but, as a society, almost to a person, we stand firmly behind drug testing in workplaces. This goes to something that I spoke about the last time I spoke on this topic in the chamber, and that is the concept of unfairness. I said that when we talk about laws, unfairness is an incredibly subjective word. What some people see as unfair, many of us may see as a law, rule or regulation that protects or strengthens society. I think that is an interesting point to make when we consider the calls to re-evaluate the drug-driving laws.

Wholesale changes to some of these things has been advocated for by the chair of the Select Committee into Cannabis and Hemp. I understand that he comes to this debate with a lot of knowledge, but, as I pointed out the last time I was on my feet, a lot of these laws have been changed over time and incrementalism is often the best way to go.

I am not going to go through the report chapter and verse like my good friend Hon Lorna Harper. She is far more familiar with it than I am, but let us have a look at the background to this report and what has happened. It is a matter of fact that this committee was established and it tabled its report on 30 March 2023. In the report are the 16 recommendations made by the committee. Nine of them relate directly to the Department of Health. In its response, the government supported three of the recommendations partially—the language we use is “in principle”—and it supported another three recommendations, but the other three of the nine recommendations were not supported. Separate to these, recommendation 8 relates to defences under the Road Traffic Act 1974 for driving while using medicinal cannabis. This goes to exactly what I was saying. This is one that we pull out and talk about. This is one that instigated the cross-chamber conversation when the previous speaker spoke. As I said earlier, it is when we get to the drug-driving laws that we really hit the pointy end of what this is about.

Hon Martin Pritchard interjected.

Hon DAN CADDY: Yes—when the rubber hits the road. That is very good, Hon Martin Pritchard. That is a dad joke like none other! I am impressed.

The government has commenced the process of establishing the Medicinal Cannabis and Safe Driving Working Group. This group will be led by the Department of Health and it will review all the current legislation. It will review the Road Traffic Act and the regulations. We are prepared to look at it.

Hon SHELLEY PAYNE: It gives me great pleasure to speak on this report. I want to thank the Select Committee into Cannabis and Hemp for all its work on this report. It was a great thing that the government did. I want to say a couple of things about the report and the issue of legalising marijuana. This is based on my experience of trips back to Canada, which has legalised marijuana, and I have some negative comments about that. We are in a much different time to when Canada legalised marijuana. We have been through the vape issue, its health effects and the things that we are dealing with there. The one thing that really struck me about Canada legalising marijuana was the smell of it everywhere and smelling it all the time, whether it was just outside the shopping centres, or in the ski line-up. If we were to ever legalise this stuff—which I do not think we will in any foreseeable future—I think it would have been in a form that was not smoked, because of the impact that kind of product has on health and the public amenity. I think we are all used to not having much cigarette smoke around, only to then be in a place where we are getting a lot of smoke and smell. That was one important thing I note about my experiences.

We only have a few minutes left, so I note a few of the comments about the recommendations. An extensive number of recommendations were made in the report. Hon Dan Caddy, who is away on urgent parliamentary business, talked about a few of those as well. The government response was really great, with 11 recommendations supported in full or in principle, one recommendation partially supported, two noted, and only two recommendations that were not supported. Recommendations 1 and 2 deal with an issue that Hon Dr Brian Walker has brought up on a number of occasions.

Consideration of report postponed, pursuant to standing orders.

Progress reported and leave granted to sit again, pursuant to standing orders.

THERAPEUTIC GOODS LAW APPLICATION BILL 2023

Introduction and First Reading

Bill introduced, on motion by **Hon Stephen Dawson (Minister for Emergency Services)** on behalf of Hon Sue Ellery (Leader of the House) and read a first time.

Second Reading

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [4.12 pm]: I move —

That the bill be now read a second time.

I am pleased to introduce the Therapeutic Goods Law Application Bill 2023. This bill will create an act to apply the commonwealth Therapeutic Goods Act 1989 as a law of Western Australia. The commonwealth act provides a national uniform system of regulation by the commonwealth over therapeutic goods, facilitating trade between the states and territories and benefiting both consumers and industry. It ensures that medical products and devices are safe, fit for the intended use, and meet necessary quality controls to ensure the safety of consumers. Western Australia is the only jurisdiction that has not applied the Therapeutic Goods Act 1989.

The Cook government is committed to supporting national reforms and cooperation to tackle the increased misuse of therapeutic vaping products as well as non-therapeutic vapes. The application of the commonwealth act in WA will support these imminent reforms as well as improving regulatory oversight of all therapeutic goods in Western Australia.

The commonwealth act sets out the legal requirements for the import, export, manufacture and supply of all therapeutic goods in Australia. Therapeutic goods include a wide range of products, including medicines, medical devices and biological products. Vaping products for therapeutic purposes are a therapeutic good. The commonwealth act has extensive requirements for listing, registering or including these products on the Australian register of therapeutic goods, as well as many other aspects including advertising, labelling and product appearance. The commonwealth act is supported in its operation by various forms of subsidiary legislation including regulations, orders and determinations. The enforcement and compliance of the commonwealth act is undertaken by the commonwealth Therapeutic Goods Administration, and the Australian Federal Police as required.

The commonwealth act currently extends to all corporations operating within WA or interstate, and to any sole traders in WA who operate interstate. However, due to constitutional limitations, the commonwealth act does not apply to those manufacturers that do not trade as corporations and are not engaged in trade outside WA. The application of the commonwealth act will effectively extend the remit of the act to sole traders operating only within WA's state boundaries and will require them to comply with national standards. This will provide equitable application of therapeutic goods regulation and better align WA with other jurisdictions and international requirements for the manufacture of therapeutic goods. It will provide competitive fairness in the market and

ensure the safety of products manufactured and sold within Western Australia. It is important that all commercially manufactured therapeutic goods manufactured in WA are subject to the same regulatory requirements. Anything less risks potential safety issues for those purchasing therapeutic goods, such as herbal medicines and vitamin supplements, from sole traders not currently regulated in Western Australia. Adoption of the commonwealth act will ensure that Western Australian consumers will have protection from substandard therapeutic goods the same as consumers anywhere else in Australia. I will now provide an overview of the bill.

Part 1 of the bill contains preliminary provisions, including the commencement of the act and definitions of terms used. Should the bill be passed, it will commence by proclamation. The commonwealth government must also pass a regulation that recognises this act as corresponding state law for the purposes of the commonwealth act. The commonwealth department responsible for administering the commonwealth act is coordinating with the WA Department of Health to introduce this regulation in 2024.

Part 2 of the bill will apply the commonwealth law as a law of WA as it exists on a specified date, rather than as amended from time to time. The mechanism to apply the national law in part 2 is based on a model developed by the Parliamentary Counsel's Office and used in previous acts to introduce national uniform legislative approaches. Acts that have been approved by Parliament previously using these mechanisms include the Legal Profession Uniform Law Application Act 2022 and the Fair Trading Amendment Act 2022. The tabling and disallowance mechanism outlined in part 2 protects parliamentary sovereignty, as future amendments to the commonwealth law will take effect in Western Australia only if they are tabled and not disallowed by the WA Parliament. This disallowance process also includes referral to the Joint Standing Committee on Delegated Legislation for detailed consideration. Part 2 also provides that regulations and other subsidiary legislation previously made under the commonwealth act will apply in WA from the commencement of this act. The mechanism for future subsidiary legislation is slightly different from act amendments. Future subsidiary legislation will apply in WA automatically from the commencement date of the subsidiary regulation. However, subsidiary legislation must also be tabled in Parliament, with review by the Joint Standing Committee on Delegated Legislation, and can be subject to a disallowance motion.

Part 3 of the bill provides for consistency of operation of the powers and functions by relevant commonwealth authorities and officers under the commonwealth act, in regard to the applied law provisions of this bill. Part 4 of the bill deals with offences and the application of commonwealth criminal law to the applied therapeutic goods law. Part 5 of the bill covers the application of commonwealth administrative laws to the operation of this act. This will ensure seamless operation regardless of the underlying constitutional framework. Part 6 of the bill contains various miscellaneous provisions, including that the commonwealth can collect fees under the act. It also provides a local regulation-making power for the Governor. The regulation-making power will provide an additional oversight mechanism to provide for maintenance of WA parliamentary sovereignty. It will allow any necessary refinements to future commonwealth law to provide for appropriate application in Western Australia. Other jurisdictions have included similar powers as a local adaptive mechanism. Part 7 of the bill provides for a range of transitional provisions necessary for the efficient implementation of the therapeutic goods law. The most significant clause will give existing legally operating sole traders two years to become compliant with the requirements of the commonwealth act or undertake necessary structural adjustments. Part 8 of the bill provides for minor technical amendments to several Western Australian acts that reference the commonwealth act, including the Human Tissue and Transplant Act 1982 and the Medicines and Poisons Act 2014. These amendments will update references to the commonwealth act to include the Western Australian applied law provisions to ensure no legislative gaps. There will be no substantive effects on the operations of these acts or any functions within them.

The Cook government is committed to ensuring the safety and effectiveness of therapeutic goods manufactured in Western Australia and tackling the increasing misuse of vaping products in the community, particularly among teenagers. This bill will enhance national consistency and ensure appropriate safeguards are in place to protect the health and safety of the community.

Pursuant to standing order 126(1), I advise that this bill is a uniform legislation bill as it introduces a uniform law throughout the commonwealth.

I commend the bill to the house and table the explanatory memorandum.

[See paper [2866](#).]

Debate adjourned and bill referred to the Standing Committee on Uniform Legislation and Statutes Review, pursuant to standing orders.

PLANNING AND DEVELOPMENT AMENDMENT BILL 2023

Committee

Resumed from 28 November. The Deputy Chair of Committees (Hon Sandra Carr) in the chair; Hon Jackie Jarvis (Minister for Agriculture and Food) in charge of the bill.

Clause 7: Act amended —

Progress was reported after the clause had been partly considered.

Hon JACKIE JARVIS: Before we get to clause 7, I would like to take the opportunity to provide responses to some questions that I could not answer yesterday. A question was asked about reporting against the National Planning Reform Blueprint. I can inform members that National Cabinet agreed that all cabinet ministers will report on progress across all 10 of the National Planning Reform Blueprint measures twice yearly, with the first report occurring before 1 March 2024.

Hon Neil Thomson asked a question about planning applications that are under part 17. This is my response to that question. In light of proposed part 11B, he asked whether part 17 would be deleted, what would happen to existing part 17 applications and whether they would be rolled over into proposed part 11B. The short answer is no. The applications under part 17 will continue to exist. Part 17 will be closed to new applications from 29 December 2023. Any application currently in the part 17 system will continue to be assessed under that pathway. It was considered too confusing from a legislative drafting perspective and potentially unfair to proponents to try to roll over any existing part 17 applications and approvals into the proposed part 11B. No specified time frame is applied to their determination; however, they will be progressed as quickly as possible as a number are pending environmental review.

Hon NEIL THOMSON: I thank the minister for that. The minister is right; today, I was reading that very point in the explanatory memorandum as I recapped in preparation for today. I make the point about those part 17 applications that a couple of complex applications are in there and currently referred to the Environmental Protection Authority. My only concern is that some of those applications might linger for some time. Will there be any scope to deal with the complex applications that might be referred to the EPA or other authorities for consideration, given there is no time limit for the finalisation and closure of the process for part 17 applications?

Hon JACKIE JARVIS: There is no time limit. They will continue as normal under that part 17 application. As I noted last night, part 17 will not be repealed, so those applications will go through the normal process, which is the process those proponents started.

Clause put and passed.

Clauses 8 to 10 put and passed.

Clause 11: Parts 11B and 11C inserted —

Hon NEIL THOMSON: Clause 11 obviously has a provision to insert proposed parts 11B and 11C, the development approval for significant development. A time frame of 120 days has been included. Will a stop-the-clock provision apply if a matter is referred to the Environmental Protection Authority?

Hon JACKIE JARVIS: I am advised that the existing provisions will remain. Yes; a referral to the EPA does invoke a stop-the-clock provision, and these are the ordinary rules that have applied previously.

Hon NEIL THOMSON: Will there be any other grounds for stopping the clock on approvals under proposed part 11B?

Hon JACKIE JARVIS: I am advised that there are no standard stop-the-clock provisions outside the EPA; however, there is a provision if the proponent agrees to stop the clock. An example that was given was if the proponent wants to have the opportunity to provide more information or if there were some objections and the proponent would like to seek some time to prepare a response. It is only when the proponent agrees that a provision allows for that.

Hon NEIL THOMSON: Proposed part 11B has scope for the provisions to be modelled on the regulations, so some regulations will apply to proposed part 11B, based on the well-known procedures from the development assessment panels system and the Planning and Development (Local Planning Schemes) Regulations 2015. Have those regulations been finalised or when will they be finalised?

Committee interrupted, pursuant to standing orders.

[Continued on page 6729.]

QUESTIONS WITHOUT NOTICE

FINANCIAL MANAGEMENT ACT — SPECIAL PURPOSE ACCOUNTS

1527. Hon Dr STEVE THOMAS to the minister representing the Treasurer:

I refer to the proliferation of special purpose accounts under the McGowan and Cook Labor governments.

- (1) As at 27 November 2023, how many special purpose accounts currently exist or operate?
- (2) What is the balance of each special purpose account, and what is the estimated balance of each special purpose account on 30 June 2024?
- (3) What is the estimated operating period for each special purpose account?

Hon STEPHEN DAWSON replied:

I thank the Leader of the Opposition for some notice of the question. I provide this answer on behalf of the Treasurer.

- (1)–(3) Details of the state government's special purpose accounts, including balances, are contained within the state budget, the *Annual report on state finances* and the *Government mid-year financial projections statement*.

MARKET-LED PROPOSALS

1528. Hon Dr STEVE THOMAS to the minister representing the Treasurer:

I refer to the market-led proposals initiated by the private sector for the calendar year 2022 and the calendar year 2023 to date, and I ask the following for each of those years.

- (1) How many market-led proposals were received by the government from private sector proponents?
- (2) How many MLPs progressed to public disclosure at the end of the stage 2 and stage 3 processes?
- (3) How many of the MLPs were officially released by the government for industry and the private sector to respond to?
- (4) What financial return has each MLP delivered to the state, and how is that financial return determined or calculated?

Hon STEPHEN DAWSON replied:

I thank the Leader of the Opposition for some notice of the question. This answer is provided on behalf of the Treasurer.

- (1)–(4) Details about current and completed market-led proposals are published on the WA government website. I table a copy of the “Current and completed proposals” webpage, as of 29 November 2023.

[See paper [2867](#).]

SOUTH COAST MARINE PARK — INDICATIVE MANAGEMENT PLANS

1529. Hon COLIN de GRUSSA to the parliamentary secretary representing the Minister for Fisheries:

I refer to the draft indicative management plans for the proposed south coast marine park.

- (1) Can the minister please provide the dates after March 2023 on which he or his ministerial office were provided with iterations of the draft IMPs for the marine park, also specifying the agencies or parties that provided the drafts?
- (2) Can the minister please provide the dates after March 2023 on which he or his ministerial office were provided with draft zoning maps, also specifying the agencies or parties that provided the drafts?

Hon KYLE McGINN replied:

I thank the member for some notice of the question. The following answer has been provided by the Minister for Fisheries.

- (1)–(2) Although there has been ongoing dialogue between ministerial offices and agencies, neither myself nor my office have been provided with final draft indicative management plans or final draft zoning maps. I expect to receive final draft IMPs and final draft zoning maps prior to their release for public consultation as part of the concurrence process required under the Conservation and Land Management Act 1984.

PUBLIC TRANSPORT — TWO-ZONE FARE CAP

1530. Hon TJORN SIBMA to the minister representing the Minister for Transport:

I refer to the two-zone fare cap policy. How is the financial impact of the policy recorded for accounting purposes? For example, is it recorded against the public transport operating subsidy, or is it recorded in some other manner; and, if so, please elaborate?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The following answer is provided on behalf of the Minister for Transport. Lower fare revenue is recognised in the Public Transport Authority income statement.

ELECTIVE SURGERY — CHILDREN — EAR, NOSE AND THROAT

1531. Hon DONNA FARAGHER to the Leader of the House representing the Minister for Health:

I refer to wait times for children to access ear, nose and throat elective surgery.

- (1) For each clinical category of surgery, please provide the total number of children on the waitlist to access ENT elective surgery at —
 - (a) Joondalup Health Campus;
 - (b) Rockingham General Hospital; and
 - (c) St John of God Midland Public Hospital?

Hon KYLE McGINN replied:

I thank the honourable member for some notice of the question. I answer on behalf of the Leader of the House, and the following answer has been provided by the Minister for Health. It is in tabular form, so I seek leave to have the response incorporated into *Hansard*.

[Leave granted for the following material to be incorporated.]

(1) (a)–(c)

	Joondalup Health Campus	Rockingham General Hospital	St John of God Midland Public Hospital
Category 1	0	0	0
Category 2	5	23	0
Category 3	64	16	30

FIREARMS — STOLEN

1532. Hon PETER COLLIER to the minister representing the Minister for Police:

I think I might know the answer to this one, but I will give it a crack.

- (1) How many firearms, excluding paintball guns and firearm parts, were stolen from firearm licence holders in the years 2020, 2021 and 2022?
- (2) Of those firearms stolen in each year, how many were recovered by police and charges laid on those who stole the firearms?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The following information has been provided to me by the Minister for Police. The Western Australia Police Force advises that due to the resourcing required, it is not possible to provide an answer within this parliamentary sitting period, and it is requested that the honourable member place the question on notice.

Honourable member, I asked about this answer, and I have satisfied myself that a bit of work would need to be undertaken and so it was not able to be done today. I apologise, but that is the answer.

LANDS — CARBON FARMING APPROVALS

1533. Hon NEIL THOMSON to the minister representing the Minister for Lands:

I refer to the minister's answer to question 1461 asked on 15 November 2023 that showed there are currently 18 carbon farming proposals registered but not yet approved.

- (1) Is the minister aware that approximately 100 000 tonnes of carbon could be sequestered every year for every pastoral station that gains approval, equivalent to taking 21 000 cars off the road per pastoral station?
- (2) If yes to (1), why are these 18 proposals being held up?
- (3) When did the state introduce a requirement for pastoralists to have eligible interest holder consent?
- (4) For (3), what legislative or regulatory mechanism gave effect to that requirement?
- (5) Is the minister aware that the requirement to include eligible interest holder consent without any time limit or support being provided is creating enormous frustration for those who are seeking approval, putting at risk carbon offsets for almost 400 000 motor vehicles or 15 per cent of Western Australia's motor vehicle fleet?

Hon JACKIE JARVIS replied:

I thank the honourable member for some notice of the question. The following response has been provided by the Minister for Lands.

- (1)–(5) State eligible interest holder consent is a requirement under commonwealth legislation. As previously advised, a standalone policy and an assessment framework are in place to support the state's eligible interest holder consent approvals process, and the Department of Planning, Lands and Heritage encourages carbon proponents to seek consent at the earliest possible stage.

RENEWABLE ENERGY

1534. Hon Dr BRAD PETTITT to the parliamentary secretary representing the Minister for Energy:

I refer to the answer to question without notice 1381 answered on 8 November 2023.

- (1) According to the modelling, what is the expected demand on the south west interconnected system in 2030?
- (2) How many megawatts of gas generation will be required to meet the remaining demand, after existing coal units are closed and the projected 810 megawatts of wind and 1 100 megawatts or 4 400 megawatt hours of storage is installed?
- (3) Will the minister please table —
 - (a) the Energy Policy WA modelling for the SWIS; and
 - (b) the state-owned coal plant retirement modelling referred to in part (1) of the answer?

Hon MATTHEW SWINBOURN replied:

I thank the honourable member for some notice of the question. The following answer has been provided to me by the Minister for Energy.

- (1) The south west interconnected system demand assessment modelling shows an annual electricity demand on the SWIS of 32 600 gigawatt hours in 2030, with a peak demand of around 5.9 gigawatts.
- (2) Modelled outcomes from the SWIS demand assessment for required gas generation capacity are as follows. In 2030, gas generation capacity is 3.34 gigawatts, of a total 13.4 gigawatts of generation capacity, and contributes eight per cent of energy consumed in the SWIS. In 2042, the end of the study period, gas generation capacity is 6.18 gigawatts, of a total 56.2 gigawatts of generation capacity, and contributes three per cent of energy consumed in the SWIS. Actual gas generation capacity required will be subject to a range of factors.
- (3) (a) The answer says “see tabled document” titled, “South west interconnected system (SWIS) demand assessment modelling outcomes”. I believe that is attached to the answer, so I seek to table that document.

[See paper [2868](#).]

- (b) The Synergy modelling is cabinet-in-confidence.

HOUSING — SHORT-TERM RENTAL INCENTIVE

1535. Hon WILSON TUCKER to the Minister for Commerce:

I refer to the short-term rental accommodation incentive scheme announced on 9 November.

- (1) To date, how many expressions of interest have been received by the Department of Mines, Industry Regulation and Safety?
- (2) When will the scheme commence?

Hon KYLE MCGINN replied:

I thank the honourable member for some notice of the question. The following answer has been provided by the Minister for Commerce, and I answer on her behalf.

- (1) As at 28 November 2023, 145 expressions of interest have been submitted to the Department of Mines, Industry Regulation and Safety for the short-term rental accommodation incentive scheme, for a total of 171 properties.
- (2) The scheme is scheduled to commence accepting formal applications on 11 December 2023.

CYBERATTACKS — DP WORLD AUSTRALIA

1536. Hon SOPHIA MOERMOND to the Minister for Innovation and the Digital Economy:

I refer to the cyber attack two weeks ago on port operator DP World, which manages 40 per cent of Australia’s container shipments through terminals around Australia, including Fremantle, that brought freight shipments to a halt.

- (1) What has the government done to respond to this?
- (2) How confident is the government that such an attack will not happen again in the future?
- (3) If a similar shutdown happened in the future for a longer period, what contingency plans does the government have in place?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question.

- (1) The Department of the Premier and Cabinet’s Office of Digital Government has participated in national coordination meetings convened by the commonwealth government as part of the national response to this cyber incident.
- (2) DP World, as a private entity, is not subject to any state government regulation of its cybersecurity maturity. The Western Australian government is not in a position to comment on the likelihood of future attacks.
- (3) I ask that the member refer this question to the Minister for Ports.

CITY OF GOSNELLS BUSH FIRE BRIGADE LOCAL LAW 2023 — DISALLOWANCE

1537. Hon MARTIN ALDRIDGE to the Minister for Emergency Services:

I refer to the advice provided by the Department of Fire and Emergency Services in relation to the disallowance motion for the City of Gosnells Bush Fire Brigade Local Law 2023.

- (1) How many local governments that operate bush fire brigades do not have a bush fire local law?
- (2) Can fire control officers be appointed by a local government in the absence of a bush fire local law, pursuant to section 62 of the Bush Fires Act 1954?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The Department of Fire and Emergency Services advises the following.

- (1) There are six.
- (2) Yes.

FIREARMS ACT — REFORM — DIGITAL LICENCES

1538. Hon LOUISE KINGSTON to the minister representing the Minister for Police:

I refer to a letter sent by the Firearms Act reform project team of the Western Australia Police Force to some firearms licence holders in Western Australia regarding the transition to a digital licence.

- (1) Does the government intend to allow licence holders to opt out of a digital licence and maintain only their physical licence?
- (2) What deadline will existing licence holders be given to complete this transition?
- (3) How does the government anticipate licence holders will access their digital licences in areas of poor connectivity?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The following information has been provided to me by the Minister for Police.

- (1)–(3) As the honourable member is aware, the Cook government is undertaking a complete rewrite of the outdated Firearms Act 1973 for the first time in 50 years. The transition to digital firearms licences, as well as a non-digital licence option, will be considered as part of the new Firearms Act.

ELECTRIC VEHICLE EXCISE — HIGH COURT RULING

1539. Hon NICK GOIRAN to the parliamentary secretary representing the Attorney General:

I refer to the decision of the High Court on 18 October 2023 in *Vanderstock v Victoria* [2023] HCA 30.

- (1) Is the Attorney General aware of Justice Edelman’s remarks at paragraph 478 —
If any tax that is reasonably anticipated to have an indirect effect on demand in a market for the sale of goods could be an excise, then almost any tax could potentially be an excise.
- (2) On what date did the Solicitor-General or the State Solicitor brief the Premier or the Treasurer about the consequences of this decision for our state?
- (3) Will the Attorney General table any documents provided as part of those briefings?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. The following answer has been provided to me by the Attorney General.

- (1) Yes.
- (2)–(3) The Attorney General received a briefing from the Solicitor-General. It would not be appropriate to table this advice as it is subject to legal professional privilege.

HOUSING DIVERSITY PIPELINE

1540. Hon STEVE MARTIN to the minister representing the Minister for Housing:

I refer to the housing diversity pipeline and note that the state government had previously shortlisted offers on six sites, which have now become four sites.

- (1) How many expressions of interest were received for each shortlisted site?
- (2) How many proposals in (1) are being progressed?
- (3) For each of the sites, what is the number of social housing dwellings expected to be delivered?
- (4) For each of the sites, when are the dwellings expected to be built?
- (5) Why has the number of shortlisted sites dropped from six in August to four in November?

Hon JACKIE JARVIS replied:

I thank the honourable member for some notice of this question. The following response has been provided by the Minister for Housing.

- (1)–(5) The pilot housing diversity pipeline aims to unlock “lazy” land and bring it to the market for medium and high-density housing developments with a social and affordable housing component. As previously advised,

the state government received 41 expressions of interest across the nine sites released to the market. Not all sites are developable given current market constraints, but they will continue to be considered for redevelopment into the future. Further information will be provided at the conclusion of the competitive procurement process.

FOREST PRODUCTS COMMISSION — SOFTWOOD PLANTATION ESTATE

1541. Hon Dr STEVE THOMAS to the Minister for Forestry:

- (1) Given that private commercial enterprises are not able to claim public works exemptions from local government planning regulations, is the government renegeing on its commitment to the Competition Principles Agreement?
- (2) Does the development of a public commercial enterprise for profit, such as the Forest Products Commission's softwood estate, which is competing with private commercial enterprise for the same purpose, qualify as a public work?
- (3) If yes to (2), why?

Hon JACKIE JARVIS replied:

I thank the Leader of the Opposition for some notice of the question.

- (1)–(3) The Cook Labor government, through its \$350 million softwood investment program, is acting and investing in the future of the state's softwood estate to ensure that the construction and housing industry in Western Australia will have the resource that it will require into the future. This investment is being made following years of inaction under the previous Liberal–National government. The Forest Products Commission has proceeded in accordance with appropriate legal advice.

FIREARMS ACT — REFORM — MENTAL HEALTH

1542. Hon COLIN de GRUSSA to the minister representing the Minister for Police:

I refer to the firearms ownership reforms released for public consultation, as proposed under the Firearms Act review.

Can the minister please table the detailed analysis and assessment of the policy surrounding mental health and access to firearms, as set out in recommendation 50 of the Law Reform Commission of Western Australia's report of October 2016 *Review of the Firearms Act 1973 (WA)*?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The following information has been provided to me by the Minister for Police.

As the honourable member is aware, a health assessment working group, comprising representatives from the WA Police Force, the Mental Health Commission, the Royal Australian College of General Practitioners and other stakeholders, has been established to investigate the most effective process for health assessments. Advice from the HAWG, along with the Law Reform Commission of Western Australia's October 2016 report *Review of the Firearms Act 1973 (WA)*, will inform the new Firearms Act.

RESOURCES COMMUNITY INFRASTRUCTURE INITIATIVE

1543. Hon TJORN SIBMA to the Leader of the House representing the Premier:

I refer to the launch of the resources community infrastructure initiative scheme over 12 months ago.

What has the RCII delivered in terms of commitments to delivering on the initial pipeline of projects determined by the previous Premier?

Hon KYLE McGINN replied:

I thank the member for some notice of the question. The following answer has been provided by the Premier, which I give on behalf of the Leader of the House.

As part of the resources community investment initiative, the government launched an expression of interest process to determine the RCII projects to which participating companies want to contribute. Negotiations with companies regarding their responses to the EOI are ongoing. It is premature to announce outcomes until the negotiation process has been finalised.

EMPOWERING COMMUNITIES PROGRAM — FUNDING

1544. Hon DONNA FARAGHER to the minister representing the Minister for Community Services:

I refer to the answer provided to question without notice 1504 asked yesterday regarding the Empowering Communities program and the advice from the Department of Communities that out years funding has not yet been allocated.

When will community centres be advised of funding allocations for the 2024–25 financial year?

Hon JACKIE JARVIS replied:

I thank the honourable member for some notice of the question. The following response has been provided by the Minister for Community Services.

The Department of Communities advises that community centres will be advised of funding allocations for 2024–25 in early 2024.

POLICE — MEDICAL RETIREMENTS

1545. Hon PETER COLLIER to the minister representing the Minister for Police:

- (1) How many police medical retirements were there in —
 - (a) 2021; and
 - (b) 2022?
- (2) How many officers are currently identified as being in medical transition to retirement?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The following information has been provided to me by the Minister for Police.

Due to operational priorities, the Western Australia Police Force is not able to provide a response within the required time frame. An answer will be provided to the honourable member tomorrow.

WESTERN AUSTRALIA RETURN RECYCLE RENEW LTD

1546. Hon NEIL THOMSON to the parliamentary secretary representing the Minister for Environment:

I refer to the decision of Western Australia Return Recycle Renew Ltd to apply an additional 1¢ to 2¢ per container to depots and service providers that use the newly launched WARRRL-owned click and collect app.

- (1) Does the minister believe it is fair that WARRRL exercises its government-sponsored complete market domination to crush a small private sector innovator that has been in the market for approximately two years?
- (2) Will the government undertake a review of WARRRL's actions in accordance with the Competition Principles Agreement?
- (3) If yes to (2), and if WARRRL is found to be acting in an anti-competitive way, what sanctions, if any, will be applied to WARRRL?

Hon DARREN WEST replied:

I thank the member for some notice of the question. On behalf of the Minister for Environment, I provide the following answer.

- (1)–(3) Western Australia Return Recycle Renew Ltd is not an agent of the state. WARRRL is an independent not-for-profit public company that was appointed, following a request for proposal process, as the scheme coordinator of the Western Australian container deposit scheme under the Waste Avoidance and Resource Recovery Act 2007. WARRRL is responsible for the financial management, collection, logistics, processing, recycling, auditing and validation of the container deposit scheme. The Department of Water and Environmental Regulation is aware of complaints from a commercial operator about WARRRL's click and collect scheme for home and business container collections, but has not been provided with any evidence that WARRRL is contravening the Waste Avoidance and Resource Recovery Act 2007 or the Competition and Consumer Act 2010.

GREEN ENERGY APPROVALS INITIATIVE

1547. Hon Dr BRAD PETTITT to the parliamentary secretary representing the Minister for Environment:

I refer to the \$22.5 million green energy approvals initiative announced on 16 November 2023.

- (1) What criteria will be used to determine eligible green energy projects?
- (2) Will the minister rule out using the green energy approvals initiative to approve gas-related projects?
- (3) If no to (2), why not?

Hon DARREN WEST replied:

This question has been redirected from the Minister for Energy to the Minister for Environment. Thanks for some notice of the question. On behalf of the Minister for Environment, I provide the following answer.

- (1) Green energy approvals-eligible projects include conventional wind, solar and wave generation; energy storage; renewable hydrogen manufacturing industries; lithium mining operations; critical minerals processing operations; electricity transmission infrastructure; and construction, manufacturing and recycling of renewable energy products such as batteries, electrolyzers, solar panels and turbines.

- (2) Although gas will play a critical role in Western Australia's energy transition and that of our regional partners, gas projects will not be approved through the green energy approvals initiative.
- (3) Not applicable.

WASTEWATER ANALYSIS — PSYCHOACTIVE SUBSTANCES

1548. Hon WILSON TUCKER to the minister representing the Minister for Corrective Services:

I ask this question on behalf of Hon Dr Brian Walker. I refer the minister to a recent paper published by British academics based upon wastewater analysis of psychoactive substances, including cannabis, in a Northern Irish prison.

- (1) Do Western Australian corrective services undertake any site-specific testing of wastewater at prison sites?
- (2) If yes to (1), where and how often are the results published?
- (3) If no to (1), why not?

Hon STEPHEN DAWSON replied:

I thank Hon Dr Brian Walker for some notice of his question. The following information has been provided to me by the Minister for Corrective Services.

The Department of Justice advises the following.

- (1) Yes.
- (2) Collections are conducted at Wandoo Rehabilitation Prison, the Mallee rehabilitation unit at Casuarina Prison and Bunbury Regional Prison three to four times a year. Samples are analysed by the University of Queensland and Flinders University in South Australia and results reported to the Department of Justice.
- (3) Not applicable.

16 DAYS IN WA CAMPAIGN

1549. Hon SOPHIA MOERMOND to the minister representing the Minister for Prevention of Family and Domestic Violence:

I refer to the 16 Days in WA campaign, which is now in its seventh year and runs from 25 November, the International Day for the Elimination of Violence Against Women, to 10 December, Human Rights Day.

- (1) How much of taxpayer funds are being spent on the campaign?
- (2) Has the government incorporated lessons learnt from previous years in what works in this campaign to achieve impact in terms of reducing death or injury due to domestic violence?
- (3) Is the government applying methods to ensure that the campaign reaches the right audience to maximise impact?

Hon JACKIE JARVIS replied:

I thank the honourable member for some notice of the question. The following answer has been provided by the Minister for Prevention of Family and Domestic Violence.

- (1)–(3) The 16 Days in WA—Stop Violence Against Women campaign is supported through internal resources allocated by the Department of Communities and a sponsorship program. Communities advises expenditure as at 29 November 2023 is \$152 146, which includes a \$70 000 sponsorship component. Other state government agencies run their own events throughout the campaign and may allocate resources to do this. This year, two \$25 000 grants were allocated to the Centre for Women's Safety and Wellbeing and Aboriginal Family Legal Services to extend the reach of the campaign to support local, community-led events, as well activity and messages related to Aboriginal family safety.

Communities engaged Painted Dog Research company to evaluate the 16 Days in WA 2022 campaign. The 2023 media campaign, event schedule and target audience was informed by the research findings.

HEALTH — PUBLIC DENTAL WAIT LIST — REGIONAL AREAS

1550. Hon MARTIN ALDRIDGE to the Leader of the House representing the Minister for Health:

I refer to the public dental waitlist in regional areas.

- (1) What is the current average waiting time for the Pilbara region?
- (2) What is the current average waiting time for the Gascoyne and midwest region?
- (3) What is the state government doing to increase the number of dentists in regional areas?

Hon KYLE MCGINN replied:

I thank the member for the notice of the question. The following answer has been provided by the Minister for Health. I answer on behalf of the Leader of the House. The answer to (1) and (2) is in tabular form so I seek leave to have that incorporated in *Hansard*.

[Leave granted for the following material to be incorporated.]

(1)–(2)

	1. Pilbara	2. Gascoyne/Mid West
School Dental Service Initial	3.4 months	6 months
School Dental Service Recall	16.6 months	24 months
Adult Dental Service General	0 months*	10.6 months
Adult Dental Service Recall	0 months*	33.7 months

*Care provided as required.

- (3) The Dental Health Service has ongoing recruitment campaigns in place to increase the number of dental practitioners in regional areas, including the relocation incentives contained in the WA Health Belong campaign. DHS is also providing visiting services to regional areas utilising agency and Perth based DHS clinicians to deliver care in regional areas.

FOREST PRODUCTS COMMISSION — NATIVE FOREST HARDWOOD LOGGING

1551. Hon LOUISE KINGSTON to the Minister for Forestry:

I refer to the *Forest Products Commission annual report 2022–23* and its quantity of native forest hardwood log timber harvested.

- (1) From 1 July 2023 to date, what quantity of native forest hardwood log has been harvested of the following —
- jarrah;
 - karri; and
 - marri?
- (2) What portion is first and second-grade sawlogs of each tree type?
- (3) What portion is bole of each tree type?
- (4) What portion is used for firewood of each tree type?

Hon JACKIE JARVIS replied:

I thank the honourable member for some notice of the question.

- (1) From 1 July 2023 to 28 November 2023 —
- jarrah, 105 872 tonnes;
 - karri, 35 033 tonnes; and
 - marri, 4 785 tonnes.
- (2) Only karri is produced as first and second-grade logs.
- (3) The bole of any tree is the portion above ground before the crown break.
- (4) The residue portion of a tree, which includes firewood, is from timber that does not make any higher grade.

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS —
CONSIDERATION OF THE 2022–23 ANNUAL REPORTS — SUPPLEMENTARY QUESTIONS

1552. Hon NICK GOIRAN to the parliamentary secretary representing the Attorney General:

I refer to the Attorney General's answers to supplementary questions provided to the Standing Committee on Estimates and Financial Operations during its current inquiry into the 2022–23 annual reports.

- (1) Does the Attorney General recall informing the committee that the 28 cases of babies who survived an abortion but subsequently died are part of 1 120 backlog cases and are specifically categorised as cases pending analysis?
- (2) Does the Attorney General recall informing the committee that these cases are not being expedited by the Coroner's Court?
- (3) Is the Attorney General aware that the previous annual report stated —
- The backlog cases are determined by reference to the date that a reportable death is reported to the coroner. When the date of that report is more than 12 months old, that case enters into backlog and becomes a priority.
- (4) Have any of these 28 cases been assigned to a coroner or do they all rest within the responsibility of the State Coroner?
- (5) What is the age of the oldest of these 28 reportable deaths that allegedly remain “a priority” in the backlog, yet inexplicably are not being expedited?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. The following answer has been provided to me by the Attorney General.

- (1)–(3) Yes.
 (4) They all rest within the responsibility of the State Coroner.
 (5) It is 55 months.

WATER CORPORATION — BUILDERNET — APPLICATIONS

1553. Hon STEVE MARTIN to the parliamentary secretary representing the Minister for Water:

I refer to single residence and service connection applications lodged with the Water Corporation via the BuilderNet system for the installation of new water services.

- (1) For the financial year 2022–23, how many of these applications were received, per region?
 (2) How many of the applications in (1) have successfully had water services installed?
 (3) For the applications in (1), what was the average number of days it took to successfully install water services, from the day of application lodgement to functioning metered water connection, per region?

Hon PIERRE YANG replied:

I thank the honourable member for some notice of the question. The following answer has been provided by the Minister for Water. As answers (1) and (2) are in tabular form, I seek leave to have the response incorporated into *Hansard*.

[Leave granted for the following material to be incorporated.]

(1)

Region	Received Single Residence Application FY 22/23
Perth Region	10,109
South West	838
North West	97
Mid West	189
Great Southern	179
Goldfields & Agriculture Region	116

(2)

Region	New Single Residence Connections (20mm meters) installed FY22–23
Perth Region	8,478
South West	444
North West	110
Mid West	224
Great Southern	182
Goldfields & Agriculture Region	130

- (3) From the acceptance of the Water Corporation quote and payment made by the customer, meter installation usually takes place within 10 working days. Currently more than 90 per cent of all meters are installed within this time frame. Contributing factors that may delay installation include a change in the customer's circumstances, or withdrawal of applications.

OLDER ADULT MENTAL HEALTH UNITS

1554. Hon Dr STEVE THOMAS to the Leader of the House representing the Minister for Health:

I refer to my question without notice 1387 of 8 November 2023 relating to older adult mental health units, formerly known as psychiatric elderly care units, operating in Western Australia.

- (1) How many OAMH units are operational in the metropolitan area?
 (2) What are their locations, and in what years did they commence operations?
 (3) How many OAMH units are operational in regional Western Australia?
 (4) What are their locations, and in what years did they commence operations?

Hon KYLE McGINN replied:

I thank the member for some notice of the question. The following answer has been provided by the Minister for Health, which I give on behalf of the Leader of the House.

I am advised that an answer will be provided on the next sitting day.

SOUTH COAST MARINE PARK — INDICATIVE MANAGEMENT PLANS

1555. Hon COLIN de GRUSSA to the parliamentary secretary representing the Minister for Fisheries:

I refer to the minister's response to questions without notice 977, 1419 and 1502.

On what basis did Department of Primary Industries and Regional Development officers provide input into the draft indicative management plans for the proposed south coast marine park during October and November 2023, given that they did not have access to any altered versions of the drafts IMPs, which may have changed as a consequence of input by traditional owners, the Department of Biodiversity, Conservation and Attractions, DPIRD or any other parties between 26 May and 14 November 2023?

Hon KYLE McGINN replied:

I thank the member for some notice of the question. The following answer has been provided by the Minister for Fisheries.

As joint planning partners, DPIRD and DBCA staff met to examine significant areas of importance to the fishing sector, which required consideration in the development of the draft indicative management plans.

FIREARMS ACT — REFORM — CONSULTATION*Question without Notice 1515 — Answer*

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [5.01 pm]: I would like to provide an answer to Hon Colin de Grussa's question without notice 1515 asked yesterday, which I seek leave to have incorporated into *Hansard*.

[Leave granted for the following material to be incorporated.]

I thank the Honourable Member for some notice of the question. The following information has been provided to me by the Minister for Police.

(1)–(3) As has been previously advised to the Honourable Member there has been almost two years of public consultation on Firearms Reform, with the Western Australia public both licenced firearms owners and non-firearms licence holders, all of whom have an interest in public safety.

Engagement has also been undertaken with the WA Firearms Community Alliance who represent some individual Firearms Licence holders, Clubs, Dealers, Collectors and the broader Firearms Community. The Western Australian Primary Producers Firearms Advisory Board consisting of representatives from the WA Farmer's Federation, the WA Pastoralists and Grazier's Association, the Kimberley Pilbara Cattleman's Association, Vegetables WA, and Wines of WA, along with a variety of other interested stakeholders.

This consultation and engagement along with the Review of the Firearms Act 1973 (WA) Law Reform Commission Report of October 2016, has guided the consultation paper and formation of the new Firearms Act.

PLANNING AND DEVELOPMENT AMENDMENT BILL 2023*Committee*

Resumed from an earlier stage of the sitting. The Deputy Chair of Committees (Hon Dr Sally Talbot) in the chair; Hon Jackie Jarvis (Minister for Agriculture and Food) in charge of the bill.

Clause 11: Parts 11B and 11C inserted —

Committee was interrupted after the clause had been partly considered.

Hon JACKIE JARVIS: Before the break for question time, Hon Neil Thomson asked a question about regulations related to part 11B. I can advise that the Planning and Development (Significant Development) Regulations 2023 have been drafted, are publicly available and are out for comment. They have been tabled in the other place. I am happy to table the regulations now.

[See paper [2869](#).]

Hon NEIL THOMSON: I want to make a general comment on the significant development pathway. We certainly did not support the part 17 process when it was extended last time. A number of reasons were ventilated at the time about why that occurred.

It would be fair to say that some minor improvements were made to the part 11 process, some of which I will get to. It is important to point this out for the record. I also think it is important to make the comment, notwithstanding that I think there are some challenges, that it remains to be seen whether it will deliver the results that are claimed will be delivered. When we reflect on that, one of the issues was how the part 17 process did not deliver on the COVID imperatives at the time. That is possibly why we are looking at introducing the 120-day rule—for example, introducing a use-it-or-lose-it provision, using the vernacular.

There is a component relating to the substantial commencement of works within four years that we might discuss in more depth later. It seems as though fixes have been put in place to try to deal with some of the shortcomings. The feedback I get from industry is that the new process, which is similar to the one it will replace, will not really be any more efficient than the development assessment panel process. That is probably why it remains to be seen whether it will deliver an outcome.

As I outlined in my contribution to the second reading debate, it has to be said—again, for the record—that the fundamental role of the commission is to focus on strategic planning as opposed to being involved in development applications. In saying that, the opposition has taken the view that it will not oppose this bill. It is the government’s legislation and its idea about how to fix things. I have a question to ask about this because there is a reference to the significant development pathway in the explanatory memorandum, which states —

A new permanent significant development pathway will ... bring ... Western Australia into alignment with most other jurisdictions of the nation, and many other common law countries, who have specialist planning pathways for development proposals of significance.

Did the department and the minister go through those other pathways? Which other jurisdictions in Australia have a similar pathway? On which of the pathways in those other jurisdictions did the minister model the part 11 pathway that will become law?

Hon JACKIE JARVIS: The question related to other jurisdictions. Most states and territories have a significant development pathway. Other jurisdictions in Australia also allow extra discretion. Ordinary planning rules do not strictly apply. They can consider non-planning grounds as part of that. Many places in the common-law world, including the United Kingdom, New Zealand and Canada, have similar significant development pathways. Queensland recently announced a new assessment pathway for state priority developments, such as infill and affordable housing. Other examples are the Environmental Planning and Assessment Act in New South Wales, the Planning and Environment Act in Victoria, the Planning Act in Queensland, the Planning, Development and Infrastructure Act in South Australia, the Land Use Planning and Approvals Act in Tasmania and the Planning Act in the Northern Territory. I have a list of acts in New Zealand, Ontario, British Columbia and the United Kingdom. I cannot provide any details on whether this legislation was modelled on any of those acts, but this legislation is similar to legislation that exists in most other jurisdictions.

Hon NEIL THOMSON: On that point, the Planning and Development Act has improvement schemes, plans and provisions, which we have touched on already, about urban renewal and improvement within a geographical area. That is underpinned by the strategic planning instruments that necessitate that. Are the development pathways that the minister says are in other jurisdictions solely focused on development applications; does the minister know the distinction? It appears that the minister is saying that those other jurisdictions have a pathway for development applications that is not underpinned by strategic improvement schemes and plans, which were introduced under the Liberal–National government and still remain in the legislation. For clarification, is the development pathway in other jurisdictions solely based on the development assessment process?

Hon JACKIE JARVIS: I cannot provide commentary on the legislation of other jurisdictions. What I can say, as I have listed, is that most states and territories have a significant development pathway. The member asked me a question about significant development pathways but also strategic planning. The clause we are dealing with in this legislation is about significant development pathways, so I cannot provide detailed commentary on what acts in other states say.

Hon NEIL THOMSON: Does the pathway that we are introducing in proposed part 11B have comparable thresholds for the significance test and the value?

Hon JACKIE JARVIS: Hon Steve Martin asked a similar question yesterday. In different states the criteria mechanism to be justified as a significant development is different. In some states it is a monetary level, in some states it is a type of development, in some states it is a location and in some states there is a provision for people to request the development application be approved or called in by the minister.

Hon NEIL THOMSON: I move on to proposed section 171P. From this point on in debate on clause 11, I will refer to proposed sections as we move away from the generic aspects of the clause. By way of background, the vast majority of my questions will probably be about clause 11. I also note that a member of the crossbench may move an amendment to clause 11 at some point. I also point out that proposed section 171P is “Determination of significant development application by Commission”. The explanatory memorandum states —

Subsection (2) confirms the Commission determines the application under the existing planning framework. This approach departs from Part 17, where pursuant to s.274(1), decisions were made outside the existing planning framework.

That is possibly a better strategy. There are some minor improvements in this process. The explanatory memorandum continues —

However, this requirement is subject to where, “Except otherwise provided in this Subdivision”. This contemplates provisions such as s.171R —

I am reading from the explanatory memorandum and I am keeping the two together, and they are quite consistent. The explanatory memorandum continues —

which provide situations where the Commission has additional discretion to make a decision inconsistently with the applicable planning framework.

I want to focus on this because this was one of the major concerns with the previous part 17 pathway. There was a feeling that those planning frameworks were not really being contemplated in the way they should be and there was too much discretion. It seems as though there might now be at least some level of consideration to it.

Could the minister help me by explaining the difference between the two pathways, the level of consideration that the commission has to give to the existing planning framework and what elements of the planning framework it has to give effect to when determining a significant development application?

Hon JACKIE JARVIS: I have a list of the differences between the three different systems. There is the development assessment panel system, the part 17 system and the proposed part 11B system. DAPs have the same level of discretion as a local government would have on its local planning scheme. That is the first point. Part 17, which the member referred to, in theory has unlimited discretion, but this unlimited discretion was justified at the time because it was necessary to respond to the COVID pandemic. As we have all acknowledged, part 17 was a temporary system only. With proposed part 11B, which is obviously in the bill, discretion will not be unlimited but will still be substantial. There will be broad discretion in the public interest, including non-planning grounds and issues of state or regional importance, and we discussed and gave some examples of those yesterday. Based on similar discretion that the minister has for call-ins from the State Administrative Tribunal under section 247, the minister can consider non-planning grounds in the public interest for applications called in from SAT. If a local planning scheme has not been updated in accordance with legislative requirements, the Western Australian Planning Commission has a similar discretion for subdivision applications under section 138. The provision under proposed part 11B, when the proposed variation is of only a minor nature, is also based on a similar discretion under section 138.

It is worth noting that there are additional safeguards moderating the WAPC's power. The WAPC must give due regard to orderly and proper planning and the amenity of the locality. The WAPC cannot override an environmental condition. I hope that comprehensive response assists.

Hon Dr BRAD PETTITT: That is a nice segue into the amendment I will move shortly. Before I do, that was a good comprehensive response, and I thank the minister, but I would not mind getting some further clarification. The first would be: if and when an approval is granted through a special pathway that goes beyond a local government planning scheme, will there be a requirement to give reasons for going beyond it?

Hon Jackie Jarvis: Yes.

Hon Dr BRAD PETTITT: My next question is about some of the scope. The heart of my concern is that although there will be some greater constraint than under the COVID provisions, it will still be pretty broad. One thing is pretty ironic. I have been speaking to lots of local governments this week about this. Of course, proposed section 171R refers to the fact that if a planning scheme or its consolidation has not been published in the preceding five years, it may be a reason that a judgement is inconsistent with the planning instrument. I hear from local governments that it is a lot of trouble to get a planning scheme approved or even advertised. To give some examples of what I have heard over the last few weeks, one local government took six months to even get its planning scheme advertised. Another local government took two and a half years to get its planning scheme approved. It has been sitting with the Western Australian Planning Commission for over two years. One of the key reasons for a significant development application being inconsistent with the planning instrument is that the local planning scheme is out of date.

We clearly have a major red-tape block around the Western Australian Planning Commission dealing with local governments that want to update their schemes and advertise them. What is going to be done to alleviate that? My follow-up question is: what would happen in the case of a local government whose scheme might not be up to date because it is still sitting with the Planning Commission?

Hon JACKIE JARVIS: This bill will change the time frame for out-of-date schemes from five to 10 years. That provision that the member discussed will apply only if a scheme is more than 10 years old. We have doubled that length of time. With regard to local planning schemes being held up for approval, I can advise of a significant improvement in the time that it takes to process scheme amendments, which I noted in my second reading reply. In 2022–23, 85 per cent of scheme amendments were processed by the WAPC within statutory time frames. I am advised that other ones are unresolved because of unresolved issues between the WAPC around the local government. There has been a significant improvement in getting those planning schemes approved. More broadly, the provision with regard to out-of-date schemes has changed from five to 10 years. That applies only when the scheme is more than 10 years old.

Hon Dr BRAD PETTITT: I want to get some clarification around that. If a local government has a planning scheme that is 11 years old but has been substantially amended and improved over the preceding years, would that scheme fall under this category of a planning instrument that cannot be used by the decision-maker?

Hon JACKIE JARVIS: If the WAPC has endorsed a report of a review that notes that that scheme has been kept up to date or modernised during that 10-year period, that would be counted as an up-to-date and current scheme. There is a process. The scheme cannot be used when it has not been touched for more than 10 years, but, as I said, if the WAPC endorses a report of a review, that scheme will be considered to be the current scheme.

Hon Dr BRAD PETTITT: I return to the minister's earlier comment to the previous question. I think she said that 85 per cent of planning scheme amendments had been approved and only those that had a conflict between the WAPC and local government had not been approved—to roughly paraphrase the minister. I know of one quite high profile case around a tree canopy and potentially mature trees that has been sitting for around eight months now. It is a pretty simple scheme amendment with no conflict. To the best of my knowledge there has been no feedback to the local government, yet these things remain unresolved. That is just one example. I will come to others that provide evidence of a lot of blockage from the Western Australian Planning Commission around allowing local governments to appropriately adopt their schemes as they wish.

Hon JACKIE JARVIS: The member gave an example of one case involving a tree canopy. I am advised that that is a singular issue and not what this bill deals with. The member's question relates to an entire scheme that needs to be up to date. Yes, I did say that 85 per cent of local planning schemes have been dealt with in a timely manner within the statutory time frame —

Hon Dr Brad Pettitt: What does that have to do with time frames?

Hon JACKIE JARVIS: I am advised that it is up to 120 days. I am also advised that this bill will not change the fact that the WAPC has to give due regard to the local planning scheme, but it will double that time. I am not sure how many local governments would have a planning scheme that is older than 10 years and has never been updated. With regard to the WAPC's role, there are not a lot of changes to the current act, other than doubling the available time that a scheme has to be in place from five to 10 years, and it will affect only those schemes that are older than 10 years and have not had an endorsed report of a review during that period.

Hon Dr BRAD PETTITT: I think it is interesting. My takeaway from this is that 85 per cent of scheme amendments are dealt with in 120 days.

Hon JACKIE JARVIS: Sorry, I will give a correction. I gave the member some incorrect information. It is not 120 days; it is 90 days, or as approved by the minister. I will just get the provision for the member. It states —

The Commission must, within 90 days of receiving the documents provided to it under regulation 44(1), or within such longer period as the Minister or an authorised person allows ...

That is the statutory time frame that I referred to that 85 per cent of local planning schemes in 2022–23 were processed in.

Hon Dr BRAD PETTITT: I think I understand. I assume that 85 per cent of planning schemes and amendments were processed by the Western Australian Planning Commission within 90 days. I just wonder about that because that is not the experience of local governments. Am I correct in understanding that that then goes to the minister? Is that the point of delay? What I have heard from local governments all across the state in the last few weeks is that there are long delays. Is there a time frame for how long that takes to go from the Western Australian Planning Commission to the minister before it is signed off?

Hon JACKIE JARVIS: I am advised that even though it is not outlined in any statutory requirements, by practice, the minister deals with fortnightly scheme meetings and they are processed in a timely manner by the minister's office. The delay is not there. I wonder if perhaps councillors were talking about historic delays. I did note in my second reading speech that in 2015–16, only 14 per cent of scheme amendments were dealt with within the statutory time frame. In 2016–17, it was 32 per cent. It has steadily gone up. For 2017–18, it was 70 per cent. It has gone up every year. Last year, in 2022–23, 85 per cent of scheme amendments were processed by the WAPC within the statutory time frame. I am not discounting the information that the member has been given, but I am saying that I wonder if it is possible that people are speaking historically. I certainly have data in front of me that shows that there has been a significant increase.

Hon Dr BRAD PETTITT: The reason I have been focusing on schemes is because they become very important. The heart of this amendment bill in some ways is the view that local governments will no longer be doing any planning approvals or that their primary planning function will be in creating planning schemes. Of course, if it is the wish of the government that that be the case, local governments need to be able to put forward those schemes. I have heard stories of six-month delays to even getting schemes advertised. That is live. That is now. I find it quite interesting that a local government cannot even get a scheme advertised. One local government told me that it was constantly apologising to developers that it cannot change its scheme quickly enough to actually support their approvals.

I appreciate that there has been a lot of focus on red-tape reduction in this; however, it sounds like some of the red tape is actually around local governments that want to be nimble and facilitate developments that their communities want but are finding blocks and slow dealings around them. In fact, I think the very idea that local governments need the Western Australian Planning Commission approval to advertise a scheme is a bizarre bit of red tape that we should frankly get rid of. Let a local government do its job and advertise its scheme. At the end of the day, if

the Western Australian Planning Commission does not want to sign off on it, that should be the point of intervention, not whether a local government that is doing its job can even advertise a scheme. If we are serious about red-tape reduction, it seems like there is a whole bunch of stuff there that should be looked at.

I have a quick question on this before I move on to my amendment. Have any reforms around how the WAPC works and deals with schemes been considered as part of this legislation?

Hon JACKIE JARVIS: I am advised that under this bill, the minister will now be approving advertising of schemes. It is thought that that will expedite the process of advertising schemes.

Hon Dr Brad Pettitt: Is that a change from the current arrangement?

The DEPUTY CHAIR (Hon Dr Sally Talbot): Member, you must wait for the call. It is not a conversation.

Hon Dr BRAD PETTITT: Through you, deputy chair, is it a change in this bill that the minister will now approve the advertising of schemes rather than the WAPC?

Hon JACKIE JARVIS: I am advised that it was introduced in 2020. However, during the drafting process of the regulations, it was realised that there was a legal anomaly that prevented this from happening, which will now be corrected by this bill. With the passage of this bill, the minister will be able to approve the advertising schemes.

Hon Dr BRAD PETTITT: Thank you. That is very interesting. I now want to move on to my amendment on the supplementary notice paper that seeks to restore schemes as the foundation of our planning. In many ways, it accepts the many other parts of the bill that remove local government's ability to approve major developments, because that will go to the DAPs. Anything beyond a single house will go to a DAP, and anything that is a single house will go to a CEO. The planning role of local governments and councils is pretty much around planning schemes. The amendment accepts that that is the case. However, I find a great contradiction in the heart of this bill. It does that, and then it says that there are a whole bunch of ways through the significant development pathway. As I said in my second reading contribution, it is not that significant. Not much can be bought with 20 million bucks. Any development of any scale can pretty well go down this significant development application process. It then provides many options for the Planning Commission to approve them. I will read from the legislation on page 15. This is what I will seek to delete. It states that the commission may determine an application that conflicts with the applicable planning instrument—in this case, the planning scheme—because the application is considered to be of state importance, which is undefined, or in the public interest. It is pretty undefined and loose. Maybe it is because the planning scheme is a bit old. The bill refers to five years, but I appreciate that it will change to 10 years as it goes through. It might also be that the conflict is of a minor nature—again, that is not particularly well defined—or that, in the opinion of the commission, the determination is consistent with the general intent of each standing policy, planning code and regional planning scheme that is relevant to the development. There are literally so many ways around the local planning scheme that you could drive a truck through it. If we are serious about local governments pulling together really good, robust, forward-thinking planning schemes, then let us at least have a process that sticks by them for the significant development pathway.

It was interesting to hear some of the examples from other states that we were talking about earlier. The significant development pathway could be confined to those developments that actually meet the planning goals that this state wants to reach. A development could go down this pathway only if it were a transit-oriented development or in a place that we want to see development that meets both state and local government strategic goals, and not every ad hoc development that is over \$20 million and could be anywhere. That is why this needs to be deleted. If someone puts up a \$25 million development—frankly, that could be a walk-up three-storey apartment in the suburbs—they will not have to abide by the planning scheme because they could make the argument that it is in the public interest or that there are other reasons that they should be able to do it. What we need is a planning system that gives the local community and the local council confidence that the planning scheme that they have been part of creating is robust and will actually be followed. WA is going down a planning route that is increasingly ad hoc, developer-led and giving us pretty poor outcomes of poor density in the wrong places rather than good density in the right places. Being able to get around planning schemes in this way is only going to exacerbate that problem.

I have a motion without notice to consolidate my amendments to clauses 11 and 82 into one question so that we do not have to go through this over multiple clauses. These amendments will have flow-on effects at clauses 11, 66 and 82. I assume that I just read this out. Is that correct?

The DEPUTY CHAIR: Yes.

Hon Dr BRAD PETTITT — by leave: I move —

Page 15, line 1 to page 16, line 20 — To delete the lines.

Page 23, line 7 — To delete “171R.”

Page 101, lines 19 and 20 — To delete the lines.

Page 101, lines 22 and 23 — To delete “and amended section 171R(1)(b)(ii)”.

Amendments put and negatived.

Hon NEIL THOMSON: By way of reflection, there was a certain level of sympathy for the sentiment expressed by Hon Dr Brad Pettitt in relation to those amendments, because I think there are feelings and concerns out there in relation to the planning schemes consistent with some of the concerns raised by me in this discussion. Notwithstanding that, the fact is that the opposition has chosen to not oppose this bill in its entirety. For the record, I make the point that there would not have been support from the opposition for those amendments.

I think the issue here is that the government appears to have made a genuine attempt to tighten up the part 17 process, which will effectively be replaced by the proposed part 11B process. Notwithstanding that comment, I think there are still potential problems with it that will come down to how this is exercised. The issue will be the effect of how that is managed by the commission. In time, the test will be whether applications that go through the proposed part 11B process will provide the good planning outcomes that we all desire; the good opportunities that we seek to see within our communities, particularly around affordable housing and areas that are difficult to develop; and particularly around the consultation that is likely to occur with local governments. I think that some shortcomings in the part 17 process may have evolved over time in terms of the practice of the commission. I think the commission's practice has improved somewhat from the very first step; that is certainly the feedback I have had, notwithstanding ongoing concerns about some of the approvals that have been granted to specific developments that did not meet the transit-oriented development criteria of being close to a train station.

For the record, that is where the sympathy comes in. It sounds like I am standing on the fence a bit, but I think it is really a case of saying to the government, "This is your legislation." There were and are mechanisms in the existing Planning and Development Act, putting aside part 17 and proposed part 11. There are mechanisms for urban renewal and there are mechanisms for improvement schemes and plans, and that is the work that has been missing.

If I can give the government any counsel—yet again, I am providing advice to the government, which I often do because I sometimes think the government actually does take notice—it is that more work needs to be done by Minister Carey in and around strategic planning and the train stations. He needs to start using those powers, particularly for improvement schemes and plans, which I think are vital.

If the question on the amendments had gone to a division, as is the practice in this place, we would have stood with the government on this issue, because we are not going to stand in the way of the reforms overall, notwithstanding some of our concerns. That, I suppose, is the message. Really, the onus will be on the government to show that it can do that in a way that is not going to cause chaos in our communities. There are ongoing concerns in certain parts of our community that some of these developments do not really conform with the expectations of the community.

I would like to comment on proposed section 171Q, "Procedures for dealing with significant development application". The explanatory memorandum states —

This section provides a flexible approach to dealing with Part 11B applications and that the procedures, such as the time period and process for accepting an application, public advertising, additional information, and consideration of submissions, for dealing with Part 11B, are set in regulations.

I assume that the regulations the minister just tabled insert all those procedures.

Hon JACKIE JARVIS: Yes, they do.

Hon NEIL THOMSON: The explanatory memorandum states that under proposed section 171Q, the commission is not bound by the procedural provisions in the applicable planning instrument. The question is simple: does that effectively mean that those procedures have primacy over any other procedures that might exist in the obvious regulations?

Hon JACKIE JARVIS: I am advised that this is procedural shorthand that allows the Western Australian Planning Commission to cut-and-paste processes that already exist in the ordinary planning system. As an example, the WAPC may wish to adopt processes set out in the deemed provisions of the local planning scheme regulations 2025; however, it will provide the WAPC with some flexibility that will be appropriate for a significant development pathway when some bespoke tailoring of processes might be warranted.

Hon NEIL THOMSON: We touched on proposed section 171R, "Determining significant development application inconsistently with applicable planning instrument in some circumstances". The minister may want to provide a truncated answer to this if she so chooses, because she went to this to a certain degree earlier. I will focus on one issue, because I do not want to repeat what we have been over. The explanatory memorandum states that the commission is empowered to approve an application that conflicts with the existing planning framework in four instances, including "Pursuant to subsection (1)(d), if it is of a class prescribed in Part 11B." The four instances outline when there can be an approval that conflicts with a planning framework. What are the classes prescribed and could the minister please could go through those classes?

Hon JACKIE JARVIS: I am advised that the paragraph the member is referring to is a standard head of power. No actual classes are prescribed by regulation under that. It is a provision that would allow future governments to modernise the act, if they wish.

Hon NEIL THOMSON: I do not quite understand what that means—as a head of power. The explanatory memorandum states —

Pursuant to subsection (1)(d), if it is of a class prescribed ...

I would have thought there would be a prescription somewhere or a list of what those classes might be. We are talking about a class of development here, are we not? Or is the minister saying this is something that the government may choose to add to the list later?

Hon JACKIE JARVIS: Proposed section 171R applies in some circumstances. The bill states —

- (1) The Commission may determine a significant development application under section ...
 - (a) if the Commission is of the opinion that —
 - (i) the application raises issues of State or regional importance; and
 - (ii) the determination is in the public interest; —

Which we have already discussed —

- (b) if —
 - (i) the applicable planning instrument is a local planning scheme; and
 - (ii) the local planning scheme was not first published ... in the preceding 5 years ...

We have amended that to 10 years. Proposed section 171R continues —

- (c) if —
 - (i) the applicable planning instrument is ...
 - ... conflict is of a minor nature; and
 - (iii) in the opinion of the Commission, the determination is consistent with ... general intent of each State planning policy ...

Then we come to proposed paragraph (d). As I said, (d) is there as a head of power so that regulations could be drafted for future provision. Basically, we have regulations drafted related to proposed paragraphs (a), (b) or (c). There are no additional circumstances envisaged at this stage that could go under (d); it is just a head of power that will allow future governments, if they wish, to come up with a new class of a significant development application.

Hon NEIL THOMSON: As I said, I appreciate that the minister went through it and refreshed our memories. The issue is that proposed paragraphs (a), (b), (c) and (d) are “or” and not “and”. There is a question whether proposed paragraph (d) would ever be used. I cannot imagine a circumstance in which it would.

Hon Jackie Jarvis: It may never be used.

Hon NEIL THOMSON: In response to the minister’s interjection, given the broad application of proposed paragraphs (a), (b) and (c), which the minister just went through very thoroughly, I am trying to imagine a situation in which we would not be able to get an application through on proposed paragraphs (a), (b) or (c) and therefore need (d). Clearly that was not a consideration. It raises an issue that goes to the heart of the concerns raised by Hon Dr Brad Pettitt expressed by local governments. It might have been a more cautious approach to be more explicit with proposed paragraph (d) and have it prescribed as a sort of development, as Hon Dr Brad Pettitt mentioned, something that might be able to be defined as, for example, a transit-oriented development that was 500 metres from a Metronet train station, or something that already had an improvement plan or scheme to be under consideration. It obviously would not need it if it were produced, because that would then be finalised. I could envisage quite a few opportunities in which proposed paragraph (d) could have been prescribed partly in proposed paragraph (b) and put in place, which might give a lot more comfort to people within those leafy suburbs.

Let us face it, the concern about planning and this provision boils down to two issues. It comes down to issues of overlooking, whereby someone tries to undertake a development in an area where there might not be an expectation of high density, and/or a decline of amenity in relation to traffic or noise. Those are the sorts of things that happen when a high density development is placed in a location where the expectation might be that that was not going to occur because the scheme had not predicted that to occur and there had not been consultation with the community in advance. It is interesting that in proposed paragraph (d), circumstances might have been prescribed when we already had these broad points. It is worth noting that I doubt the minister will ever do that under proposed paragraph (d).

Have I been talking over you, deputy chair? I am sorry.

The DEPUTY CHAIR (Hon Sandra Carr): No, I have been very politely listening, honourable member.

Hon JACKIE JARVIS: No, the member finally made his point and notes were taken.

Progress reported and leave granted to sit again, pursuant to standing orders.

CITY OF GOSNELLS BUSH FIRE BRIGADE LOCAL LAW 2023 — DISALLOWANCE*Motion*

Pursuant to standing order 67(3), the following motion by Hon Lorna Harper was moved pro forma on 14 September —

That pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the City of Gosnells Bush Fire Brigade Local Law 2023, published in the *Government Gazette* on 9 June 2023 and tabled in the Legislative Council on 13 June 2023 under the Local Government Act 1995, be and is hereby disallowed.

HON MARTIN ALDRIDGE (Agricultural) [6.01 pm]: I want to double-check. I understand from discussions behind the chair that Hon Matthew Swinbourn and I will be the only members contributing to this motion.

Hon Dr Brad Pettitt interjected.

Hon MARTIN ALDRIDGE: Okay. I was not made aware of that, and time has been allocated for the speakers.

Hon Dr Brad Pettitt: I don't need to.

Hon MARTIN ALDRIDGE: Okay, we will move on.

The PRESIDENT: Order! Perhaps a discussion could take place behind the chair while the honourable member is speaking.

Hon MARTIN ALDRIDGE: I rise to indicate that the opposition will be supporting the recommendation of the Joint Standing Committee on Delegated Legislation today. Obviously, members will have had an opportunity to consider the fourth report of the joint standing committee that I think succinctly outlines the three separate grounds on which a disallowance should be supported. There is one matter that relates to contravention of the Local Government Act and two that relate to the Bush Fires Act.

What was probably not clear to readers of the report was the extent to which there was communication between the City of Gosnells and the Joint Standing Committee on Delegated Legislation. The decision to disallow would not necessarily turn on this issue, but in terms of procedural fairness, I assume that the city would have been provided an opportunity to respond to the committee, and I understand from my engagement with the city that that was the case. Obviously, it is not uncommon for parties to offer a contrary or, indeed, competing view to that of the committee. Certainly, from my engagement with the City of Gosnells, I recognise that it has a different view from that of the committee as outlined in its fourth report.

By comparison, if we were to compare a similar report from 2019, when the Joint Standing Committee on Delegated Legislation in its sixteenth report reported on the City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018, the committee included in the appendix correspondence to and received from the City of Rockingham, and actually incorporated into the content of the report the competing arguments between the committee and the local government at that time. I say this as constructive feedback. Perhaps that may be a way of enhancing reports like this in the future.

It is fair to say that local governments are having some difficulty with bush fire brigade local laws. If we look at the committee's report, we see that numerous undertakings are made by local governments to the joint standing committee about bush fire brigade local laws. It would appear that some have made the same errors that have been articulated in this report, particularly with a skeletal approach being taken to the preparation and gazettal of local laws on bush fire brigades. There appears to be a preference for administrative guidelines or operating procedures for such local laws, contrary to the requirements of section 62 of the Bush Fires Act. On that point, I am aware that there are certain consultants, I guess, for want of a better term, who are assisting local governments from time to time with the preparation of local laws who certainly appear to be recommending a minimalist approach be taken and, indeed, are advocating against the adoption of model laws as prepared and proposed by, for example, the Western Australian Local Government Association through its model law.

The consequence of disallowance must be understood. At this point, I thank the Department of Local Government, Sport and Cultural Industries for the briefing that I received on Tuesday on this issue, facilitated by the Minister for Local Government. The consequence of disallowing this local law will result in the City of Gosnells having no local law. Members should be aware that this will not just mean that the city will roll back to a previous version; it will actually have no local law following the passage of this disallowance. That is problematic. We are facing a very difficult and impending fire season; in fact, it is already well and truly underway. The legal consequence of having no local law should be understood. Certainly, this is something that came to the attention of the sector in late 2022—I think it was actually on New Year's Eve—when it was identified by legal advisers in the Department of Fire and Emergency Services and on the advice of the State Solicitor's Office that nine local governments were operating in Western Australia at the time without a bush fire brigade local law. I asked a question in question time today. That number has only reduced to six. In about 15 minutes' time, I assume that number will grow to seven because the City of Gosnells will not have a bush fire brigade local law.

There are a number of issues, not least of which is that DFES and WALGA are in agreement that based on independent legal advice, without a valid local law in this respect, there will be no legal validity to bush fire brigades, nor indeed the powers or protections afforded to their members. That is a matter of significance. There are probably other statutory implications. Just one that I will bring to members' attention is the application of the Road Traffic Code in Western Australia. Effectively, when someone is operating an emergency vehicle, which is defined in the Road Traffic Code as a vehicle of a fire brigade, they have certain exemptions. If they are sounding an alarm or have a flashing beacon on their roof that is red or blue in colour, they have certain exemptions under the Road Traffic Code of Western Australia. Those six, soon to be seven, local governments that do not have a bush fire brigade local law effectively do not have a bush fire brigade or bush fire brigade members. I think there are other legal consequences to this issue, which we have known about for nearly 12 months now, with respect, and I think there needs to be a greater and more urgent understanding of these consequences, particularly in the season that we now face. A workaround appears to have been confirmed by the Western Australian Local Government Association. Further advice was provided by the Minister for Emergency Services and the Department of Fire and Emergency Services via the Minister for Local Government to me following my briefing, which is that as long as a brigade and bush fire brigade members are directed by a properly appointed fire control officer, that would provide some protection because they are effectively carrying out the task directed by a fire control officer under the act. There are significant practical barriers in providing a bush fire brigade and bush fire brigade members that are instructed and directed by a fire control officer with the legal protection that they would otherwise have been afforded if they were a bush fire brigade or a member of a bush fire brigade under a local law and under the Bush Fires Act and other acts. That includes powers to enter property, take water and direct other persons and, as I said, it has exemptions to the enforcement of the Road Traffic Code.

It is interesting that this workaround with fire control officers is an issue that we are discussing now because this was one of the issues that the City of Gosnells has been taken to task over. Its local law does not provide for the appointment, remuneration, termination or regulation of fire control officers. It begs a question that remains unresolved. In question time today, the government confirmed that fire control officers can be validly appointed notwithstanding a local government not having a local law, yet one of the reasons that the City of Gosnells is being taken to task by the Legislative Council today is that it did not regulate, or provide for in its local law, the provision for the appointment of bush fire control officers. That issue needs to be reflected upon. Noting the time, I will let other members contribute.

HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary) [6.11 pm]: I rise to give the government's response to this disallowance motion. From the outset, I indicate that the government will support the motion, as is the convention when the Joint Standing Committee on Delegated Legislation puts forward a consensus report of this kind. In the last sitting week, the Joint Standing Committee on Delegated Legislation tabled its report that identified several issues with the City of Gosnells Bush Fire Brigade Local Law. The local law lacked several critical details that are necessary for the laws to operate effectively. The Bush Fires Act 1954 sets out the requirements for the scope of bush fire brigade local laws. That was the topic of a 2019 report by the delegated legislation committee. The City of Gosnells local law also attempts to contain critical aspects of the local law within policy documents that the CEO of the local government could subsequently revise at will without the same oversight from either the Council or Parliament. The committee found that is contrary to the Local Government Act 1995, which provides that local laws can be amended only via the proper lawmaking process. The issues identified by the committee are substantial and would potentially result in the local law being ultra vires and invalid. Accordingly, the government supports the committee's recommendation to disallow the City of Gosnells Bush Fire Brigade Local Law 2023.

HON DR BRAD PETTITT (South Metropolitan) [6.12 pm]: Apologies for the confusion earlier. Hon Dr Brian Walker is unwell and unable to be with us. He contacted my office and asked whether I could quickly rise to speak to give some perspective on this matter. He and his office have been liaising with the City of Gosnells on this issue for some time. He would like to be here to speak to it. I have a long letter that I will not read, noting the time, from the City of Gosnells. It is worth quickly highlighting its response broadly. I am happy to table this letter if that is appropriate to do at this point.

The PRESIDENT: Honourable member, do you seek leave to table the document?

Hon Dr BRAD PETTITT: I do, but I seek some clarification. I have only an electronic version at this point, but I can certainly find a way to table it.

The PRESIDENT: If the member would like to continue his contribution, I will seek advice on that.

Hon Dr BRAD PETTITT: The letter is from the director of business services at the City of Gosnells to Hon Dr Brian Walker. Fundamentally, to get to the heart of it, the letter states —

The City fundamentally disagrees with the Committee's position on issues that must be addressed in a Bush Fire Brigade Local Law. The City will make a new local law but is unlikely to shift its position on the appointment, employment, payment and dismissal of Bush Fire Control Officers or the inclusion of Brigade Operating Procedures in its local law.

It sounds like there is an impasse on this. There are a range of reasons given for this. I do not pretend to be an expert on this. Given that this is a significant issue for the city, it is appropriate, if it is possible, to table this letter.

The PRESIDENT: On the question of tabling the letter, you cannot table something that you physically do not have. You may take the opportunity to print the document and seek leave at another time, including during members' statements, to table that document if you wish.

Question put and passed.

RURAL AMBASSADORS

Statement

HON JACKIE JARVIS (South West — Minister for Agriculture and Food) [6.15 pm]: I rise this evening to speak about the Rural Ambassador competition, a national competition that is proudly sponsored in Western Australia by the Royal Agricultural Society of WA. It is a competition for young adults from rural areas who have a passion for living and working in their rural and regional communities. The competition aims to discover the next generation of rural leaders who want to represent and promote their region and the state. This year, 25-year-old Reece Jerrett, from Serpentine Jarrahdale, was named as our National Rural Ambassador in the Australian competition, while 26-year-old Lauren Patane from the south west was recognised as WA's Rural Ambassador.

President, I would like to thank you for welcoming our guests to the President's gallery. I acknowledge and welcome Reece and Lauren, together with their guests, Anne Stroud, vice president of the Royal Agricultural Society of WA, and Julianne Hill, president of the Brunswick Agricultural Society. They are accompanied by their local members, the members for Darling Range and Murray-Wellington. Welcome.

Reece and Lauren both faced tough judging panels to beat out impressive competition to secure their titles. They now plan to use their voices and lived experience to advocate for Western Australia's farming sector, making sure that rural residents feel seen and heard. As part of their roles, Reece and Lauren will travel around the country meeting state and federal decision-makers as well as leaders in agriculture and education, and will ask the hard questions and provide important points of view on a range of topics. I look forward to sitting down with both of them this evening and listening to what they have to say. As a rural resident myself, I know that the elevation of strong rural voices is incredibly important.

Reece is, as I said, the National Rural Ambassador. Reece Jerrett is passionate about bringing issues to the fore to protect agricultural communities. He believes that one of the biggest issues impacting the rural way of life is urban sprawl. He is also keen to promote fresh produce grown in the Serpentine Jarrahdale area and promote the fact that it is an important peri-urban area that supplies food to the Perth region. He lives and breathes what he preaches. He is the president of the Serpentine Jarrahdale Food and Farm Alliance, a group intent on preserving the rural status of the area and supporting local producers through education and economic opportunities. If I can give anyone some advice, I highly recommend they get up to the Serpentine Jarrahdale Farmers' Market, which is outstanding and probably among the best farmers' markets that I have seen in the state. Do not tell the people at Margaret River Farmers' Market that I said that.

Reece's work on raising the profile of young producers has helped earn him the honour of the Shire of Serpentine Jarrahdale's young citizen of the year in 2023. He is also well known in agricultural circles for breeding exhibition poultry and water fowl and is active in preserving the genetics of some of these really interesting poultry across the state. He is also president of the West Australian Poultry Association. I am advised that Reece has been volunteering for the Royal Agricultural Society of WA since he was eight years old and he says that this ambassadorship feels natural. He was recently elected to the Shire of Serpentine Jarrahdale, representing the south ward of the shire, and is looking forward to bridging the gap between peak bodies, politicians and the community, as well as championing the importance of local food security within Australia and the importance of the reducing food miles.

Now I turn to Lauren. Reece was previously the WA Rural Ambassador and has now won the national award, but he has passed the baton of the WA Rural Ambassador to Lauren. Lauren plans to share her love of horticulture with the nation to raise the profile of food wastage, particularly produce that does not even leave the farm. She wants to raise the profile of the horticulture industry and educate people on how it has evolved. She understands that many people may not even realise where their food comes from. Lauren is a fourth-generation farmer and is the operations manager at the family farming business in Myalup. For those members who drive down south regularly, the Patane property is on the right-hand side near the Crooked Carrot. They have been farming there since her great-grandfather migrated from Italy in the 1920s. If members have ever driven past it, they will have seen that they grow carrots, onions, broccoli and potatoes. They have established export chains to Asia and the Middle East. I really want to congratulate their farming enterprise. It tackles food waste by ensuring that they feed unsaleable produce to the family's 300 head of cattle.

Lauren is certainly making her own mark on the family business and, indeed, on an industry that has traditionally been dominated by men. I am told that as a teenager, Lauren worked on the farm in her spare time, because that is

what people have to do when they run a family farming business, but she completed her ATAR at Bunbury Cathedral Grammar School and then completed a Bachelor of Science and a Bachelor of Commerce at the University of Western Australia. She credits her parents, Pennie and Michael, for giving her confidence and support and, indeed, a job in the family farming business.

It is incredibly important that these regional voices are heard. I was really impressed to read what Reece and Lauren have been doing in their day-to-day jobs but also how they are representing WA agriculture at a national level. The Western Australian agriculture industry contributed around \$24 billion to the state economy last year. It supports more than 52 000 jobs and creates exports worth more than \$15 billion per annum. It is the dedication, drive and passion of these young people that will help elevate agriculture across our state.

CYBERSECURITY

Statement

HON WILSON TUCKER (Mining and Pastoral) [6.22 pm]: In the dying embers of this year, I thought I would give members another update on everyone's favourite topic—cybersecurity. I have mentioned previously that I recently spoke at a conference in Dubai on cyber resilience in the resources sector. I went on a bit of a journey, speaking to stakeholders in the cyber space in Western Australia and Canberra. I came away with a few interesting factoids that I thought I would share with members. I will see how I go in 10 minutes.

Firstly, when we talk about cybersecurity, we need to acknowledge data security and the importance of data. For a long time in Australia, companies would not understand the importance of data. They certainly understood it from a monetary or corporate perspective, but not from a risk or compliance perspective. A lot of companies have a lot of information in spreadsheets and databases that they sometimes need, but as the footprint of that information increases, they also need to make sure that they are taking adequate steps to protect it. Members will be aware of the large number of data breaches that we experienced last year, and I have spoken about this previously. Optus, a telecommunications provider; Medibank, a medical insurance provider; and Latitude Financial Services, a financial services company, were hacked. About 20 million records of highly sensitive and confidential personal and medical information was leaked onto the dark web and then sold to the highest bidder. Given that there are 25 million Australians, it affected the majority of the population, including our Prime Minister.

This has really put cybersecurity at the top of the federal government's agenda. It has recently reviewed its cybersecurity strategy. It also put through the Privacy Legislation Amendment (Enforcement and Other Measures) Bill last year, which increased the penalty for companies that are asleep at the wheel and not doing enough to protect information. The penalty went from \$2.2 million to \$50 million. A penalty of \$2.2 million would not give some companies too much pause for thought, especially tier 1 miners, but a penalty of \$50 million kind of would. Beyond the financial penalty, the reputational damage can be a lot more severe. Unfortunately, when we talk about resource companies and cybersecurity, we find there is an apathy by boards and CEOs about cybersecurity. A recent report by BDO showed that a lack of emphasis or importance was placed on cybersecurity by resources sector boards; meanwhile, the number of cyber attacks in the resources sector was actually quadrupling. There was a disconnect between what boards deemed important and what was actually happening in the real world.

The other point I will raise is the supply chain—what industries can do to ensure that their supply chains are protected. Tier 1 miners should have the resources to ensure that they are keeping pace with any regulatory requirements in the cyber space and that they have the expertise to keep updated with a threat landscape that changes very quickly. However, a deficit or a gap exists at the moment with the tier 2 and 3 miners and the suppliers of the tier 1 miners.

The federal government recently changed its critical infrastructure act. Four industries were deemed as critical infrastructure industries, and the industries that are considered to be critical have to go through added compliance. They have to communicate with the Australian Signals Directorate, which is basically our National Security Agency or our cybersecurity agency. They have to alert the ASD if there is an incident. They also have to give it reporting information to ensure that it has a holistic view of what is going on to understand any patterns in attack vectors and that it can communicate that to industries if required. Now there are 11 industries. Ports are considered critical, as are the energy production and petroleum industries. Oil and gas businesses are considered critical, but iron ore businesses are not. It has sort of split the resources sector in two. If a company has a breach, it has to work alongside the ASD.

There is also a thing called the critical infrastructure uplift program. That is being run out of the Australian Cyber Security Centre based in Perth. Its remit is to try to uplift industries to make them aware of what is going on and ensure that they have the expertise to respond to cyber attacks. It is all well and good if an industry is considered critical, but the miners that are not, especially the tier 2 and 3 miners and their suppliers and dependencies in the supply chain, do not have access to those resources, so there is still a deficit there. All levels of government—not just the federal government, but state governments as well—have a responsibility in running this program to ensure that the entire supply chain is protected. That is really a top-down approach to raising the awareness of cybersecurity within an industry. It is also important to adopt a bottom-up approach that is industry led to ensure that an industry's dependencies are still working. Much in the same way that companies will pass down their environmental, social

and governance requirements to their suppliers in terms of scope 2 and scope 3, larger companies especially should be having that conversation with their dependencies within the supply chain to make sure that they are not vulnerable and affecting the business essentially at the same time.

I will share with members a recent story about a tier 1 miner. I cannot remember which one, but I believe it was in the Pilbara, so members could probably guess it pretty quickly. It had a contract with a motel to house its FIFO staff. The motel was a small business; I think it was a mum-and-pop shop operating out of the Pilbara. It was constantly getting attacked and its information breached. All the employee information from this tier 1 miner was being accessed. This tier 1 miner found out about it and told the business that if it continued to happen, it was going to sever ties and cancel the contract because it was compromising the information of the miner's employees. These people were in the business of running a hotel but did not have the expertise to manage their IT infrastructure. They got hacked again and the tier 1 miner cancelled the contract as a result. I believe it was quite detrimental to that business.

There is a gap. If the government is not going to fill that gap, there certainly needs to be an industry-led initiative, but state government has a role to play. If one corporation, company or entity is being attacked, it might be slightly beneficial for a company to compete on cybersecurity, in a sense. The other competitor has not suffered any reputational damage as a result, so they might see a short-term windfall, but it really sets a target on the back of the industry as a whole. Although it is not good in the long term, some companies might see it benefiting them in the long term.

I will jump ahead in my remaining minute. What are the major challenges for government? One of the big challenges right now is a lack of trust in governments. We have seen that with the Australian Signals Directorate releasing a report that shows an underreporting of cybersecurity incidents. The main reason that companies were not reporting is because they did not trust that the government, when provided with that information, would use it only for the purposes of a cybersecurity incident. The companies thought that the information could be used against them as part of a future litigation case or that it would go into this black box of government to be shared around a lot of different agencies. In response, the federal government is putting in place some ring-fencing legislation to ensure that when information is provided as part of a cybersecurity incident, it is used for only that purpose.

I will give members a quick takeaway as we head into the Christmas break. When we talk about data sharing and privacy, it is important to get the legislation right. Western Australia still does not have any data privacy legislation that governs the public sector. It makes it more difficult for agencies and certainly the private sector to share information within the four walls of the public sector. I have a little more to say. I have run out of time but I will continue harping on about it in 2024.

EMISSIONS — GAS

Statement

HON DR BRAD PETTITT (South Metropolitan) [6.31 pm]: I will start by talking about the very topical issue of gas. There has been a fair bit of hot air about gas in recent weeks. I want to put some much-needed facts on the record. The arguments that we are hearing now made a lot of sense a decade ago, but in 2023 they no longer do. A decade ago, gas made sense as a transition fuel, but today it is largely corporate spin. There are two reasons for this. A decade ago, we honestly thought that gas was 50 per cent less polluting than coal, but we now know that gas can be as bad as coal for global warming. That has played out through methane leaching a whole bunch of other things. It has been quite clear. A decade ago, we also thought that gas was the cheapest way to make electricity, but we have seen extraordinary drops in the cost of renewable energy over the last decade to become the cheapest form of energy.

This idea that gas is a transition fuel no longer makes sense. In fact, it needs to be transitioned out, and there are a couple of reasons for this. The first is a really big one; that is, it is a fundamental fact of physics that we cannot burn all the gas that fossil fuel companies want us to extract and burn, and also have a safe climate. Those two things are simply not possible; it has to be one or the other. Interestingly again, a decade ago we thought that a two-degree rise in global temperature would give us a safe climate, but the more recent climate change science that we, as a nation, have signed up to with the Paris Agreement, has acknowledged that 1.5 degrees of warming is the maximum allowable to provide a safe future for humanity. The temperature has already risen by one degree, and if we are going to keep it to under a 1.5-degree rise, we need to seriously reduce the amount of fossil fuels that we burn.

Despite this, and unfortunately, we have seen continuing claims over recent weeks by fossil fuel executives, the Western Australia Premier and government ministers that a major expansion of gas will be an essential part of the clean energy transition. Yes, some fossil fuel gas will be required, but it will be in declining amounts if we are to get the clean energy transition right. This is actually a good thing, because the cheapest form of new energy is now renewable energy. Solar photovoltaic technology is 90 per cent cheaper than it was a decade ago, when Colin Barnett first talked up gas as a transition fuel, and onshore wind is 70 per cent cheaper than it was a decade ago. When we promote gas as a transition fuel, what are we transitioning to? Why would we not just go to the cheapest fuel? Why

would we transition to something that is more expensive? It is certainly not going to be necessary if we invest sufficiently in renewable energy. In WA, vanishingly small amounts of gas will be required as backup for cloudy and windless days, but if we invest in more renewable energies and more batteries, we will need less gas.

The government's modelling shows that our south west interconnected system can reach 84 per cent renewable energy by 2030. The response to a question without notice I asked today states that in 2030, gas will make up eight per cent of the power consumed in the south west interconnected system. That is hardly growth. It is about 50 per cent today, so it will be going from 50 per cent to eight per cent. It is not expanding. By 2042, that will drop to only three per cent of the make-up of energy on the SWIS. We do not need to expand gas consumption or extraction for our own energy system.

Just as it is not required for WA, it is also not required for most of the rest of the world. A lot of the rhetoric over the last month, which needs to be questioned strongly, is that it will help our Asian partners that need it for their clean energy transition. Let us look at the evidence—which, interestingly enough, was commissioned by Woodside. It got the CSIRO to write a report around the influence of gas in terms of the transition in Asia. Unfortunately, Woodside did not like the outcome of that report, so it never published it. It is weirdly available on Woodside's website where it states that it is commercial-in-confidence, but if you google it, it comes up. It states quite clearly that increasing gas supply to Asia could delay Asia's shift to cleaner, renewable energy and lead to higher emissions.

Our gas is not helping Asia to lower its emissions; it is actually keeping it hooked on fossil fuels. The CSIRO said that. I have not seen any independent, credible evidence to the contrary. Sure, some gas will be needed but this idea that we are going to have to shift Asia from coal to gas and not let it largely leapfrog to renewables is actually a huge problem. The provision of our gas to Asia is in danger of slowing down that transition.

The head of the International Energy Agency stated this month that the world is at the beginning of the end of the fossil fuel era. If we are going to achieve the goal of global warming to 1.5 degrees, then fossil fuel demand needs to be driven down by 25 per cent by 2030, lowering emissions by 35 per cent. We need fossil fuel emissions to be going down this decade. Expanding gas production and pushing it as a transition fuel is simply a line that fossil fuel companies are using, especially those with no plan B. As I said, that might have made sense a decade ago. Today, frankly, its disingenuous, it is not backed by evidence and it is embarrassing when our political leaders parrot it. We need leadership that enables a leapfrog of fossilised gas and speeds up the transition to zero emissions renewable energy, for us and for our Asian neighbours. That will not only be cheaper for them and for us, but it will also give us the best chance of having a safe climate.

CITY OF GOSNELLS BUSH FIRE BRIGADE LOCAL LAW 2023 — DISALLOWANCE

Paper Tabled

HON DR BRAD PETTITT (South Metropolitan) [6.38 pm]: Before I sit down—I am not sure of the exact wording—I seek leave to table a document from the earlier disallowance motion.

The PRESIDENT: For *Hansard*, could the honourable member provide the title of the document.

Hon Dr BRAD PETTITT: The disallowance was in relation to the City of Gosnells Bush Fire Brigade Local Law 2023.

[Leave granted. See paper 2870.]

16 DAYS IN WA CAMPAIGN

Statement

HON SANDRA CARR (Agricultural) [6.40 pm]: I rise to note that we are a few days into the 16 Days in WA campaign. It started on the weekend. This year's theme for 16 Days in WA is "Stopping family and domestic violence: Play your part". A number of times when I have spoken about family and domestic violence and sexual violence, I have said that addressing what I would call a social epidemic is a whole community responsibility. I think that "Play your part" is a nice way to indicate to people that we all have a role to play. Most of us would prefer not to hear about it, see it, have to speak to someone about their experience of domestic violence or ask someone if they suspect they might be in some form of unsafe or abusive relationship, but those are some of the most important conversations that we can have.

The purpose of 16 Days in WA is really about drawing this social epidemic out of the shadows and unhelpful silence to help people understand how they can call out disrespectful and abusive behaviour, better understand the many forms of family and domestic violence and how to have supportive, empathetic and perhaps even helpful conversations with people.

At the commencement of 16 Days in WA, the Cook government announced a \$72.6 million investment to fund new crisis beds and primary intervention, education and recovery initiatives. These are all informed by the Family and Domestic Violence Taskforce and appropriately targeted to areas of need. It is about supporting victim-survivors, intervening with perpetrators and working towards stopping violence before it happens. A really pleasing aspect

of that targeted spending is stopping violence before it starts. It is a bit like health care—a lot of effort goes into addressing the problem after it has occurred and very little goes into unpacking and changing culture to address behaviours so that they do not happen in the first place.

In terms of aspects like sexual violence, I have a deep-seated fear that our young men are going to find themselves in significant trouble in the future because young women are becoming increasingly informed about their rights. I think about the work of a young woman like Chanel Contos, who talks about consent and that sort of thing. Young women are becoming increasingly aware of what violates their rights and of their capacity to say no. However, I do not think we are directing or hitting the target for our young men in the same way. Young women will take action on those things. Young men will find themselves in trouble and accountable for their actions if we do not teach them to change their behaviours, know about consent and know how to speak to a potential partner if they are thinking of engaging in intimacy.

I will now return to some of the money that has been put forward by the government. There was \$22.6 million assigned to the Stirling Women's Refuge crisis accommodation for those escaping violence at home, and \$6 million for a two-year public education campaign. I think that is a fantastic spend. I do not think we could ever spend enough on public education. That harks back to what I was just talking about: making people understand their rights and what constitutes respectful behaviour. On that note, \$1.5 million has been invested in the expansion and further enhancement of the Respectful Relationships teaching program through the Department of Education. There will also be some online content and culturally targeted content for young Aboriginal people that I think will be particularly helpful.

There is a range of other spending, but I would now like to turn to a couple of events that I had the privilege of attending at the start of 16 Days in WA. I represented our Minister for Women's Interests, Minister Sue Ellery, at the official launch of the Economic Abuse Reference Group WA, or EARGWA, as it is going to call itself. This body was established to specifically look at economic abuse and its impacts, particularly the long-term cumulative impacts it can have on people's lives. The Economic Abuse Reference Group is part of a national collaboration that aims to advocate for and support people experiencing economic abuse, particularly in the context of family and domestic violence. Economic abuse is a particularly insidious form of abuse because it is largely invisible and perpetrators often go unchecked. It is often the victim who is victimised by many of the systems that unintentionally collaborate with the perpetrator, who is using finances to abuse their partner. Many forms of economic abuse are actually legally sanctioned. Perpetrators often use government and industry systems and mechanisms to perpetrate economic abuse. It has very pervasive and enduring impacts for the victims of abuse. I would like to congratulate the collaborating groups—the Centre for Women's Safety and Wellbeing, Consumer Credit Legal Service (WA) Inc, Women's Legal Service WA and Financial Counsellors' Association of WA—which have all come together to form EARGWA to advocate for systemic reforms to better prevent and respond to abuse and to minimise its long-term impact on women and children. It is fantastic work and I really look forward to them reaching out to all of us to see how we can assist with key policy and legislative changes.

I also attended the annual Walk Against Violence event in Geraldton. It happens each year and is organised by Desert Blue Connect. People meet and there are some speeches from people from various groups, such as the Western Australia Police Force and counsellors. This year, two women survivors of family and domestic violence spoke. I do not know that I have ever heard such challenging content at an event like that. It was incredibly moving and was a significant reality check for many people who were not quite aware of the depth and awful nature of what women and children experience every day of their lives. These stories were quite horrifying and they continue to haunt me in my quiet moments. I think that is important. We have to play our part and be aware. We cannot pretend that these things do not happen. I commend Desert Blue Connect, as I often do. It has an amazing team and does amazing work. It really is playing its part.

Sometimes we do not want to play our part and do not want that in our yard. At the moment, that makes me think about the closure of the Safe Night Space in East Perth by the City of Perth. Please, for the love of God, play a part. I know it is uncomfortable. I know that it is difficult to encounter some of those things. I am really appalled at the defence of that by Lord Mayor Basil Zempilas. I think it is appalling leadership—I do not know if “leadership” is the right word—to justify behaviour like that, to not maintain a service for these people and to not stop to listen and hear the stories to understand how these people find themselves in these situations. The cynic in me says that this is politicising it and that this is not the group of people whom we should be politicising. We should all come together and support this group no matter what, because we all need to play a part. It is a whole community responsibility to look after our most vulnerable people.

Systems are operating, some of which we are a part of. Some long-admired predecessors were involved in forming legislation and rules that actively disadvantaged people who experience some of the most awful behaviour in their everyday lives. It is almost unimaginable that that is their everyday experience and that they live through those things. I commend the 20 000 people who signed the online petition to encourage people to keep the Safe Night Space alive and well. To anyone who finds those services around them, some of the behaviours can be really confronting and challenging, but they really have to be approached with significant empathy and compassion. We really do all have to play our part. It is a whole community responsibility.

PACIFIC ISLANDERS — PACIFIC LABOUR SCHEME*Statement*

HON SHELLEY PAYNE (Agricultural) [6.49 pm]: We are nearing the end of the parliamentary year and the festive season is upon us, so I just want to quickly rise and acknowledge all the Pacific Islanders who are working across WA. A lot of them will not be able to go home for Christmas because obviously they cannot all go home at once, and it is a really important time of year for a lot of them. So, vinaka—which is “thank you”, for all your help, and bula, which is “welcome”.

I also want to thank the volunteers who are helping to support the Islanders. Matilda Martin is president of the Fiji WA Association and is also a volunteer community connector who helps, without any pay, to support Pacific Islanders who are working here in WA. I was actually supposed to meet her and some other members for dinner tonight. I want to pass on my condolences to her family, because she is on her way to Fiji. I acknowledge that, for a lot of Pacific Islanders, Western Australia is a really, really long way away. A lot of them are working in the regions, and it is a challenge for them in a new culture.

I had the pleasure of going to the Esperance Aged Care Facility last week where we now have 29 lovely workers, most of them women, from Kiribati. We have had issues for a long time with getting enough workers and it is fantastic; they are just such lovely people. Twenty of them are living at the facility, in a couple of the wings, and the rest of them have managed to secure the house that the Fijian workers were living in when the Esperance abattoir closed. I also want to acknowledge the nearly 60 workers who worked at the abattoir. They all had to split up; some of them went to Tammin, some to Bunbury and quite a lot went over east. I am hoping that the Esperance abattoir will open up again; it held on to a lot of those workers so that they could come back.

I also want to thank Matilda and the Fiji WA Association for recently inviting me as guest of honour to the association’s Fijian Independence Day celebrations, which was very humbling. I am very grateful for that experience, so I want to thank them. It was a fantastic event, to see all the dancing there. I have realised that when these Pacific Islander people come with their culture, language and dance, it is actually a really great thing for our Aboriginal people to see. Quite often they are very proud of their singing and dancing, and it is something that really inspires us. I see that in the regions. In Katanning we have a lot of Pacific Islander workers as well, and the traditional owners in the Katanning community have been really great in welcoming the Pacific Islanders. They have been able to witness a lot of the dancing.

Again, I just want to give a shout-out to the workers at the WAMMCO abattoir in Katanning from Fiji, Tonga, the Solomon Islands, Vanuatu, Kiribati and even Tokelau, which is a very small dependent territory of New Zealand with a population of fewer than 2 000 on its three atolls. I hope they all get a bit of Christmas spirit and have a great Christmas. I thank them for all the amazing contributions they make, particularly in our regions, helping us with our workforce issues.

MEMBERS’ STATEMENTS — MINISTERS AND PARLIAMENTARY SECRETARIES*Statement*

HON MARTIN ALDRIDGE (Agricultural) [6.52 pm]: I note that there are only a couple of minutes left, which goes to the point of my very brief statement. I want to contemplate something that is becoming a little more regular: members and, indeed, ministers providing portfolio-related statements during members’ statements. Although I recognise at the outset that there are no restrictions on members during members’ statements, there is an unlimited period at the start of every Council sitting day for statements by ministers and parliamentary secretaries and it is very rarely utilised—certainly in comparison with the Assembly.

I ask the President and the hardworking Standing Committee on Procedure and Privileges to consider whether the standing orders remain fit for purpose with regard to members’ statements. I recognise that in this Parliament there is a significant government backbench that is often quite active in making members’ statements, because there are limited opportunities for government members otherwise. There is no restriction on ministers and parliamentary secretaries participating in members’ statements, and sometimes there are occasions on which there are genuine members’ statements made by a minister or a parliamentary secretary that might relate to their electorate, their constituency or to a personal matter. But when it relates to a matter that is clearly part of their portfolio responsibilities—this is not an isolated case—in my view, and consistent with the conventions of this place, the appropriate time to make such a statement is during the period for formal business allocated to statements by ministers and parliamentary secretaries. If there is no demonstrated need for revision of the standing orders, I ask ministers and parliamentary secretaries to perhaps reflect on the opportunities they have in comparison with private members in this place.

VOCATIONAL EDUCATION AND TRAINING AMENDMENT BILL 2023*Receipt and First Reading*

Bill received from the Assembly; and, on motion by **Hon Pierre Yang (Parliamentary Secretary)**, read a first time.

Second Reading

HON PIERRE YANG (North Metropolitan — Parliamentary Secretary) [6.56 pm]: I move —

That the bill be now read a second time.

The bill seeks to amend the Vocational Education and Training Act 1996. The VET act and associated regulations provide the framework for the administration and regulation of the state’s training system and matters arising from decisions made by state government institutions that are part of the training system. The proposed amendments will provide for an effective appeal mechanism for persons affected by decisions made by the Training Accreditation Council and provide for the proper delegation of the Department of Training and Workforce Development chief executive’s functions under part 7 of the VET act and the associated regulations made for the purposes of part 7 of the act.

These amendments were also supported by recommendations from the last statutory review of the VET act. A report from the review was tabled in Parliament in March 2019. The first proposed amendment relates to the scope of appeals against decisions of the council, as outlined in section 58G(2) of the VET act. The council, in making decisions in relation to the registration of providers, takes into consideration the national Standards for Registered Training Organisations 2015. A judgement made by the Western Australian Supreme Court of Appeal in 2021 ruled that the word “standards” is not in the scope of the existing section 58G(2). This means that the vast majority of the council’s decisions will not be appealable, which essentially denies a person’s right to appeal and does not align with the principles of natural justice.

Clause 4 of the bill will amend the wording of section 58G(2) to enable a person to be able to appeal against a decision of the council if the council made an error in applying, or failed to apply, guidelines issued by the minister under section 13; or criteria, including standards and guidelines, that the council is required to apply. Clause 5 of the bill will make a consequential amendment to section 58(c). This amendment is a result of the new wording proposed for section 58G(2). Section 58(c) is currently limited to council decisions made as a result of processing an application made to the council. The amended section 58(c) will extend the application of this section to decisions made by the council on its own initiative. The amended section 58(c) will also provide for criteria to be prescribed in relation to what the council must “apply” when making a decision. This is in addition to the existing provision of prescribing criteria that the council may or must “take into account”.

Clause 7 of the bill outlines the transitional provision for appeals that have not been determined at the time of the commencement of the amendment act. Amended sections 58G(2) and 58(c) will apply to an appeal that commenced on or after the commencement day of the amendment act, or an appeal that commenced before the commencement day but was not determined before that day.

The second proposed amendment relates to the proper delegation of functions of the chief executive of the Department of Training and Workforce Development in relation to the registration and administration of training contracts under part 7 of the VET act. These functions are largely administrative in nature and performed in high volume. For this reason, it is not practical for the chief executive to personally carry out these administrative functions, and they are typically delegated to DTWD officers. Regulation 35 of the Vocational Education and Training (General) Regulations 2009 currently provides for the chief executive to delegate functions; however, there is no provision in the VET act to support such delegations. Clause 6 of the bill proposes to insert section 60J at the beginning of part 7, division 4 of the VET act to provide for delegation of the chief executive’s functions under part 7 of the VET act or regulations made for the purposes of this part. Proposed section 60J will come into effect after regulation 35 is removed from the VET regulations through a regulatory amendment process after the passing of the amendment bill.

These amendments are needed to enable a person’s right to appeal and provide for the effective administration of the apprenticeship system. The associated explanatory memorandum contains further details on the amendments.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and I table the explanatory memorandum.

[See paper [2871](#).]

Debate adjourned, pursuant to standing orders.

GUARDIANSHIP AND ADMINISTRATION AMENDMENT (MEDICAL RESEARCH) BILL 2023

Returned

Bill returned from the Assembly without amendment.

House adjourned at 7.03 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

PERTH CHILDREN'S HOSPITAL — MENTAL HEALTH UNIT**1676. Hon Steve Martin to the Leader of the House representing the Minister for Health:**

I refer to Perth Children's Hospital Ward 5A, and ask:

- (a) was there a disturbance in the ward in 2022 that required police attendance;
- (b) if yes to (a), what was the nature of the disturbance;
- (c) have any investigations been undertaken into the disturbance;
- (d) if yes to the (c), what were the recommendations and have they been implemented in full;
- (e) were any staff or patients injured during the disturbance; and
- (f) what was the cost of repairs following the disturbance?

Hon Sue Ellery replied:

- (a) Yes.
- (b) The incident involved six patients attempting to abscond, and damaging property.
- (c) Yes. The incident was reported as a SAC 1 clinical incident and a panel of four clinicians including an interstate consultant psychiatrist conducted a root cause analysis.
- (d) Four recommendations were delivered. All recommendations have been completed including:
 - Development of a new Model of Care.
 - Review of the daily morning multidisciplinary meeting structure;
 - Revision of ward governance including an escalation pathway for clinical and staff concerns; and
 - Establishment of joint learning sessions addressing mandatory training, trauma-informed care, skills development in managing young people with emotional dysregulation, clinical skills training, reflective learning, and clinical supervision.
- (e) No patients were injured during the incident. Three members of Staff sustained minor physical injuries.
- (f) \$4300.51 inc GST

WA COUNTRY HEALTH SERVICE — REFERRALS TO**1679. Hon Donna Faragher to the Leader of the House representing the Minister for Health:**

- (1) In 2020 and 2021, how many referrals were made to the WA Country Health Service to provide assessment, early intervention and treatment services to children for the following services:
 - (a) Audiology;
 - (b) Occupational Therapy;
 - (c) Paediatrician;
 - (d) Physiotherapy;
 - (e) Clinical Psychology; and
 - (f) Speech Pathology?
- (2) Of these referrals in (1), how many were submitted by:
 - (a) a parent or legal guardian; and
 - (b) professional?

Hon Sue Ellery replied:

(1)

Discipline	2020	2021
(a) Audiology	1899	1199
(b) Occupational Therapy	3995	3040
(c) Paediatrician	6431	8946

(d) Physiotherapy	3509	2528
(e) Clinical Psychology	270	160
(f) Speech Pathology	4690	4709

(2)

Discipline	Referral Source 2020		Referral Source 2021	
	(a) Parent	(b) Professional	(a) Parent	(b) Professional
Audiology	6	514	88	1111
Occupational Therapy	21	697	176	2864
Paediatrician	108	5708	0	8946
Physiotherapy	9	526	283	2245
Clinical Psychology	1	93	6	154
Speech Pathology	6	66	423	4286

WA COUNTRY HEALTH SERVICE — HEALTH STAFF ACCOMMODATION

1682. Hon Martin Aldridge to the Leader of the House representing the Minister for Health:

I refer to the WA Country Health Service (WACHS) housing stock, and I ask:

- (a) for each of the following years, what was the WACHS housing stock available:
 - (i) 2020–21;
 - (ii) 2021–22; and
 - (iii) 2022–23 to date;
- (b) please provide a breakdown of the current level of WACHS housing stock by WACHS region;
- (c) Of the available WACHS stock, what number is presently occupied;
- (d) is WACHS currently utilising any other arrangements to house staff, including hotels, motels and short-stay accommodation or other alternative accommodation types;
- (e) in relation to (d), please identify:
 - (i) the total number of staff presently housed in other arrangements; and
 - (ii) will the Minister please provide a breakdown of staff housed in other arrangements by WACHS region;
- (f) will the Minister please provide a breakdown of the number of staff housed in other arrangements by WACHS region;
- (g) for each of the following months, what has been the cost to house staff in hotels, motels, short-stay accommodation, and alternative accommodation types:
 - (i) June 2023;
 - (ii) July 2023;
 - (iii) August 2023; and
 - (iv) September 2023;
- (h) what strategies does WACHS have in place to meet current and future demand for staff accommodation; and
- (i) how many houses are currently being built by WACHS for the purpose of being occupied by health staff?

Hon Sue Ellery replied:

- (a)
 - (i) 1457
 - (ii) 1722
 - (iii) 1943
- (b)

Kimberley	Pilbara	Midwest	Goldfields	Wheatbelt	South West	Great Southern
479	502	293	294	177	115	106

- (c) 1872
 (d) Yes.
 (e) (i) 66
 (ii)

Kimberley	Pilbara	Midwest	Goldfields	Wheatbelt	South West	Great Southern
12	13	1	4	4	29	3

- (f) Refer to (e)(ii)
 (g) (i) \$402,543
 (ii) \$372,143
 (iii) \$409,107
 (iv) \$377,960
 (h) WA Country Health Service (WACHS) are actively exploring solutions towards the provision of additional housing to meet the additional demand. In 2022, WACHS launched a formal marketing campaign for the 'Country Health Housing' Investor Partnership Scheme.
 WACHS is collaborating with these investors to secure new fit for purpose accommodation for WACHS's workforce, noting significant market pressures are currently impacting many investors. WACHS is also undertaking a program of works to improve the security and amenity levels of its staff accommodation portfolio.
 (i) Eight modular dwellings are anticipated to be completed by the end of 2023.

HEALTH — RENAL DIALYSIS — WAIT TIMES

1716. Hon Steve Martin to the Leader of the House representing the Minister for Health:

I refer to Western Australians waiting for renal dialysis, and I ask:

- (a) what was the number of persons waiting for renal dialysis, broken down by area health service, as at the following dates:
 (i) 1 July 2022; and
 (ii) 1 July 2023; and
 (b) for (a)(i) and (ii), what is the average time people have been waiting to access renal dialysis?

Hon Sue Ellery replied:

- (a) (i)–(ii) WA health system Health Service Providers do not operate wait lists. Dialysis is commenced where clinically indicated.
 (b) N/A

