Parliamentary Debates
(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
2024

LEGISLATIVE ASSEMBLY

Wednesday, 18 September 2024

Legislative Assembly

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THE DEPUTY SPEAKER (Mr S.J. Price) took the chair at 12 noon, acknowledged country and read prayers.

LEGISLATIVE ASSEMBLY CHAMBER — SPEAKER'S ABSENCE

Statement by Deputy Speaker

THE DEPUTY SPEAKER (Mr S.J. Price) [12.01 pm]: I advise that the Speaker is unable to attend the house again today. As such, I will not vote in divisions today unless there is a need for a casting vote.

PAPERS TABLED

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

BILLS

Notice of Motion to Introduce

1. Keystart Bill 2024.

Notice of motion given by **Ms R. Saffioti (Treasurer)**.

2. Family Court Amendment (Commonwealth Reforms) Bill 2024.

Notice of motion given by **Mr J.R. Quigley (Attorney General)**.

3. Associations and Co-operatives Legislation Amendment Bill 2024.

Notice of motion given by **Dr J. Krishnan (Parliamentary Secretary)**.

4. Building Services (Complaint Resolution and Administration) Amendment Bill 2024.

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

MARK BURGESS — RETIREMENT

Statement by Minister for Transport

MS R. SAFFIOTI (West Swan — Minister for Transport) [12.04 pm]: Today, I rise to acknowledge Mark Burgess, the managing director of the Public Transport Authority, who is retiring after 27 years of serving the state in public transport delivery.

Mark began his career with the state government after 21 years in the Army, initially serving as the executive director of the Transperth system for 12 years while that function sat within the Department of Transport and then transitioning to the PTA on its foundation in 2003.

Mark was appointed managing director of the PTA in 2010 and has made an enduring contribution to delivering quality public transport outcomes for the people of this state. This includes overseeing the successful delivery of major projects such as Perth City Link, Forrestfield Airport Link and Perth Stadium station. His contributions also extend to significant input in the planning of Perth's expanding public transport network through Metronet.

His drive and commitment to delivering high-class public transport and customer service has been unwavering. It has seen Transperth lead the industry in compliance with disability accessibility provisions and independently recognised by the Canstar organisation for seven consecutive years as having Australia's best metropolitan commuter rail network. Mark's dedication to quality customer service has seen high levels of passenger satisfaction for many years and patronage figures have bounced back to pre-COVID levels, with the best total boardings in almost a decade last financial year. Mr Burgess personally led the PTA's strong and comprehensive response to COVID-19. Patronage, which at one stage was as low as 10 per cent of pre-COVID levels, rallied quickly to 50 per cent and then 80 per cent. It is believed to be the best recovery of any public transport operator anywhere in the world.

He has been a leader in innovation and has welcomed the opportunities offered by technological advances. He oversaw the launch of Australia's first smart card ticketing service, SmartRider; the introduction of a real-time tracking system for buses; and the only bus station in Australia—Perth's City Busport—with full dynamic-stand functionality and, arguably, the Australian industry's best CCTV security and train control systems, both of which are undergoing significant upgrades as part of the Metronet Public Transport Operations Control Centre.

Mark Burgess is heading for a period of leave and then a well-earned retirement. His last day is 20 September. Mark has been a great adviser over my seven and a half years as transport minister and I want to thank him for his years of dedicated service and wish him and his family all the best for the future.

KATE McDONALD — TRIBUTE

Statement by Attorney General

MR J.R. QUIGLEY (Butler — Attorney General) [12.06 pm]: It is with great sadness and regret that I acknowledge the untimely death of the Principal Registrar of the Supreme Court, Kate McDonald, who passed away earlier this week.

Kate was an exemplary servant of the state, who was selflessly dedicated to promoting justice. She commenced her legal career as a professional assistant and research associate for the then Director of Public Prosecutions, Hon John McKechnie, KC. Kate was then employed by the Crown Solicitor's Office, later the State Solicitor's Office, for over two decades, before being appointed a registrar of the Supreme Court. She was made the principal registrar in 2022 but went on to regularly occupy the position of acting master. Her dedication to that role meant that she continued to hear matters well into last year, despite her worsening condition.

Principal Registrar McDonald was highly regarded for her legal skills and leadership. The Chief Justice has referred to her "great sense of humanity" and said that she "was always attentive to the underlying human dimension" of the disputes she heard and determined. Kate's State Solicitor's Office colleagues have remarked that Kate was a shining light of the SSO and had an abiding influence on a generation of lawyers within the SSO. Kate was endlessly generous with her time with juniors, had an amazing sense of humour and was an exceptionally talented counsel.

Kate's passing leaves a massive hole in all our hearts. Kate's commitment, passion and kindness will be remembered and missed by all who had the privilege of working with her. Understandably, her early death leaves a void in many people's lives. In particular, I express the sympathy of this Parliament and offer my deepest condolences to her husband, Alan, and their two daughters, Claudia and Miranda.

Vale, Kate McDonald.

Members: Hear, hear!

MR R.R. WHITBY (Baldivis — Minister for Energy) [12.09 pm] — by leave: I was a friend of Kate McDonald; my wife was a close and dear friend of Kate. They worked together for many years. Kate will be remembered as incredibly kind and generous. She will also be remembered for her incredible hard work and conscientious approach to her work in service to the law and the state. She is deeply missed.

The DEPUTY SPEAKER: Thank you, minister.

MULTICULTURAL POLICY FRAMEWORK

Statement by Minister for Citizenship and Multicultural Interests

DR A.D. BUTI (Armadale — Minister for Citizenship and Multicultural Interests) [12.10 pm]: I am pleased to present to the house the *Western Australian multicultural policy framework implementation update: June 2024*, which highlights the progress made by the state's public sector agencies. This report demonstrates the government's commitment to multiculturalism and progress towards ensuring that everyone can participate equitably in all aspects of WA's civic, social, economic and cultural life.

How are we doing? I am proud to advise that since the launch of the framework in 2020, Western Australia's public sector, supported by the Office of Multicultural Interests, continues to positively respond to the set of outcomes of the framework through the implementation of their respective multicultural plans. In the 2022–23 financial year, 64 state government agencies committed to 1 619 actions, showcasing an increase in the scale of implementation compared with that in the previous year. Greater effort was made by agencies to build their understanding of the needs of individuals and communities from culturally and linguistically diverse backgrounds through more inclusive engagement, programs and policies. More agencies are promoting the *Western Australian language services policy 2020*, ensuring that language is not a barrier to accessing essential services. Actions were implemented to respond to outcomes supporting substantive equality through mandatory training on unconscious bias, ethical decision-making and cultural competency. Systemic changes are also taking place within government. This can be seen through the establishment of multicultural advisory bodies within agencies and greater consideration of people from CALD backgrounds in other state government policies, strategies and plans.

The application of more effective data collection measures across the public sector that ensure CALD-specific data is being accurately and consistently collected will enable government to be better informed of the needs of these communities. I am proud to advise that the Cook Labor government's workforce diversification target relating to CALD representation of 15.5 per cent has been achieved; it is now at 16.7 per cent. Greater cultural diversity is also being reflected in CALD representation on public sector boards and committees. However, we are still in the early stages of implementation. The impact of racism, both systemic and at an individual level, is still prevalent in our society. It is essential we continue to be committed through tangible actions to remove any barriers and achieve equitable outcomes for people from CALD backgrounds in Western Australia.

I table the *Western Australian multicultural policy framework implementation update: June 2024*, which is available on the Office of Multicultural Interests' website.

[See paper 3159.]

AFL GRAND FINAL — YAGAN SQUARE

Statement by Minister for Lands

MR J.N. CAREY (Perth — Minister for Lands) [12.13 pm]: I rise to inform the house of the Cook government's partnership with 7Plus to deliver the AFL grand final to Yagan Square. The Yagan Square amphitheatre will host a free broadcast of the AFL grand final match on Saturday, 28 September from 10.30 am to 4.00 pm. The match will be broadcast live from the MCG on a seven-by-four-metre LED screen This event will bring Western Australians together in the heart of Perth to enjoy the game on a giant screen, while also offering a vibrant atmosphere with family-friendly activities, live entertainment and more. Additionally, from 11.00 am to 12.00 pm, people will be able to catch appearances from some of Perth's own AFL greats on a live panel who will also sign autographs. This partnership with 7Plus marks the launch of the Stories' licensed pop-up zone at Yagan Square. The licensed area will provide a premium viewing location alongside a specially curated food and beverage menu, adding another layer to the grand final festivities.

Yagan Square is growing in significance as a premier event space, and we look forward to welcoming footy fans from across the city to enjoy the 2024 AFL grand final. The Cook government has invested more than $8.4 million into the Yagan Square redevelopment—to fix the mistakes made by the previous state Liberal–National government—and earlier this year the redevelopment of Yagan Square reached a major milestone, with the opening of its reimagined public square and market hall rejuvenation undertaken by award-winning hospitality group Nokturnl. The Cook Labor government is driving, and leading, the revitalisation of our city and is investing hundreds of millions of dollars to create jobs, economic activity and housing and to attract more people to the CBD.

PEOPLE WITH DISABILITY — EMPLOYMENT — ABILITY LINK PILOT PROJECT

Statement by Minister for Disability Services

MR D.T. PUNCH (Bunbury — Minister for Disability Services) [12.15 pm]: I rise to inform the house of a $300 000 investment by the Cook government to support a 12-month pilot program by the Chamber of Commerce and Industry of Western Australia to improve job opportunities for people with disability. The employment of people with disability remains a priority of our government and the Ability Link pilot project will trial new ways of connecting people with a disability to employers who are looking for work and into long-term sustainable employment. Many WA businesses already recognise the benefits of prioritising a diverse and inclusive workforce.

I was pleased to visit Waverley Brewhouse in Cannington last month, which is embracing the unique talents of a young man, Tyler, who has autism spectrum disorder. Starting in a food and beverage attendant role a year or so ago, Tyler's confidence has blossomed. He has gone from being too shy to take customer orders to having ambitions of taking up a management position in the future, and the team at this business is able to give Tyler the support he needs to build a career in the hospitality industry. Unfortunately, this is not the experience of everyone in the disability community, who continue to face significant barriers to employment compared with other cohorts in our community. Statistics show that people with disability aged 15 to 64 years are twice as likely to be unemployed as those without disability. The government is keen to work in partnership with private sector industries and businesses to create change. This initiative will help build the extra capacity in WA's small to medium-sized business sector and support employers to feel more confident in employing people with disability.

In a tight labour market, this is an opportune time for businesses to consider hiring people with disability—a talent pool of people who are actively seeking inclusive and diverse employers and a place to learn new skills, build social connections and provide a sense of purpose. Every single business in WA has an opportunity to fundamentally change the life of a person living with disability The government is trying to drive better employment outcomes in small and medium-sized businesses in the private sector. This initiative is in addition to our recent support for not-for-profit WA Australian Disability Enterprises through a $4 million commitment to ensure the ongoing employment of people impacted by Activ Foundation's decision to close its large workshops in 2022. I am proud of the Cook Labor government's track record on and commitment to improving disability employment outcomes, and I look forward to seeing the CCIWA's pilot project translate into more jobs for Western Australians with disability.

BUSINESS OF THE HOUSE — PRIVATE MEMBERS' BUSINESS

Standing Orders Suspension — Amendment to Notice of Motion

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [12.18 pm]: I seek leave to move my motion in an amended form.

[Leave granted.]

Standing Orders Suspension — Motion

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [12.18 pm]: I move —

> That so much of standing orders be suspended as is necessary to enable private members' business to have priority from 4.00 to 7.30 pm on Wednesday, 18 September 2024.

In moving this amended motion, I advise the house that it gives effect to an agreement reached with the opposition. I thank the opposition for its agreement. The opposition will speak on private members' business late this afternoon, between 4.00 and 6.00 pm. We will then have a one-hour dinner break. When we resume at 7.00 pm, there will be half an hour for government speakers so that orders of the day can resume at 7.30 pm. That is the intention. This will provide the opposition with maximum time to debate bills as we sit on tonight.

MR P.J. RUNDLE (Roe — Deputy Leader of the Opposition) [12.19 pm]: This has been negotiated and the opposition is happy with this scenario.

Question put and passed.

The DEPUTY SPEAKER: I advise members that the house is required to sit beyond 7.00 pm this evening with a dinner break from 6.00 to 7.00 pm.

IRON ORE AGREEMENTS LEGISLATION AMENDMENT BILL 2024

Introduction and First Reading

Bill introduced, on motion by **Mr R.H. Cook (Minister for State and Industry Development, Jobs and Trade)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR R.H. COOK (Kwinana — Minister for State and Industry Development, Jobs and Trade) [12.21 pm]: I move —

> That the bill be now read a second time.

The primary purpose of the Iron Ore Agreements Legislation Amendment Bill 2024 is to amend the Iron Ore (Rhodes Ridge) Agreement Authorisation Act 1972, which I will refer to as the state agreement act. This bill seeks to ratify a variation agreement made on 26 August 2024 between the state and Hamersley Resources Ltd, a subsidiary of Rio Tinto; Wright Prospecting Pty Ltd, holding respectively 50 per cent interests in the Rhodes Ridge Joint Venture or RRJV; and the guarantor, Australian Mining & Smelting Pty Ltd, also a Rio Tinto subsidiary, which agreement I will refer to as the variation agreement.

This bill is necessary to ratify extensive modernisation amendments to the Iron Ore (Rhodes Ridge) Agreement Authorisation Act 1972, which I will refer to as the Rhodes Ridge state agreement. The bill also provides for the ratification of six other very short variation agreements, effecting a confined amendment to the following Rio Tinto–related iron ore state agreements: the Iron Ore (Hamersley Range) Agreement Act 1963; the Iron Ore (Robe River) Agreement Act 1964; the Iron Ore (Hamersley Range) Agreement Act Amendment Act 1968; the Iron Ore (Mount Bruce) Agreement Act 1972; the Iron Ore (Hope Downs) Agreement Act 1992; and the Iron Ore (Yandicoogina) Agreement Act 1996. The amendment in each case will allow the integration of certain activities under the Rhodes Ridge state agreement with activities under other Rio Tinto–related state agreements.

The Rhodes Ridge resource is located approximately 40 to 70 kilometres north west of Newman and close to the existing Rio Tinto–operated West Angelas and Hope Downs operations and associated infrastructure. It is regarded as a strategically important part of future iron ore mining in the Pilbara, especially in sustaining the iron ore industry as older iron ore mines plan for closure over the next decade or so. The RRJV has advised that the Rhodes Ridge mining development is targeting an initial capacity of up to 50 million tonnes a year, subject to relevant approvals. The Rhodes Ridge development is expected to generate significant opportunities for Western Australia with the creation of thousands of construction jobs, opportunities for local and Indigenous businesses and future royalty and other income streams for the state.

The substantive provisions of the bill will ratify the seven variation agreements. The first is the variation agreement to the Rhodes Ridge state agreement, which is referred to in part 2 of the bill as the "2024 Variation Agreement", a copy of which will be inserted as schedule 2 to the state agreement act. Parts 3 to 7 of the bill will ratify the six other short variation agreements to the respective Rio Tinto–related iron ore agreements that I mentioned earlier to allow integration of activities under the seven state agreements.

I will now outline the key provisions of the variation agreement. Upon ratification, the Rhodes Ridge state agreement will allow for the application for and grant of an expanded mining lease over 1 167 square kilometres and for additional areas of up to 1 500 square kilometres to be sought to be included. To ensure the development of Rhodes Ridge in a timely manner, the RRJV must submit detailed proposals to the minister before 31 December 2032 for at least a 30 million-tonnes-a-year iron ore development. Interim proposals for furtherance of such development may be submitted before 31 December 2030. Consistent with state policy, the minister cannot consider detailed proposals when he or she forms the opinion that they do not comply with the state agreement. In addition, new provisions will provide for the RRJV to seek early views from the minister on whether draft proposals are considered compliant at that point.

Amendments to the electricity clause will allow for the RRJV to supply power to certain third parties and to obtain power from third parties, and the water clause will allow for the supply of excess mine dewater to third parties. Secondary processing obligations have been modernised and increased so that the RRJV is obligated to submit proposals to construct a metallised agglomerate plant after 10 years from first transport of ore from the mining lease or achieving the transport of 300 million tonnes from the mining lease, whichever is earlier, unless postponed when not economically feasible. The obligation may also be discharged through alternative projects. The insertion of provisions will allow for the flexibility of the RRJV to integrate its Rhodes Ridge operations with other Rio Tinto–related state agreements.

The inclusion of special railway licence provisions is consistent with the 2010 amendments to the BHP and Rio Tinto state agreements. Consistent with state policy, the RRJV will be required to prepare a community development plan and a local participation plan.

The state has sought to maximise financial benefits flowing to the state by aligning the royalty rates and mining lease rent with the Mining Act 1978; subjecting the mining lease and all other Rhodes Ridge state agreement tenure to the Mining Rehabilitation Fund Act 2012; making rates payable in accordance with the state's gross rental value rating policy for mining and resource interests; and removing the exemption to stamp duty for transactions after 17 October 2022. In addition, the RRJV will also be required to prepare, update and implement mine closure plans. Ratification of this bill by Parliament will provide the Rhodes Ridge Joint Venture with investment certainty for the development of the Rhodes Ridge iron ore mine.

I urge all members to support this variation, recognising the opportunities it presents for the resources sector within Western Australia and the broader national economy.

I commend the bill to the house.

Debate adjourned, on motion by **Mr P.J. Rundle (Deputy Leader of the Opposition).**

INDUSTRIAL RELATIONS LEGISLATION AMENDMENT BILL 2024

Introduction and First Reading

Bill introduced, on motion by **Ms S.F. McGurk (Minister for Industrial Relations)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MS S.F. McGURK (Fremantle — Minister for Industrial Relations) [12.30 pm]: I move —

That the bill be now read a second time.

The government's first stage of industrial relations reforms was delivered by the Industrial Relations Legislation Amendment Act 2021, most parts of which commenced in June 2022. The bill before the house today will implement the government's second stage of reforms to further modernise the state's industrial relations system. A key reform of the bill is that it will streamline the structure of the Western Australian Industrial Relations Commission by abolishing the constituent authorities—namely, the Public Service Arbitrator and the Public Service Appeal Board—and transferring their specialist jurisdiction to the general jurisdiction of the commission. This change was a recommendation of the 2018 ministerial review of the state industrial relations system and will ensure greater efficiencies in the commission's operations.

The bill will remove inequitable differences in how claims relating to substandard performance and disciplinary decisions made by an employer under the Public Sector Management Act 1994 and the Health Services Act 2016 are handled. Currently, such claims are dealt with differently based on whether the employee is a government officer or a non-government officer. The changes will enable the commission to conciliate all such claims, and if it determines that a dismissal decision has been unfair, it may award compensation.

In Western Australia, the Public Sector Commissioner has an important role in establishing the minimum standards of merit, equity and probity that public sector agencies must comply with when making decisions affecting public sector employees. The standards, referred to as the public sector standards in human resource management, relate to a number of human resource activities. The bill will implement the government's 2021 election commitment to broaden public sector workers' access to the Industrial Relations Commission. Public sector employees will be able to make a claim to the commission alleging that, in making a decision, a public sector body has breached a specified public sector standard, including a standard relating to transfer or grievance resolution. If the commission determines that a specified standard has been breached, it may issue orders directed at remedying deficiencies in the decision-making processes of a public sector agency. There will, however, be no capacity for the commission to award compensation to an employee. These amendments will assist in ensuring that minimum standards of merit, equity and probity are consistently met throughout the public sector.

In July this year, the Premier announced that new laws would be introduced to ensure that only fit and proper persons could exercise a union right of entry to Western Australian worksites. The government has worked swiftly

to implement this important commitment. The bill will establish a fit and proper person test for a union official to obtain a right of entry permit under the Industrial Relations Act 1979. The provisions are closely aligned with those contained in the federal Fair Work Act 2009. When an application is made for a permit, the commission will be required to consider specified fit and proper person criteria. The criteria will include whether the union official has ever been convicted of an offence against an industrial law, had a right of entry permit revoked or suspended or been convicted of an offence involving fraud, intentional violence or damage to property, as well as any other matters the commission considers relevant. If needed, the commission may take action to revoke, suspend or impose a condition on an existing right of entry permit—for example, if evidence comes to light after a permit is issued that suggests that a union official is not, in fact, a fit and proper person. In such circumstances, the commission will be empowered to act. The bill also contains transitional provisions so that current right of entry permits issued under the existing provisions will expire 12 months after the amendments commence, unless revoked sooner.

In the state industrial relations system, the Minimum Conditions of Employment Act 1993 provides a safety net of employment conditions that underpins employment arrangements. This safety net was expanded by the government as part of its first stage of industrial relations reforms. The bill will further improve minimum conditions of employment by more closely aligning employment conditions in the state industrial relations system with those in the national system. It will provide employees with at least 12 months' service with a new enforceable right to request a flexible working arrangement in certain circumstances—for example, when an employee is returning from parental leave, has a disability or is experiencing family and domestic violence. The employer must discuss the request with the employee, genuinely try to reach agreement and provide a written response within 21 days. An employer will be able to refuse a request only on reasonable business grounds, such as cost, loss of productivity or impracticability. If there is a dispute regarding the employee's request, either party may refer the matter to the commission for assistance. Casual loading for state system employees will also increase from 20 per cent to 25 per cent of the relevant statutory minimum rate of pay. Increasing the casual loading will ensure greater parity between state and national system employees and boost the take-home pay of low-paid workers.

Western Australia's 11 public holidays each year are important days of cultural significance. We are making changes to the public holiday minimum condition so that employees will be entitled to be absent from work on a public holiday. Although the bill will allow an employer to reasonably request that an employee work on a public holiday, it will also allow an employee to refuse the request if it is not reasonable or the employee's refusal is reasonable.

As part of the government's first stage of industrial relations reforms, stop sexual harassment provisions were added to the Industrial Relations Act. These provisions were based on provisions in the Fair Work Act at that time. However, since then, there have been further amendments to the Fair Work Act to address sexual harassment. All Western Australians have the right to work in a workplace that is free of sexual harassment. In line with the current Fair Work Act provisions, the bill includes an express prohibition on sexual harassment in connection with work. An employer may be vicariously liable for the acts of their employees or agents unless they take all reasonable steps to prevent a contravention of the prohibition. The commission will also have the additional jurisdiction to deal with sexual harassment matters through its conciliation and arbitration powers.

Also consistent with the Fair Work Act, the bill will amend the Industrial Relations Act to prevent workers from being artificially labelled as independent contractors or casual employees. The amendments will overcome recent High Court decisions that in effect enable workers to be labelled under the terms of a contract. In determining a worker's status, the commission and Industrial Magistrates Court of Western Australia will be required to consider the real substance, practical reality and true nature of the relationship between the parties.

As part of the first stage of industrial relations reforms, penalties for contravening state employment laws were broadly aligned with penalties under the Fair Work Act. Since that time, civil penalties have increased under the Fair Work Act. As such, the bill will amend the maximum civil penalty amounts under the Industrial Relations Act to retain broad consistency with the Fair Work Act. The government stands firm in its resolve to stamp out underpayments and wage theft, and to ensure that businesses operate on a level playing field.

Finally, the bill will strengthen the regulation of industrial agents who are authorised to represent parties in proceedings under the Industrial Relations Act. Successive independent reviews have identified the need to improve the existing regulatory scheme. Currently, there are no minimum competency or experience requirements for industrial agents. The bill will enable minimum standards to be prescribed by regulations, as well as provide the power for the commission to take disciplinary action against an industrial agent on certain grounds. The changes are long overdue and will ensure an appropriate level of representation for parties.

In summary, the bill is an important and necessary piece of legislation to modernise the structure of the Western Australian Industrial Relations Commission, improve minimum employment conditions in the state industrial relations system, further safeguard against sexual harassment in the workplace and improve existing regulatory schemes for union right of entry and industrial agents. I commend the bill to the house.

Debate adjourned, on motion by **Mr P.J. Rundle (Deputy Leader of the Opposition)**.

COMMUNITY PROTECTION (OFFENDER REPORTING) AMENDMENT BILL 2024

Consideration in Detail

Resumed from 17 September.

Debate was adjourned after clause 50 had been agreed to.

Clauses 51 to 69 put and passed.

Clause 70: Section 9 replaced —

Ms L. METTAM: With section 9 being replaced, can the minister explain the material differences between proposed new section 9 and the current section 9, and what prompted this change?

Mr P. PAPALIA: The difference is the changes for juveniles. Under the current legislation, a reportable offence is when people have been convicted of certain offences. However, under proposed section 9, the court will have the discretion to determine whether offences committed by juveniles become reportable offences.

Clause put and passed.

Clauses 71 and 72 put and passed.

Clause 73: Part 2 Divisions 1B and 1C inserted —

Ms L. METTAM: I appreciate that these amendments provide for court discretion to determine whether a person convicted of a sexual offence against a child that was committed when the offender was a juvenile should be considered a reportable offender. They are based on recommendations of the Law Reform Commission of Western Australia and the Legislative Council's Standing Committee on Environment and Public Affairs. Proposed section 14B(3) provides —

> The court may make an order that the offender comply with the reporting obligations of this Act if the court is satisfied that the offender poses a risk to the lives or the sexual safety of 1 or more persons, or persons generally.

That is notwithstanding proposed section 14B(5). Will any other criteria be used by the court before making an order that an offender comply with the reporting conditions in addition to what is explicitly stated here?

Mr P. PAPALIA: The key principle is if a person poses a risk to the lives or the sexual safety of one or more persons or persons generally; that is the determining factor. However, if the member looks at proposed section 14B(5)(h), she will see that the final consideration is any other matter the court considers relevant. That will provide a degree of flexibility or latitude for the court to determine whether any other matter is relevant.

Ms L. METTAM: I appreciate that a number of other matters will be captured, but if it is discretionary, could there be inconsistencies between the determinations of different courts in these matters?

Mr P. PAPALIA: Every case will be unique and, rightly, the courts will determine the course of action based on the evidence before them in each case and the individual circumstances. The primary determining factor will be whether the offender poses a risk to the lives or sexual safety of one or more persons or persons generally. That is the nature and point of courts. Rather than dictating every outcome, the courts will determine the consequences or actions based on each circumstance.

Ms L. METTAM: Proposed section 14B(8) states —

> … an application for the order may be made to the court by the prosecution or the Commissioner within the period of 6 months after the day on which the person is sentenced for the offence.

Is there a reason that the time period is limited to six months?

Mr P. PAPALIA: I understand that it was a recommendation of the Law Reform Commission that that period be applied—that a window be enabled for an application to be made. It was recommended by the Law Reform Commission.

Ms L. METTAM: The minister stated that this was a recommendation of the Law Reform Commission, but in terms of the reasoning for that, should this not be considered immediately at the court hearing or not at all? Why has the determination been made to give that latitude?

Mr P. PAPALIA: The six-month period commences immediately post the finding or the sentence. Immediately after, there is an opportunity for making an application, but it extends for a period of six months. It does not begin after six months; it extends from the court's sentence for six months. Six months thereafter there will be an opportunity to make an application. The member asked why it will not be done earlier; they can do it any time from that point until six months later. That timeframe was recommended by the Law Reform Commission, as I understand.

Ms L. METTAM: Going back to the point I made before, should this not be considered immediately at the court hearing?

Mr P. Papalia: It is.

Ms L. METTAM: I am trying to understand why there is that period of six months.

Mr P. PAPALIA: I think the member has misunderstood what it states. Proposed subsection (8) states —

> … an application for the order may be made to the court by the prosecution or the Commissioner within the period of 6 months after the day on which the person is sentenced for the offence.

That means that at any point within that timeframe—from the date of sentencing until six months after that date—they will have the opportunity to make an application. Thereafter, that opportunity will end. The prosecution or the commissioner can make that application immediately after the sentence or at any time up to six months after.

I am informed that there is another point to make. Under earlier parts of the legislation, the court must consider making an order. If the member looks at part 2 of the bill, she will see that proposed section 14B(2) states —

> The court must consider making an order under subsection (3) at the time the offender is sentenced for the offence.

The court must consider it. In the event that it does not make the order, the commissioner or the prosecutor may, within six months thereafter, apply for an order. This is just an additional opportunity for the prosecutor or commissioner to make an application after the court has decided that it did not want to, for whatever reason, or potentially administratively overlooked making that order.

Ms L. METTAM: Will new evidence be required to tender an application within that period prescribed under proposed section 14B(8)?

Mr P. PAPALIA: Again, in an earlier part of the bill, proposed section 14B(5)(a) to (h) defines the type of information that might be required as part of an application for an order. Any application post-sentence would consider that sort of information as part of that process.

Ms L. METTAM: Under proposed section 14E, will the number of applications made for exemption orders and the number of orders granted or refused be reported, for example, in an annual report?

Mr P. PAPALIA: No.

Clause put and passed.

Clauses 74 to 101 put and passed.

Clause 102: Part 3 Division 2 Subdivision 3 inserted —

Ms L. METTAM: Under proposed sections 33E and F, a reportable offender must report their location in accordance with the regulations. I think we have touched on this before, but just to clarify: have these regulations been drafted yet?

Mr P. PAPALIA: No, it is not normal practice to do that.

Ms L. METTAM: Will the regulations require the wearing of ankle bracelets or other monitoring devices?

Mr P. PAPALIA: No.

Ms L. METTAM: I think I touched on this in an earlier part of the discussion. What process will be undertaken to ensure that the regulations are fit for purpose?

Mr P. PAPALIA: Sorry, can the member ask that question again? I am not entirely clear what she is asking.

Ms L. METTAM: Under proposed section 33E, a reportable offender must report their location in accordance with the regulations. I am asking a broader question about the regulations they will have to report under, and what sort of consultation will be undertaken with stakeholders—police or other jurisdictions—to inform those regulations and that process?

Mr P. PAPALIA: I thank the member. Essentially, the member is now talking about police operational matters to exercise supervision and apply oversight of these people. The police will be intimately involved in drafting the regulations and will advise the police legislative practitioners, and that is how the regulations will be arrived at. They will be written so that the police can do their job. The member can rest assured that they are the stakeholders we are concerned about. We are not concerned so much about the people who will be subjected to these laws.

Ms L. Mettam: The victims?

Mr P. PAPALIA: The victims want to know that these people are being monitored and supervised and held to account in accordance with the law. That is the best thing we can do for the victims. The police are the experts on actually applying the supervision and oversight, and they are the best people to drive the drafting of the regulations.

Clause put and passed.

Clause 103 put and passed.

Title put and passed.

[Leave granted to proceed forthwith to third reading.]

Third Reading

MR P. PAPALIA (Warnbro — Minister for Police) [12.57 pm]: I move —

That the bill be now read a third time.

MS L. METTAM (Vasse — Leader of the Liberal Party) [12.57 pm]: I rise to provide some brief comments in the third reading debate on the Community Protection (Offender Reporting) Amendment Bill 2024. We certainly support the legislation. This bill is in response to a national agreement on the registration and post-sentence monitoring of persons convicted of sexual offences. This is an important measure. Importantly, it relates to persons convicted of sexual offences against children and will ensure that safety is made a priority by ensuring that those offenders are monitored and held in check.

I take the opportunity to thank the minister and his advisers who supported the consideration in detail process, and I will leave my comments there.

MR P. PAPALIA (Warnbro — Minister for Police) [12.59 pm] — in reply: I thank the member for Vasse and the opposition for their support for the Community Protection (Offender Reporting) Amendment Bill 2024. I would like to make an observation in the presence of my advisers and the people who have worked so hard on delivering this legislation to the Parliament. In common with a number of other initiatives that I have encountered in my role as Minister for Police since the 2021 election, this bill will resolve and address a longstanding matter that has demanded action for a number of years. In this case, the legislation was initiated by a Law Reform Commission of Western Australia report that was delivered to the Parliament in 2012. Subsequent to that, a range of other actions have been taken all around the country; other jurisdictions have delivered this type of legislation and now we are.

The staff in my office and at the Western Australia Police Force, particularly those who work on legislation, have done an extraordinary job in delivering long-required legislation to deal with a longstanding issue. I reflect that the same is true of the police compensation scheme that we delivered and the amendments to the Firearms Act that created firearm prohibition orders. We effected a complete rewrite of the Firearms Act resulting in a complete change in the legislative landscape for firearms. There were also significant amendments to the Misuse of Drugs Act, which created search areas at our borders.

Action on all those outstanding issues has long been required, and has been delivered in recent years by my team, some of whom are in the Speaker's gallery and others in both my parliamentary and electorate offices. I would like to record in *Hansard* my appreciation of and thanks to all of them for the hard work they have done in delivering such significant improvements to Western Australian legislation in recent years. That is quite extraordinary and should not go unnoticed. Thank you very much to all the staff involved in this—here in Parliament, in my office and at police headquarters. I commend the bill to the house.

Question put and passed.

Bill read a third time and transmitted to the Council.

PLANNING AND DEVELOPMENT AMENDMENT (METROPOLITAN REGION SCHEME) BILL 2024

Second Reading

Resumed from 8 August.

MS L. METTAM (Vasse — Leader of the Liberal Party) [1.02 pm]: I rise to speak to the Planning and Development Amendment (Metropolitan Region Scheme) Bill 2024. This bill will be a significant update on one of the most important planning instruments in Western Australia, the metropolitan region scheme. This bill will seek to modernise the 60-year-old text of the MRS and to streamline processes that have become outdated, reducing unnecessary red tape and aligning the MRS with contemporary planning documents. The opposition alliance recognises the necessity for modernisation and streamlining in Western Australia's planning system, and we do not oppose this bill. In fact, our shadow Minister for Planning has previously flagged the importance of updating the MRS.

The government has presented this bill as a means of facilitating housing supply; we certainly hope it will, but we also do not want to overstate the impact these changes can make in the short to medium term in alleviating the housing crisis that Western Australians face under this government. Although the proposed changes are largely sensible, I would like to take this opportunity to highlight some concerns that we believe merit further scrutiny and consideration.

The metropolitan region scheme is very important. It was first introduced in 1963 and has played a pivotal role in guiding land use and planning within the Perth metropolitan area. It serves as a legal framework for broad zoning decisions and reservations, providing the Western Australian Planning Commission with oversight of the development of the metropolitan region. Over time, the MRS has been updated through mapping amendments to reflect regional strategies such as *Directions 2031: Draft spatial framework for Perth and Peel*, and *Perth and*

Peel@3.5 million, but the text of the MRS has seen minimal change. This bill represents the first substantial revision of the text of the MRS since its inception. The aim is to modernise the structure, reduce the administrative burden and eliminate unnecessary duplication, to ensure that the system is fit for the challenges of today's growing metropolitan region.

One of the key changes proposed in the bill is the streamlining of development approvals. Some developments currently require two separate approvals—one from the local planning scheme and one from the MRS. This bill will address this inefficiency by ensuring that when a local government has been delegated power to approve a development, only one application form will be required, therefore reducing paperwork and unnecessary administrative processes. We acknowledge the minister's claim that this change is expected to affect approximately 80 per cent of development applications, which will no longer require approval under the MRS.

We support this initiative as a means of reducing unnecessary duplication that will be beneficial for both developers and local governments. We support efforts that will cut red tape and accelerate the delivery of housing across the state. However, we are cautious about how these changes may impact oversight and accountability for developments that may have state or regional significance. The delegation of powers to local governments must be accompanied by sufficient safeguards to ensure that key state interests will be protected.

The bill will also introduce a head of power for district structure plans and special control areas. These provisions will allow for the better coordination of land uses and infrastructure across local government areas, ensuring that broader state or regional interests will be taken into account during planning processes. District structure plans will guide development in areas of strategic importance, whilst SCAs will allow for specific planning controls over certain areas, such as industrial zones, port buffers or environmentally sensitive areas. These provisions are modelled on similar mechanisms in the Peel and greater Bunbury region schemes and will provide flexibility in managing land use across the metropolitan region.

Although we acknowledge the importance of these tools for coordinating development, we have some concerns about the introduction of SCAs. There are no specific SCAs proposed in the bill, but the framework will be provided for them to be introduced in the future. The potential for SCAs to impose restrictions on land use raises concerns about how they will be applied in practice. We urge the government to ensure that they will be used carefully, especially in cases in which the use is not in line with the current precedents for their use in the Peel and greater Bunbury region schemes. The process for the introduction of SCAs should include public consultation and impact assessments, when required.

The bill will also introduce provisions that will allow the Minister for Planning to exempt certain requirements of the MRS during a state of emergency, as declared under the Emergency Management Act 2005. This is a sensible addition, particularly in light of COVID-19, which highlighted the need for greater flexibility in planning processes during times of crisis. Although these emergency powers are necessary, we believe it is important to maintain a balance between flexibility and accountability. The ability to exempt planning requirements should be exercised with caution and transparency, with mechanisms in place to review decisions made during a state of emergency in a timely fashion, once normal circumstances resume.

The modernisation of the MRS is a positive step in safeguarding local and regional interests, but it is essential to ensure that local communities will be adequately consulted and that regional interests will be protected. Although the streamlining of development approvals is intended to reduce delays, we must be cautious about the risk of over-delegation to local governments. Some developments may have broader implications for environmental protection, heritage preservation or public infrastructure, and these considerations should also not be overlooked.

One area of concern that has been raised by stakeholders is the inclusion of the word "cultural" in the purposes of the scheme. This is a new addition to the metropolitan region scheme and is not found in the Peel and greater Bunbury region schemes on which it is based. It has raised questions about how cultural considerations will be factored into planning decisions. Although we support some role for recognising cultural significance in planning, it is important that this provision is clearly defined and not used in a way that could create uncertainty and confusion about the criteria for approving developments. We have seen through the Aboriginal Cultural Heritage Act debacle what happens when cultural issues are poorly defined, creating headaches for ordinary landowners, businesses and different levels of government. I am sure the government does not want to see a repeat of that experience.

In terms of long-term planning and infrastructure coordination, the introduction of regional infrastructure plan areas is a key aspect of this bill aimed at improving the coordination of infrastructure planning across the metropolitan region. This will be a welcome addition, particularly as Perth continues to grow and the demand for infrastructure increases. However, we stress the need for long-term planning and investment in critical infrastructure to support this growth. The bill will introduce the framework for these infrastructure plans, but the government must also ensure that the necessary resources are allocated to develop and implement them effectively.

In conclusion, the Planning and Development Amendment (Metropolitan Region Scheme) Bill 2024 will modernise the MRS and streamline development processes to support housing supply and reduce red tape. We will not oppose this bill. We recognise the need for these reforms to keep our planning system contemporary and efficient. However,

we urge the government to carefully consider the potential impact of these changes on local communities, regional interests and key state objectives. Safeguards must be in place to ensure the streamlining does not come at the expense of proper oversight or community consultation.

With these considerations in mind, we look forward to the implementation of the reforms and will continue to monitor their impact and ensure they deliver the intended outcomes for all Western Australians. I have a number of questions, which I will ask through the consideration in detail process. I commend the bill to the house.

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

Consideration in Detail

Clause 1: Short title —

Ms L. METTAM: The minister indicated in his second reading speech that a key theme of this bill is facilitating housing supply, which is something we all aspire to. Can the minister advise what modelling has been done on how this legislation will facilitate more housing and the associated volumes?

Mr J.N. CAREY: Respectfully, modelling is done through the urban growth monitor, which reports to the Western Australian Planning Commission. We also have modelling done in relation to industry forecasting groups. That is the modelling that is done. Has modelling been done in relation to this specific bill? No. We know that this bill is in line with the national cabinet commitment to reform planning laws, which the member would be aware is about streamlining and cutting red tape. This is done in accordance with the *National planning reform blueprint*.

Ms L. METTAM: With the streamlining of processes by reducing the need for development applications to only one form, will the government undertake an educational information campaign to inform the community of these changes?

Mr J.N. CAREY: Yes. That is a good question. For example, at a practical level, I previously did a deck extension. I had to fill out two forms, which, when one thinks about it, is quite ridiculous. One of those forms related to obligations to be met under the MRS with the City of Vincent. We will be doing an education program. Of course, the first part is with local government, so there will be in-person webinars—I always get that word wrong; I was going to say wine bar. Can you imagine that, "We are having a wine bar session with local government." There will be webinar sessions and also video material on the website. There will be a range of other supporting documents and also, critically, flow-chart information. People with a residential home will be able to see a new flow chart of how the new scheme will operate.

Ms L. METTAM: Will that consultation and the communication of these new changes happen separately for local governments and the broader community? Can the minister give an indication of the timing of that process?

Mr J.N. CAREY: Broad information will be provided. I want to indicate that both the Western Australian Local Government Association and the WA office of the Planning Institute of Australia support the bill. The key engagement is effectively with local governments because they have to implement this. I am very confident that given it has strong support, they want to make this work. Also, as the member would be aware, this will reduce the administrative burden on local governments because it will cut out paper, effectively. It will cut out some administrative work. The focus is engagement with local governments through that education campaign. Broad information will be provided. I will be frank; I think most people will not worry because it is one form less out of the system. It is more about the focus on local governments.

Ms L. METTAM: Has there been or is there an understanding of what cost would be associated with the information campaign; and, if so, where would those costs come from?

Mr J.N. CAREY: First of all, I stress that, overall, this will reduce the workload and administrative burden of local government. To be clear, there is no transfer of cost to local government. General education and training is seen as part of the ordinary business of the agency. As the member might be aware with other planning reforms, we have always had ongoing training, webinars, other face-to-face meetings, engagements and workshops with local government.

Clause put and passed.

Clause 2: Commencement —

Ms L. METTAM: Under clause 2(b), the rest of the act will take effect on the day fixed by proclamation. Can the minister advise when he expects the substantive legislation to take effect, and what issues might impact the timing of it?

Mr J.N. CAREY: All substantial operational parts will commence together on proclamation. The expected commencement is early 2025. We will need time. Obviously, I do not want to pre-empt the passage of this legislation;

it is all based on whether this legislation passes. If the legislation passes, we will be ready to go, but time is needed between proclamation and the commencement to deliver the training sessions to assist local governments, industry and proponents, and to also make amendments to the metropolitan region scheme maps through the scheme amendment process.

Clause put and passed.

Clauses 3 to 21 put and passed.

Schedule 1: *Metropolitan Region Scheme* Parts 1 to 13 —

The ACTING SPEAKER (Ms M.M. Quirk): The question is that schedule 1 stand as printed.

Ms L. METTAM: I refer to schedule 1, "Metropolitan Region Scheme Parts 1 to 13", and clause 5, "Purposes of Scheme". It lists one of the purposes as "cultural".

Mr J.N. Carey: Is the member referring to paragraph (c) under "Purposes of zones"—"cultural"?

Ms L. METTAM: Yes, cultural. I touched on this in my speech in the second reading debate. What does this refer to?

Mr J.N. CAREY: Respectfully, the member may be referring to the wrong clause. I am advised that the reference to "cultural" under "Purposes of zones" is pre-existing terminology used in the greater Bunbury region scheme. It already exists in the greater Bunbury region scheme.

The ACTING SPEAKER (Ms M.M. Quirk): The question is that clause 22 stand as printed. All those in favour say "aye", to the contrary "no". I believe the ayes have it. The ayes have it.

Ms L. METTAM: I have a further question.

The ACTING SPEAKER: We have just voted on that.

Ms L. METTAM: Sorry.

The ACTING SPEAKER: I am sure the member can ask the question; I am feeling generous today! I have not had enough sleep.

Ms L. METTAM: This modernisation of the bill is based on the Bunbury and Peel schemes, and the minister has mentioned the reference to "cultural". Can the minister explain why that is included?

Mr J.N. CAREY: I will help here, if that is all right. The word "cultural" in the clause that the member referred to states that it is about the central city area, but it is really in reference to civic culture, the arts and institutions. It is a broad definition of "cultural". The member has also used the word "cultural" in relation to heritage, because she mentioned cultural heritage. Again, the notion of cultural heritage is not new. It might surprise the member that it is modelled on and referenced in the Planning and Development (Local Planning Schemes) Regulations 2015, which refers to built heritage. These regulations took effect in 2015 under the previous Liberal government. It is about built heritage, whereas Aboriginal cultural heritage is dealt with under a separate process.

The ACTING SPEAKER: The question is that clause 23 stand as printed. All those in favour say "aye", to the contrary "no". I believe the ayes have it. The ayes have it. Goodness me, I am lacking sleep! The question is that clause 24 stand as printed.

Ms L. METTAM: I refer to the introduction of a head of power for the special control areas, which will allow for bespoke planning provisions at a regional level designed to deal with specific constraints or matters. In terms of the precedent under the other schemes, how has this power been used to date?

Mr J.N. CAREY: The Peel region scheme has two special control areas and the greater Bunbury region scheme has four special control areas. Examples of the special control areas used in the greater Bunbury region scheme are for the protection of the service corridor for the Bunbury port, buffers around wastewater treatment plants or to serve as a buffer for the Kemerton industrial park.

Ms L. METTAM: Does the minister have any intention or foreknowledge of intentions about the special control area powers being for any specific purpose?

Mr J.N. CAREY: No. This provision has been included so that there is a contemporary mechanism. As we have seen in the Bunbury scheme, it has a purpose.

The ACTING SPEAKER: The question is that clause 24 stand as printed. All those in favour say "aye", to the contrary "no". I believe the ayes have it. Are there further clauses?

Ms L. METTAM: Clause 28.

The ACTING SPEAKER: The question is that clauses 25 to 27 stand as printed. All those in favour say "aye", to the contrary "no". I believe the ayes just have it. The question is that clause 28 stand as printed.

Ms L. METTAM: I refer to the change that requires a resolution of the commission—a clause 28 notice to be made for specific metropolitan region scheme development approval to be required in a particular area. Does the Planning Commission have any current plans to create any resolutions for any particular purpose?

Mr J.N. CAREY: A draft resolution that has been endorsed by the commission will be made under clause 28 and the notice will be available on the Planning Commission website. I have indicated that the requirements have been modelled on those of the Peel and Bunbury region schemes. As indicated in the second reading, it will generally relate to the protection of state reservations or proposals of state or regional significance. The developments proposed to be subject to commission resolution under clause 28 will be developments of state or regional significance or where it is in the public interest to require development approval; development of land abutting reserves; regional open space; port installations; railway and regional roads; development on or adjacent to Bush Forever areas; development of activity centres; development in the Kwinana and North Coogee industrial areas; development in the Parliament House precinct; certain types of public works; and changes to nonconforming uses. This is not having a crack but we went through this in detail in the briefing. I have a copy of the notice here.

Ms L. METTAM: What was the rationale for the resolutions made or expected to be made relating to those areas? Unfortunately, I was unable to attend the briefing.

Mr J.N. CAREY: It was done on two issues. The first is, as the member indicated, matters of state or regional significance. Secondly, we thought it important, in bringing in this legislation, to provide clarity to stakeholders and the community about those matters that the Western Australian Planning Commission would give approval to.

The ACTING SPEAKER: The question is that clause 28 stand as printed. All those in favour say "aye", to the contrary "no". I believe the ayes have it. Are there further clauses?

Ms L. METTAM: Clause 34.

The ACTING SPEAKER: The question is that clauses 29 to 33 stand as printed. All those in favour say "aye", to the contrary "no". I believe the ayes have it. The question is that clause 34 stand as printed.

Ms L. METTAM: I refer to the minister's statement that approximately 80 per cent of development applications will no longer be required under the MRS text provisions, which will cut duplication and the need for two forms. Can the minister please provide some figures around the raw number of dual form applications that needed to be lodged in the previous financial year?

Mr J.N. CAREY: I am advised that it applies to everything except single-home approvals.

Ms L. METTAM: Does the minister have any raw figures on the number of dual forms?

Mr J.N. CAREY: Member, I do not have that exact data. To be clear, there are 30 metropolitan local governments and an estimated 16 000 development applications in the state in a year. It would be significant work for my agencies to go through that data. That gives the member an indication of the large number of development applications that would benefit from not having dual forms.

Ms L. METTAM: Can the minister provide us any numbers to help us understand the extent of this duplication problem?

Mr J.N. CAREY: I have figures from a sample local government that in 2022–23 had 639 applications that involved dual forms. I have only sample local governments. I do not have the comprehensive picture.

Ms L. METTAM: Perhaps as a sample, two or three of the busiest local government areas could be provided, to get an indication of what we are talking about.

Mr J.N. CAREY: I do not have that information on me. The member would have to put a question on notice.

Ms L. METTAM: Can the minister provide any further information to demonstrate how the burden on local government administrators will be reduced by this legislation?

Mr J.N. CAREY: We are implementing all the other reforms that were introduced under the metropolitan region scheme—special control areas, district structure plans and so forth.

In terms of cutting red tape, the member should not underestimate the burden on local governments of using the dual form process. As I have indicated, around 16 000 development applications have been made across the state. We will see a general reduction in the burden on local government to process two forms. I agree that WALGA does not always support all the reforms that we make, but it has indicated general strong support for this measure, which is seen as a reduced administrative burden. It will build on all the other reforms that we have introduced that will streamline the approvals process.

The ACTING SPEAKER: The question is that clause 34 stand as printed. All those in favour say "aye", to the contrary "no". I believe the ayes have it. Are there further clauses, member for Vasse?

Ms L. METTAM: Clause 54.

The ACTING SPEAKER: The question is that clauses 35 to 53 stand as printed. All those in favour say "aye", to the contrary "no". I believe the ayes have it. The question is that clause 54 stand as printed.

Ms L. METTAM: This bill aims to streamline development approvals by delegating powers to local governments in certain cases. However, how will the government ensure that state and regional interests are still adequately protected, especially with developments that will have a potential wider impact beyond the local government area?

Mr J.N. CAREY: Respectfully, that is the purpose of clause 28. For the benefit of the house, I table a paper relating to clause 28. If the member reads clause 28, she will see that it does scoop up state and regional projects. The paper I am about to table is a draft. The commission is yet to finally endorse the proposed delegations. It will also be based on further feedback from the local government sector about those matters that should be considered by the WAPC.

[See paper 3160.]

Ms L. METTAM: Further to that, will there be mechanisms for appeal or review if a development approval made by a local government is deemed to be inconsistent with broader planning objectives?

Mr J.N. CAREY: No. Obviously, clause 28 is the critical piece. Once a decision has been made, it has been made.

Ms L. METTAM: What are the criteria for delegating decision-making to local governments? How will the commission assess whether a local government has the capacity to handle these responsibilities?

Mr J.N. CAREY: I am advised that there will be no change to the existing delegations. We are seeking to provide clarity through clause 28. By modernising the MRS, we are seeking to provide clarity on what the WAPC would make determinations on.

The ACTING SPEAKER: The question is that clause 54 stand as printed. All those in favour say "aye", to the contrary "no". I believe the ayes have it. Are there further clauses?

Ms L. METTAM: Clause 55.

The ACTING SPEAKER: The question is that clause 55 stand as printed.

Ms L. METTAM: I understand that this clause is modelled on clause 77 of the deemed provisions and sets out that, at the request of an owner, the commission can amend or cancel a development approval. This is in contrast with clause 30 of the greater Bunbury region scheme. Can the minister explain the importance of this amendment and what consideration was given to including this clause in the bill?

Mr J.N. CAREY: My advice is that, in effect, this proposed change will mean that after a project has commenced, the owner of the land can seek to either cancel or amend that application. The WAPC would have the same ability to do that under a local government scheme.

Ms L. METTAM: Will that follow a standard process or is the government seeking a change by way of amending or cancelling the development approval? Figuratively, how will that work on the ground for the individual involved?

Mr J.N. CAREY: I am advised that the same process will be followed as set out under the deemed provisions for local planning schemes.

The ACTING SPEAKER: The question is that clause 55 stand as printed. All those in favour say "aye", to the contrary "no". I believe the ayes have it. Are there further clauses?

Ms L. METTAM: Clause 56.

The ACTING SPEAKER: The question is that clause 56 stand as printed.

Ms L. METTAM: Clause 56 is about the review of determinations. Under this provision, an owner of land will be able to apply to the State Administrative Tribunal for the review of certain decisions made by the Western Australian Planning Commission, including determinations to refuse an application for development approval. Can the minister explain the consideration or consultation that went into this clause? After the introduction of the legislation, what will be the timeframes for the review of determinations?

Mr J.N. CAREY: Respectfully, member, this is not new. It is the same as any standard planning process whereby one makes an application to SAT for review.

The ACTING SPEAKER: The question is that clause 56 stand as printed. All those in favour say "aye", to the contrary "no". I believe the ayes have it. Are there further clauses?

Ms L. METTAM: Clause 60.

The ACTING SPEAKER: The question is that clauses 57 to 59 stand as printed. All those in favour say "aye", to the contrary "no". I believe the ayes have it. The question is that clause 60 stand as printed.

Ms L. METTAM: This clause deals with compensation. Can the minister give an outline of how this provision will take effect? What does "injurious affection" mean in this piece of legislation?

Mr J.N. CAREY: If the member can bear with me, this is technical. There will be no substantive change to how or when compensation for injurious affection may be claimed. This clause deals with injurious affection arising from the prohibition of a nonconforming use or physical works in connection with a nonconforming use. The metropolitan region scheme has never made any uses prohibited or extinguished a nonconforming use. The amendments to the MRS in this bill will not prohibit any uses or extinguish any nonconforming use. Claims for injurious affection

compensation have generally always needed to be made within six months. The amendment to section 178 of the Planning and Development Act will not change the minimum time a scheme must allow for claims of compensation; it will simply clarify that the six months will start from when the scheme or amendment takes effect.

Ms L. METTAM: Is the six-month start standard?

Mr J.N. CAREY: Yes, that is standard.

Ms L. METTAM: Will the form be approved by the commission itself? Can the minister explain what the process will be for seeking compensation in this respect?

Mr J.N. CAREY: The manner of the form will be approved by the Western Australian Planning Commission.

Ms L. METTAM: How will application forms for compensation be made available and how will that be communicated?

Mr J.N. CAREY: They will be made available online or by a physical copy.

Ms L. METTAM: Will this be another part of the communications program for this legislation? Will that be explained to local governments?

Mr J.N. CAREY: Yes, it can be for local government engagement.

The ACTING SPEAKER: The question is that clause 60 stand as printed. All those in favour say "aye", to the contrary "no". I believe the ayes have it. Are there further clauses?

Ms L. METTAM: Clause 61.

The ACTING SPEAKER: The question is that clause 61 stand as printed.

Ms L. METTAM: This clause refers to the power of the commission to enter into agreements about the MRS. Why has this provision been included now? Is it new or is it just an update? I am surprised that it is not already part of the act. Can the minister explain its inclusion now?

The ACTING SPEAKER: There are a few questions there, member.

Mr J.N. CAREY: I am advised this clause was modelled on the Bunbury scheme, which has been in place since 2003.

The ACTING SPEAKER: The question is that clause 61 stand as printed. All those in favour say "aye", to the contrary "no". I believe the ayes have it. Are there further clauses?

Ms L. METTAM: Clause 63.

The ACTING SPEAKER: The question is that clauses 62 stand as printed. All those in favour say "aye", to the contrary "no". I believe the ayes have it. The question is that clause 63 stand as printed.

Ms L. METTAM: This provision about certificates is modelled on clause 53 of the greater Bunbury region scheme. It provides that on the payment of a fee prescribed by regulations under the Planning and Development Act, the commission may issue a certificate stating how land is affected by the MRS and the purpose for which it is reserved. In my contribution to the second reading debate, I said that I was hopeful I would be able to raise a question in consideration in detail about cultural concerns and how a certificate might be granted. I will endeavour to raise this issue at a different clause as well. The definition of "cultural consideration" has been raised as an issue. With regard to this clause, can the minister provide some clarification?

Mr J.N. CAREY: This clause relates to landowners and interested parties requesting a certificate to clarify the zoning relating to a particular lot or land. It does not relate to Aboriginal cultural heritage.

Ms L. METTAM: What will be the timeframes, from application to provision, for the proposal for and approval of certificates, and in what manner will they be provided under this scheme?

Mr J.N. CAREY: That is usually dealt with in conjunction with the sale of land so there will be no change as a result of this legislation. The agency will deal with it as efficiently as possible.

Debate interrupted, pursuant to standing orders.

[Continued on page 4720.]

VISITORS — CRAIGIE HEIGHTS PRIMARY SCHOOL
FLOREAT PARK PRIMARY SCHOOL

Statement by Deputy Speaker

THE DEPUTY SPEAKER (Mr S.J. Price) [1.59 pm]: On behalf of the member for Hillarys, I welcome the year 6 students from Craigie Heights Primary School and Ms Ryan.

On behalf of the member for Churchlands, I also welcome the students from Floreat Park Primary School and their principal Mrs Rowlands.

QUESTIONS WITHOUT NOTICE

PRIME MINISTER — FEDERAL GOVERNMENT POLICY

622. Mr R.S. LOVE to the Minister for Federal–State Relations:

I refer to Prime Minister Albanese's increasingly desperate attempts to convince Western Australians that he is pro-business and pro-worker, despite proving the exact opposite with his FIFO visits to Western Australia. Has the minister confronted the Prime Minister about the damage his government is doing with its supposedly pro-business policies to Western Australian industries, specifically the agricultural sector with the effects of the live sheep export policy or the nickel industry, both of which previously employed many thousands of hardworking Western Australians who no longer have work in those industries?

Mr R.H. COOK replied:

I thank the member for the question. Of course, I raise these issues with the Prime Minister all the time. How do I do that? I can do that because he has come to Western Australia more times than Scott Morrison, Tony Abbott and Malcolm Turnbull combined. In the short time that he has been Prime Minister, he has come here more times than all those Liberal Prime Ministers combined during that dreadful period when we had Liberal Prime Ministers. I would much rather have a FIFO Prime Minister than a missing-in-action Prime Minister, as we had under the federal Liberal Party in government. This Prime Minister gets WA. He has brought his cabinet to WA on four occasions. I cannot remember a single occasion when just about the entire cabinet from the federal Liberal–National coalition government came to Western Australia. Let us not have any of this nonsense that the Leader of the Opposition is trying to promote that somehow Anthony Albanese does not get WA, because he does. He understands how important it is that we keep this economy going because Western Australia is the engine room of the nation's economy.

I am astounded that the Leader of the Opposition would have the temerity to raise the issue of nickel in this place when the only people to oppose the production tax credit in Australia was his national leader—sorry, perhaps not Mr Littleproud, because he is the leader in name only. It was Barnaby Joyce who attacked it. Peter Dutton attacked it as being some sort of sop to billionaires, when we know that it is an important part of promoting downstream processing in Western Australian. This is the perfect example of why the Liberal and National Parties are the biggest risk to business in Australia.

Let us look at the record of those opposite. When they were in government, they raised land tax. They raised the cost of utilities. I think water and power costs increased by around 90 per cent. I think members will find that the real risk to business in WA and Australia is not the Labor Party in government, but those who, when they get into government, exhibit the incompetence we know they are absolutely capable of and continue to ruin the state's finances and economy and send this state backwards.

We are working closely with the federal government to make sure that Western Australia remains the engine room of the nation's economy. Those opposite have no idea and no experience. They simply oppose, attack and delay and they are essentially providing the service of "whinge on advice" or "call for a whinge". Those opposite have no solutions for Western Australia. They are chaotic, dysfunctional and negative; they oppose everything and they represent a risk to WA business.

PRIME MINISTER — FEDERAL GOVERNMENT POLICY

623. Mr R.S. LOVE to the Minister for Federal–State Relations

I have a supplementary question. If the Premier is so confident in his relationship with the Prime Minister and his pro-business claims, why are business leaders of this nation expressing such concern about the current government's policies?

Ms R. Saffioti: Why is he obsessed with the Prime Minister?

Mr R.H. COOK replied:

I want to echo the interjection from the Deputy Premier. Why is the member so obsessed with the Prime Minister? Over the number of times we have come into this place —

Mr R.S. Love: Because of the damage he is doing to our state.

Mr R.H. COOK: I have just demonstrated in graphic detail how much the Prime Minister is promoting and defending the interests of this state. I come into this place and all I constantly hear from those opposite is some sort of chaotic, dysfunctional and ongoing monologue of negativity. If it is not coming from the Leader of the Opposition, it is coming from the Leader of the Liberal Party. When these people are in government, we shake our heads. If the member wants to get obsessed with federal politics, we saw the complete dysfunction of the Morrison government. That was a complete PhD in dysfunction. If we are going to look at national leaders, I would love to sit down and have a good honest debate about Barnaby Joyce one day.

I beseech the Leader of the Opposition to focus on the issues that matter to Western Australians. He should talk about jobs like we do, talk about industry like we do and talk about the cost of living like we do; and, for goodness

sake, he should start to support programs and plans to increase housing. That is the other thing that members opposite do. Members opposite oppose any housing development that they can find. They are negative, inexperienced, shambolic, chaotic and dysfunctional.

Visitors — Attadale Primary School

The DEPUTY SPEAKER: Before I give the member for Southern River the call, on behalf of the member for Bicton, I would like to acknowledge teacher Asiri and year 6 students from Attadale Primary School here today.

CLIVE PALMER — LEGAL ACTION

624. Mr T.J. HEALY to the Premier:

I refer to the Cook Labor government's commitment to standing up for Western Australia.

(1) Can the Premier inform the house of the government's success at defending legal actions against the state?

(2) Can the Premier advise the house how WA is partnering with the commonwealth to help prevent another legal attack from Clive Palmer?

Mr R.H. COOK replied:

(1)–(2) I thank the member for the question. It is an important question because, as we all know, there is greed and then there is Clive Palmer. Only Clive Palmer would try to sue his own country for $300 billion. Having lost his outrageous bid to sue Western Australia for $30 billion in the High Court, Clive Palmer is now sitting in The Hague claiming he is owed 10 times that amount. His claim of $300 billion is staggering, audacious and an outrage. To put that in perspective, that kind of money would propel Mr Palmer from one of Australia's richest people to one of the richest people in the world. The unusual thing about this legal action is that it hinges on the court accepting that Mr Palmer is a Singaporean businessman. Having failed to sue our state as an Australian, he is now trying to sue the country as a Singaporean. May I remind the house that this is the man who established the United Australia Party. A man who claims to love Australia is suing it for all its worth. These are the actions of a villain.

Members, let us go through the history, because it is important for Parliament to be well aware of the calibre of this man. This all stems from the Balmoral South project in the Pilbara that was approved with conditions some 13 years ago. Mr Palmer did not want to adhere to those conditions, so he decided not to proceed with the project. Instead, he tried to sue the government and make his money that way. We all remember when Clive Palmer tried to undermine WA's strong position during the pandemic and took us to the High Court to drag down our borders. He failed. I remember well, because I was the health minister at the time and everything was at stake—our health, our economy and our jobs. Who could forget that it was the Liberal Party that supported Mr Palmer's bid to open the border that protected our health and economy. Then he tried to sue Western Australians for around $30 billion—and lost. He took that case to the High Court and lost. Since 2020, Clive Palmer has brought 15 separate legal actions against the state. Now, acting as a Singaporean businessman, he is trying to sue Australia for $300 billion.

Western Australia standing up to Clive Palmer is the impetus for this week's legal action, and we will continue to support the federal government to stand up for all Australians in this latest case. As Clive Palmer himself has admitted under questioning, "I'm not used to being accountable to anybody." His legal attacks may never stop, but we will never give in to his demands. As Premier, I will always do what is right for WA, unlike those opposite, the Liberals and the Nationals, who were happy to side with Cliver Palmer in an act of political desperation. That is what the opposition is all about; it is inexperienced, chaotic and dysfunctional, and its members will say and do anything for some sort of political mileage. Western Australians will never forget.

Visitors — Attadale Primary School

The DEPUTY SPEAKER: Before I give the call to the Leader of the Liberal Party, I had a rehearsal a minute ago; I will try it again. On behalf of the member for Bicton, I would like to acknowledge teacher Asiri and year 6 students from Attadale Primary School in the gallery.

WOMEN'S AND BABIES' HOSPITAL — RELOCATION

625. Ms L. METTAM to the Premier:

Dr Tim Pavy, Dr Mary Sharp, Dr David Andrews, Dr Donald Payne, Dr Jane Valentine, Debbie Chiffings, Carrie Dunbar, Lauren Bell, Nicky van Someren, the Australian Medical Association —

Point of Order

Dr A.D. BUTI: I refer to standing order 77, which refers to long preambles —

Several members interjected.

The DEPUTY SPEAKER: Members! Points of order will be heard in silence, thank you.

Dr A.D. BUTI: — and extensive citation from other sources. I ask you, Deputy Speaker, to rule on this point of order.

The DEPUTY SPEAKER: The member had just about finished the introduction and was about to get to the question. If she could move on, that would be great. Carry on, member.

Questions without Notice Resumed

Ms L. METTAM: — the Child and Adolescent Health Service clinical staff association and the Australian Nursing Federation have all publicly supported locating the new women's and babies' hospital at the QEII precinct, not Murdoch. In light of his comments that those who oppose the move to Murdoch are opportunists who continue to peddle misinformation, can the Premier confirm that he has such disregard and contempt for our most senior and respected clinicians that he thinks they are opportunists peddling misinformation?

Mr R.H. COOK replied:

I thank the member for the question because it allows me to clarify who I was calling opportunists. I was not calling those senior clinicians in Western Australia opportunists and accusing them of peddling misinformation; I think I was accusing you of that, member for Vasse. I will be absolutely crystal clear as far as that is concerned. It is you who is peddling misinformation. It is you who is distorting the facts and it is you who is bringing mistruths into this place for the sake of your own political agenda.

Our agenda is about making sure that we have a world-class women's and babies' hospital in Western Australia as soon as possible to replace King Edward Memorial Hospital for Women, which is now more than 100 years old—let us just let that sink in for a moment—in a medical system that has to provide world-class health care. We all at one point in time had a vision of a women's and babies' hospital being developed at QEII; as the member knows, that was part of our original plan. But we had to make a decision with our heads, not our hearts, and that decision was that if we are to develop this hospital without significant interruption to the functioning of the hospitals on the QEII site, if we are to have this hospital any time soon, and if we are to provide world-class health care to people in Western Australia and women delivering their babies within the next decade, we need to develop this hospital at the Murdoch site. The arguments have been canvassed for many months and, of course, I commend the Minister for Health for articulating such an important case on behalf of the people of Western Australia that we need to look at developing the hospital at that site.

We are working with clinicians; we are consulting widely with clinicians at all levels of the hospital to make sure that we have in place the systems to ensure that any disadvantage from the further location will be overcome. We have to be wide-eyed here. We have to have our eyes open and make sure that we are making decisions in the interests of the state. Of course, many thousands of babies are born at Fiona Stanley Hospital each year so there will be people who will benefit from having the women's and babies' hospital at that site. It is also closer to Jandakot, so women who are delivering babies in regional Western Australia who need an emergency transfer will be closer to the health care they need. Of course, we have made several announcements—indeed, we made one this week—about the development and upgrade of maternity services at Osborne Park Hospital, including a women's and babies' unit and upgrades to the high-risk neonatal units at Perth Children's Hospital and other developments of our maternity services right across Western Australia. This is not just about the women's and babies' hospital being on that location; this is about making sure that women everywhere have access to world-class health care.

I reiterate that we, too, once upon a time, thought we should develop the hospital on the QEII site. That was part of the Reid review, which has been held as an article of truth for many years. But we have to face the facts and the facts are that if we develop this hospital in any sort of timeframe that is absolutely necessary and in a way that does not compromise patients, patient services, the ED and the operating theatres at QEII, we have to develop the hospital at the Murdoch site, and that is what we will do.

WOMEN'S AND BABIES' HOSPITAL — RELOCATION

626. Ms L. METTAM to the Premier:

I have a supplementary question. How many experts and clinicians need to speak out before the Premier will bother to listen to the health advice to avoid the unnecessary deaths of newborns?

Several members interjected.

The DEPUTY SPEAKER: Members!

Mr R.H. COOK replied:

I am absolutely appalled by the tone that the opposition has brought into this chamber; I am absolutely flabbergasted that it would seek to characterise this debate in this way. It does you no service, member for Vasse. We all know that governments set the agenda, but oppositions set the tone, and the tone that the opposition has set today has taken this place to a new low, and it does that courtesy of the member for Vasse, the Leader of the Liberal Party. I think it says more about members opposite than it does about the men and women of the Department of Health, the

senior clinicians, who have been working tirelessly with clinicians to make sure that we come up with a situation that is for the benefit of all Western Australians. I fully respect the perspectives, work and dedication of senior clinicians everywhere, but we have to listen to the advice—the medical advice, the engineering advice, Treasury advice and the sheer immovable logic of the construction advice, which is that if we are going to develop this hospital any time over the next 10 to 15 years, we have to do it at the Murdoch site. That way, we will not compromise health services at the QEII site, and we will not interrupt the incredible work that goes on Sir Charles Gairdner Hospital and Perth Children's Hospital by elongated, protracted, difficult and complex construction on the existing site.

I think the Department of Health and the Minister for Health are doing a great job making sure that we get this right. Thank goodness it is WA Labor in government and not the incompetence, negativity, disfunction and chaos we see on the other side of this chamber.

Visitors — Eden Hill Primary School

The DEPUTY SPEAKER: Before I give the call to the member for Belmont, on behalf of the member for Bassendean, I acknowledge and welcome the Eden Hill Primary School P&C to the gallery today. Thank you, and welcome to Parliament.

TRANSPORT INFRASTRUCTURE

627. Ms C.M. ROWE to the Minister for Transport:

I refer to the Cook Labor government's record investment in economy-driving, job-creating transport infrastructure.

(1) Can the minister outline to the house how our government is helping to put more freight on rail, including through the new Kenwick intermodal terminal and the agricultural supply chain improvement program?

(2) Can the minister advise the house whether she is aware of anyone who does not support this important investment?

Ms R. SAFFIOTI replied:

(1)–(2) I thank the member for that question. Supporting more freight on rail has been a key focus of this government, whether it is containers on rail leaving Fremantle port or in regional WA as we work with key users such as CBH Group to get more freight on rail. Of course, the record of the previous government—which would describe what would be possible in this state if the opposition were ever to be re-elected—shows the dysfunctional policies the opposition had in place when it was in government. It sold Westrail freight just a few months before a state election. At the time, the commitments were —

Mr R.S. Love: That wasn't the previous government. It was the previous, previous, previous government.

Ms R. SAFFIOTI: Previous—Liberal–National government.

Several members interjected.

Ms R. SAFFIOTI: The Liberal–National Parties; that is who they were, and that is who you are. They sold Westrail freight. At the time, this was promised: more employment in Westrail freight, and the previous government was going to look after the farmers of Western Australia. What happened? Not only did the former government sell Westrail freight; it then shut down the rail lines. That was definitely the members opposite. They shut —

Several members interjected.

The DEPUTY SPEAKER: Members! The minister is on her feet responding, thank you.

Ms R. SAFFIOTI: Unless I was living in a parallel universe, the Liberal–National government shut down the tier 3 rail lines. That is what it did. It shut down the rail lines out there that supported farmers moving freight on rail. That is what it did. Since coming to government, we have tried to unravel a lot of the work the previous government did on pushing freight onto roads. We have been pushing it back onto rail through a number of initiatives.

Mr R.S. Love: It's not working in the midwest, is it?

Several members interjected.

Ms R. SAFFIOTI: Why did you sell it and then close down rail lines? Why did you do it?

Mr R.S. Love interjected.

The DEPUTY SPEAKER: Order, Leader of the Opposition!

Ms R. SAFFIOTI: Of course they sold off the rail lines. That is what they did. As a result, we do not own the rail lines now, so it is not always that easy because we are dealing with the private owner that you sold the rail lines to. That is what we are doing.

Dr D.J. Honey: It's a lease.

Ms R. SAFFIOTI: So do they have control over the rail lines?

Dr D.J. Honey: They control access.

Ms R. SAFFIOTI: Do they control the easement? Do they control the entire corridor?

Several members interjected.

The DEPUTY SPEAKER: Members!

Ms R. SAFFIOTI: The economic geniuses on the other side—the ones who sold the rail lines—are now saying they somehow were not involved and that somehow they were not there when they shut down the tier 3 rail lines. That is their record. As I said, this is a demonstration of the Liberal and National Parties in government. They basically wrecked the joint. Not only did they wreck parts they do not represent; they wrecked their own backyard by selling the rail lines.

We have tried to reverse that trend, getting more freight onto rail, and it has been a success so far. Freight on rail from Fremantle port went down to 11 per cent when the opposition was in government—11 per cent! It is now 20 per cent, which is the highest percentage of any state. Our aspiration is to get to 30 per cent, which is why in recent weeks we opened the new Kenwick intermodal terminal, which will facilitate more and more containers on rail going to intermodals. We believe that through that initiative alone, we will get to 30 per cent freight on rail.

We are looking at the options at Greenbushes for reopening rail lines for freight movement. We are also looking at regional WA and working with CBH. We are improving rail sidings and investing in rail lines through the private owner—because that is what we have to do—to support more freight on rail around the state. That is what we are investing in: more freight on rail, economic growth, more efficiency for farmers, safer roads and less impact on roads. That is what we are doing around the state, and we will continue to do that.

Of course, it has been made challenging because of the privatisation and shutdown of rail. But as I said, when we look at our record on rail, whether it is what we have done in investing in public transport, what we have done for the affordability of public transport and rail or what we have done for moving more freight onto rail around the state, our record is so much stronger than the chaos and dysfunction that a Liberal–National government would bring to this state.

The DEPUTY SPEAKER: Before I give the call to the member for Roe, members, so far we have had two questions from each side and we are almost 30 minutes into question time. If we could keep the questions and responses a bit shorter, we might be able to get through a few more.

DEPARTMENT OF EDUCATION — MINISTERIAL CONTACT INSTRUCTION

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

I refer to correspondence from the Department of Education to state school leadership.

(1) Is the minister aware that an explicit instruction has been issued to state schools that only department-approved contacts are permitted to correspond with the minister's office?

(2) Is the minister concerned that this instruction implies a command-and-control culture in his department?

Dr A.D. BUTI replied:

(1)–(2) No.

DEPARTMENT OF EDUCATION — MINISTERIAL CONTACT INSTRUCTION

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

I have a supplementary question. Is it the case that our state school teachers are now being actively dissuaded from raising issues for fear of retribution?

Dr A.D. BUTI replied:

No.

ELECTRICITY CREDIT — COST-OF-LIVING RELIEF

630. Mr M.J. FOLKARD to the Minister for Energy:

I refer to the Cook Labor government's delivery of cost-of-living assistance to WA households.

(1) Can the minister update the house on the delivery of the most recent household electricity credit?

(2) Can the minister advise the house how this government's cost-of-living relief compares with that of the previous Liberal–National government?

Mr R.R. WHITBY replied:

Does this mean I have more time, because of the Minister for Education's answer?

(1)–(2) I thank the member for Burns Beach. I know his commitment to and passion for his electorate is almost surpassed by his passion for his facial hair, but not quite! This is an opportunity for me to talk about the substantial and effective cost-of-living relief the Cook Labor government has been able to deliver to the

people of Western Australia. More than $2 100 of electricity credits have been distributed to every single home in the state since 2020. These credits were made possible through years of responsible budget management. If you get the books right, you are able to offer relief when it is needed, which is what this government has done. More than one million households have benefited from the first household electricity credit across the state. The first series in the recent billing period totalled $350 off everyone's electricity bill, with $200 from the state government and $150 from the federal government, and a further $350 credit will appear on bills in December. This will be welcome relief at that time.

Alongside this, the state government has offered payments through the hardship utility grant scheme and provided ongoing personal support to help reduce bills through the household energy efficiency support scheme and the Energy Ahead program. The members for Mandurah, Dawesville and Murray–Wellington were involved in a forum the other day at which people could see how they could audit their home to cut their bills. That results in huge savings to them.

I could go on about all the other cost-of-living relief measures that this government is responsible for. It is hundreds and hundreds of millions of dollars of substantial cost-of-living relief for every Western Australian family. I am sure there are mums, dads and students here today who have benefited from the student assistance payments worth $75 million across the state. The two-zone fare cap, the free fare periods, the children's sport payments, the regional airfares and the petrol discounts are worth hundreds of millions of dollars. But I am looking at one substantial form of cost-of-living relief—the household energy credits. In the period 1 July 2023 to 30 September 2023, almost $159 million in relief was provided—$159 million. In the December 2023 to 12 March 2024 reporting period, that figure was over $159 million. Again, the recent billing cycle relief provided to more than one million families and households was worth $161 million in direct relief to Western Australian families. This is substantial and real cost-of-living assistance where it matters when it matters, and we are very proud of that.

What is the other team all about? What has it done? When it was in government, the Barnett government oversaw a 90 per cent increase in household prices between 2008 and 2017. The former government gave us a 90 per cent increase in power bills. That was the legacy of members opposite for household relief—a 90 per cent increase in power bills. The former government also wanted to flog off the utility companies. Can members imagine for a moment where we would be today with a privatised Synergy or Western Power? Can members imagine what the power prices might be for Western Australian families if members opposite had gotten their way? I am very grateful for the question because it gives me an opportunity to demonstrate that this government is committed to cost-of-living relief initiatives. The initiatives that we have rolled out are wideranging, substantial and bring hundreds and hundreds of millions of dollars of relief to all Western Australian families.

WOMEN'S AND BABIES' HOSPITAL

631. Ms L. METTAM to the Premier:

I refer to the Premier's comments regarding the new women's and babies' hospital—that is, the government wants to replace King Edward Memorial Hospital, which is over 100 years old, as soon as possible.

(1) If the Premier is so keen on building this hospital, why did the government not start in 2019 when BHP provided a $230 million settlement towards its construction?

(2) Does the Premier accept that had this project started in 2019, it would be almost completed, as highlighted by the 10-year build time in the government's own business case?

Mr R.H. COOK replied:

(1)–(2) I remember 2019 very well. It was when we were trying to get the new Perth Children's Hospital open. Unfortunately, that was not possible at the time because, of course, the other mob left it with lead in the water and we could not open it. We spent a lot of time just getting through that process. When we came to government in 2017, we worked through 2017 and 2018 to bed down the new children's hospital. It was still fresh on the campus and we were just trying to get a lot of the issues right, particularly after the project was so comprehensively stuffed up by you guys. I am reminded that the original vision for the women's and babies' hospital was that it was to be developed on the QEII site before the children's hospital, but the Liberal–National government decided to jump ahead and put the children's hospital there, replacing Princess Margaret Hospital, which was already past its use-by date, before building the women's and babies' hospital.

New governments never have a clean canvas. They have to fix the problems they are confronted with from members on the other side. As I said, they were monumental problems, but we opened that hospital. In 2019, as we consolidated the activities at Perth Children's Hospital, we bumped into 2020 and the rest, as they say, is history. Now that we have come out of the COVID period, we are getting on with the task of continuing to develop our hospital system to make sure that we continue to provide world-class health

care. We know that the women and babies in this state would benefit most from having a new women's and babies' hospital as soon as possible. The fact is that to develop and forge ahead with the QEII site would simply mean delays, complexities, disruptions and danger to the patients who are currently receiving services at Perth Children's Hospital and Sir Charles Gairdner Hospital. They are the facts that the opposition just does not like. Why does it not like them? It is because members opposite love to be negative and they want to oppose. They never come into this place with a solution. They just come in with their negativity and whingeing. We never quite know where they will go because when they bounce between the two, we can see the chaos and dysfunction that is the Liberal and National Party alliance. We will continue to forge ahead with the project at the Murdoch campus because we know that is the right thing, and we will always do what is right for WA.

WOMEN'S AND BABIES' HOSPITAL

632. Ms L. METTAM to the Premier:

I have a supplementary question.

The Premier has increased the asset investment plan each year to a record $10 billion since COVID. Why was this project not a priority and started earlier?

Mr R.H. COOK replied:

I want to thank the member opposite for acknowledging the extraordinary investment we have provided to our health services in Western Australia. We are very proud of the redevelopments that occurred at Kalgoorlie Health Campus and right across our hospital system, including Hedland Health Campus and Broome Hospital. One of the projects I am most proud of is the new hospital at Newman, which is, quite frankly, a stunning piece of country health infrastructure. The member opposite is right: we are investing record amounts in our hospital system, and we must do it in a balanced way. We know from looking at the former government that all it did was simply push ahead with the popular idea of developing the children's hospital at that site, despite the long-term blueprint to redevelop the women's and babies' hospital there —

Several members interjected.

Mr R.H. COOK: It is like having recalcitrant members of the public in the gallery. There is constant noise from those opposite. That is the negativity we have learnt to get used to from the opposition. It is negative and opposes everything that is proposed. Opposition members do not come into this place with solutions; they simply come in with negativity and, in doing so, demonstrate their chaotic and dysfunctional nature.

HOUSING — INDUSTRY SAFETY STANDARD

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

I refer to concerning revelations that despite having three years to prepare it, your minister has approved yet another delay in implementing a crucial safety standard for tradespeople in the housing industry, a delay that has been opposed by the Work Health and Safety Commission and criticised by unions for putting workers at greater risk. With three years to prepare it, how can the Premier justify his minister's failure to ensure that the industry was ready to roll out these vital safety improvements?

Mr R.H. COOK replied:

I do not know which minister the member is referring to or which measure or policy the member is referring to. All my ministers have a responsibility to act in the interests of the people of Western Australia. It is important that they all work with their stakeholders, particularly those ministers who have industry-facing portfolios, whether it is the Minister for Mines, who does a great job working with the mining industry to ensure that it continues to be the powerhouse of our economy, whether it is the Minister for Agriculture and Food, who has a widely dispersed and devolved industry base in the farming community of Western Australia—she works with them tirelessly all the time—or whether it is the Minister for Energy, who works with our private energy providers and our large government trading enterprises, they all do the best they can to make sure that they work in the interests of Western Australia.

That is the way we do it here. We work hard; we work together and we work in the interests of Western Australia.

HOUSING — INDUSTRY SAFETY STANDARD

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

I have a supplementary question. Why is it that your government as a whole seems more intent on protecting union bosses than workers in vital industries?

Mr R.H. COOK replied:

I would have hoped that the member with his supplementary question would have actually told me what the question was about. I simply reiterate —

Mr R.S. Love interjected.

Mr R.H. COOK: I know, but the member could at least have mentioned the name of the program so I know what the member is talking about.

Several members interjected.

Mr R.H. COOK: I literally do not know what the program is. The member did not mention it by name. I cannot infer from the question what the hell the member is talking about. I simply reiterate, and I will not take up any more of this precious question time, that my government works with industry, whether that is employers, or whether it is our investors or representatives of our workers. We will always do what is right for Western Australia.

PERTH CULTURAL CENTRE — INFRASTRUCTURE PROJECTS

635. Ms C.M. TONKIN to the Minister for Culture and the Arts:

I missed a call earlier because I was listening to the Premier's great answer about our investment in a wonderful healthcare system.

I refer to the Cook Labor government's commitment to investing in community job-creating infrastructure projects.

(1) Can the minister outline to the house how this government's $55 million development in the Perth cultural centre will create a more welcoming space for people visiting Perth's arts and culture precinct?

(2) Can the minister advise the house how this project will create new local jobs and provide opportunities for small businesses nearby?

Mr D.A. TEMPLEMAN replied:

(1)–(2) I thank the member for Churchlands. As the member is aware, the state government is transforming Perth and leading the way in the renewal of Perth. This project, which of course focuses on the Perth Cultural Centre Precinct, is one of our keynote development initiatives. As the member is aware, the Perth cultural centre comprises most of our key cultural institutions, being the State Library, Boola Bardip, the Perth Institute of Contemporary Arts, the Art Gallery of Western Australia and, of course, the State Theatre on Roe Street.

That area is becoming even more important for those who work in the city, live in the city and visit the city. We envisage, through this massive investment, ensuring that those people, whether they are residents who live in the city precinct or whether they work within those various areas of the precinct or indeed whether they are the many thousands of tourists and visitors to our state who come to that place, get an exceptional experience. That is why this $45 million investment, which includes a $10 million commitment by the federal government, is committed to transform it, to make the cultural institutions there have greater synergy, to make it safer and to make it a much more pleasant area to visit. The components in the announcement last week include a much more inviting landscape and more enhanced shade spaces and greenery. People like to go to cool, green spaces, particularly during the summer months. We wanted Perth to be far more accessible. There will be a new live video screen so we will be able to make that the centre of attention for lots of major events, particularly international events that are being showcased on a screen so that people can come together. We saw some of that in some of the activations that the Minister for Tourism was responsible for when we had some of our major events earlier this year and last year.

There will be opportunities for pop-up food and beverage outlets because we want to continue to generate that as a space where people can access food and beverage and enjoy the ambience of what has been created. We will also vastly improve the safety aspects of lighting. These are all the ingredients to make it a place that is attractive throughout the day and into the evening and will ensure that more and more people will have greater opportunity to access those cultural institutions that are located within the precinct. It also means that more people will be employed during the construction phase. That will ensure that jobs are created during the construction and rejuvenation phase. That extra stimulation that will be created for businesses in the surrounds will be enhanced as well. When kids are visiting in school groups during the day, we want to give them a safe and enjoyable ambient experience in which they can have their lunch in those new spaces while they are visiting the museum, the State Library or the Art Gallery of Western Australia. Or, for interstate visitors, it will be a place where they will gravitate to experience what the wonderful cultural institutions have to offer for the state.

The state government is, as I said, leading the renewal of Perth. We have a great program. We have renewal of work on the Perth Concert Hall, the ongoing development of the Aboriginal cultural centre, and we have seen the enhancement of His Majesty's Theatre that has brought the balconies back, which, again, brought new life into that magnificent heritage theatre. It is a great program going forward. I thank the Treasurer for the ongoing support in those endeavours. This is great money spent because it is about the future and it is about making sure that whenever you visit Perth—if you are visiting from Mandurah on your cheap two-zone capped fare, and we know Mandurah people were the highest attendees —

Ms R. Saffioti: That is what you can do when you retire.

Mr D.A. TEMPLEMAN: I can. I will be on the train, rolling along and checking out the work. But whatever happens and wherever people might come from, it will be a really great centre of attention. People will gravitate there. That will be great for the state and the economy, and it will enhance the status of our cultural institutions within that precinct. I thank the member for Churchlands for the question. It was a marvellous question.

HEALTH — REGIONS

636. Ms D.G. D'ANNA to the Minister for Health:

I refer to the Cook Labor government's commitment to providing high-quality health services to people living in regional Western Australia.

(1) Can the minister outline to the house how this government is supporting the training and upscaling of our health workforce, including through the new student midwifery program?

(2) Can the minister advise the house how this investment is delivering better health care for people in regional Western Australia?

Ms A. SANDERSON replied:

(1)–(2) I thank the member for Kimberley for her question and her tireless advocacy on behalf of the communities that she represents, particularly when it comes to the delivery of health care.

We know that the Labor government, since taking office in 2017, has worked consistently to increase our healthcare workforce. We have increased our nursing workforce by 4 400 FTE—that is nurses and midwives—and our clinical medical workforce by 1 600 FTE. That is a 30 per cent increase in our healthcare workforce, the most important part of our health system in Western Australia. We are listening to our workforce. We are delivering meaningful and real reform in how we deliver health care for Australians, but in particular Western Australians who live in regional WA.

Regional access to health care is always challenging. It is particularly challenging in a state the size of Western Australia, which is the biggest healthcare jurisdiction in the world. To assist with this, we have delivered permanency for our clinical staff to encourage them to stay in the system. We have delivered permanency across health care for our staff. We are delivering nurse-to-patient ratios and we are supporting, importantly, our nursing workforce and our clinical workforce to train in regional Western Australia. We know there are many regional Western Australians who want to work in their local regional hospital or healthcare system but have to come to Perth to do the training. It is disruptive, expensive and challenging. We have put in place a range of programs to support our regional healthcare workers to upskill and train in place while they are working in our regional systems. One of those is of course the rural psychiatry pathway, which will see us quadruple the number of psychiatrists working in regional hospitals and community systems in Western Australia. The feedback from that has been fantastic. Essentially, trainees used to come to Perth and work in Perth-based hospitals. They can now work in Bunbury and will be able to work in Geraldton when we open the new inpatient unit. They will be able to work across Broome and other regional centres that have mental health inpatient centres. It is important that we are also able to support midwifery and maternity care.

Of course, international recruitment will always form part of our delivery of healthcare services but the most important thing that we can do is upskill and train our community, and upskill our nursing staff who want to train in midwifery because they can do that whilst in place. I am pleased to update the house that the first cohort of our 15 nursing to midwifery conversion students have now completed their 18-month training, and a further 30 will qualify before the end of the year. That means 45 of our regional nurses will be competent in delivering babies in regional Western Australia. That is an increase of 45 midwives this year. This is a fantastic outcome and the feedback has been outstanding from the staff who have been able to do it and can continue to support their families. It is also important because families generally operate on two incomes. That means that people can continue to work as registered nurses and earn while they upskill and translate those skills to midwifery.

We are also delivering on important infrastructure redevelopments. The Premier mentioned Newman Health Service and, of course, we also have radiation oncology in Albany, the birthing suites at Broome Health Campus, a range of upgrades to regional healthcare facilities, 30 new beds in Bunbury, redevelopment at Bunbury Regional Hospital, and Geraldton is underway. We also have more paid paramedics in Geraldton, Bunbury, Busselton, Esperance, Margaret River, Harvey, Northam, Narrogin and Newman; these are newly created paid paramedic positions under this government. Finally, we have also boosted the midwifery group practice across the state to provide more access and a better model of care that midwives want to work in in regional Western Australia. That has been rolled out and is an outstanding success, particularly in Karratha. Finally, the most important cost-of-living measure for regional patients, which the Liberals and Nationals WA did nothing with for eight and a half years, is the increase to the fuel subsidy for the patient assisted travel scheme and the accommodation allowance.

GRIFFIN COAL

637. Dr D.J. HONEY to the Premier:

I refer to the $220 million that the state has paid to Griffin Coal to support its operation.

(1) What analysis was carried out by the government to support the amount paid to Griffin Coal?

(2) If any analysis was done, will the Premier release that analysis?

(3) Has any of the money paid to Griffin Coal been used to pay off its debt?

Mr R.H. COOK replied:

(1)–(3) I thank the member for the question. A lot of analysis has been undertaken for both the financial viability of Griffin Coal and also Bluewaters power station. To recap briefly, we have a situation in which Griffin Coal bought the coalmine with an existing contract with Bluewaters power station. The fact of the matter is that it cannot afford to provide that coal to Bluewaters power station at the contract price. Therefore, we have a situation whereby it potentially fails and lights go off. That is not a situation we want to see occur. The energy security of Western Australians is absolutely paramount. We want to keep the lights and the air conditioners on and we want to do so until such time that we can afford to do without the power that comes from that coal-fired power station.

We went into protracted negotiations with all parties and, quite simply, could not find a way through that allowed us to guarantee energy security for Western Australian households and industry. As a result, we struck the arrangements we have, which is that we will support Griffin Coal to the extent that it can continue to mine effectively to provide supply to Bluewaters power station. It is not a great situation. A number of financial parties are protecting their financial interests. Of course, as we know, companies do just that; they are there to protect their financial interests. We are there to protect the interests of Western Australian households and industry. As a result, we are now in the invidious position of having to support the contractual obligations and rights that exist in this relationship in order to ensure that Bluewaters power station can continue. Bluewaters believe it has certain step-in provisions in relation to that mine. It has been challenged in a legal sense by Griffin and Griffin subsequently has placed itself into receivership, so whatever step-in provisions that might be available to Bluewaters are now essentially suspended or not exercisable. As a result, we have a difficult situation. We do not like it. No-one likes it but it is something we have inherited and we are dealing with.

The unfortunate circumstance that further complicates this situation is that all these companies are working in commercial-in-confidence arrangements. Therefore, we cannot provide the usual level of transparency that members would anticipate in this situation. However, we are providing as much information to Parliament as possible, as those commercial-in-confidence arrangements allow. We will continue to do a range of things. We will make sure that Griffin can continue to mine the coal in a way that meets the needs of Bluewaters power station, so that Bluewaters power station can operate to meet the needs of its customers. Its customers include the Water Corporation, South32 and others. We will continue to work in this vein. We recently brought in changes to the state agreement that will see that state agreement concluded by 30 June 2026, I believe. At that point, we believe we will have enough renewable and stored battery energy in the system so that Bluewaters can do what it needs to do—whether that is find new contracts or, in fact, simply close down, as we anticipate for all our coal-fired power stations by 2030.

GRIFFIN COAL

638. Dr D.J. HONEY to the Premier:

I have a supplementary question. Why is it impossible to provide even the basic details of how $220 million of public money has been spent?

Mr R.H. COOK replied:

I think that is a very good question. Because the member is a former senior corporate officer at a multinational company, he will understand the importance of commercial-in-confidence because it is an important part of those companies remaining competitive. It is simply an unfortunate state of affairs that we confront this situation. That is why I come into this place on a regular basis to provide information and updates on the negotiations and financial arrangements we have in place. We have nothing to hide here. I fully appreciate and respect the question from the member. I think it is a very legitimate question. It is a frustrating situation but it is not a situation of our doing, or any government's doing. It is simply what we have been handed.

In the context of the energy security needs of Western Australia, we will always do what is right for WA. In this case, it is a matter of maintaining our energy security to ensure we protect the interests of Western Australian households and industry.

The DEPUTY SPEAKER: Members, that concludes question time.

PLANNING AND DEVELOPMENT AMENDMENT (METROPOLITAN REGION SCHEME) BILL 2024

Consideration in Detail

Resumed from an earlier stage of the sitting.

Schedule 1: *Metropolitan Region Scheme* Parts 1 to 13 —

Debate was interrupted after the schedule had been partly considered.

The DEPUTY SPEAKER: I wish to remind members that we are dealing with the Planning and Development Amendment (Metropolitan Region Scheme) Bill 2024, which has 21 clauses and one schedule.

We are currently dealing with schedule 1 of the bill. The schedule needs to be dealt with as a whole, even though we will be discussing different parts of it. The question before the house is that schedule 1 be agreed to. That will allow members to discuss any part of that schedule. We cannot deal with the clauses as individual questions; a schedule is a schedule, so that is one question. Minister, did that make sense?

Mr J.N. Carey: Yes, it did.

Ms L. Mettam: Mr Deputy Speaker, does that mean that we can deal with clause 1 within schedule 1 of the bill?

The DEPUTY SPEAKER: Yes. The member asked whether members could deal with a particular clause. Members can deal with any clause within schedule 1. At the end of the day, the question is one question.

Members, the question is that schedule 1 be agreed to.

Ms L. METTAM: I refer to clause 5 of schedule 1, "Purposes of Scheme", which I felt I skipped earlier.

There is a reference to the word "cultural" in one of the purposes of the scheme. That word is not contained in the Planning and Development Act 2005, nor is it in the aims of the greater Bunbury region scheme, which I understand the explanatory memorandum is based on. For the purposes of this schedule and the proposed bill, can the minister explain the meaning of the word "cultural"?

Mr J.N. CAREY: I sought to answer this question earlier. The word "cultural" does not relate to Aboriginal culture; it relates to built form culture. My apologies—I think I already said this, but just to clarify—the reference to the word "cultural" relates to heritage. Cultural heritage is modelled on and referenced in the Planning and Development (Local Planning Schemes) Regulations 2015. I can confirm that it does refer to built heritage. I am not having a go at the member, but those regulations were made by the previous government.

Ms L. METTAM: I am grateful for the minister's clarification. We heard that stakeholders had some concern, which is why I am seeking clarification, because it was not in the aims of the greater Bunbury region scheme, which the explanatory memorandum referred to.

Is there a breakdown of the key differences, if any, or what difference this will make with reference to the word "cultural" if there is any difference? Just to clarify, is the minister saying that "cultural" refers to "cultural heritage"?

Mr J.N. CAREY: Just to be clear, it was introduced to modernise the scheme and recognise the potential value of cultural heritage—for example, Fremantle Prison or other projects like that. Again, it does not deal with Aboriginal cultural heritage; that is a separate process. This is modelled on the existing regulations around built form heritage.

Ms L. METTAM: Was industry consulted on its inclusion?

Mr J.N. CAREY: I do not know anything about the individual conversations of stakeholders but it is an accepted practice and also it is modelled on local government planning regulations. It is not a new concept given that it is modelled on the Planning and Development (Local Planning Schemes) Regulations 2015.

Ms L. METTAM: I wish to confirm whether there is any material difference with the inclusion of "cultural" under "Purposes of scheme". As I stated, the reason we are raising it is that stakeholders have raised it with us in light of some issues. I appreciate that in the minister's earlier explanation, he was talking about "cultural" only being in built form. Can the minister provide further clarification on the key difference in clause 5 of the schedule and confirm that it relates only to historical and built form?

Mr J.N. CAREY: I meet with all industry groups regularly, and I have not heard any concerns from those stakeholders because, ultimately, it is based on the modelling of the 2015 regulations. If a civic precinct is being considered, within which is a heritage building, consideration would be given to it as part of a planning proposal. I suppose I am saying that it is not new; it is modelled on the 2015 regulations.

Ms L. METTAM: Clause 7, "Terms used", includes the term "heritage-protected place". How is "heritage" in this context different from "cultural" in clause 5 of the schedule?

Mr J.N. CAREY: Member, it is again set out in those regulations. In effect, it is a heritage site on the state register, in a heritage area or on another heritage inventory.

Ms L. METTAM: The schedule refers to metropolitan region scheme parts 1 to 13. I refer to division 1 on page 18 and the creation of specific heads of power for district plans. They will provide for the strategic coordination of land uses and infrastructure typically of broader state or regional interest. Can the minister provide some examples of how this has been used under the existing schemes that the MRS modernisation is based on?

Mr J.N. CAREY: Just to be clear, we will put in place provisions, as the member identified, for district structure plans at the MRS level, but they are generally provided for strategic coordinated developments—for example, east Wanneroo and Ellenbrook. In effect, they are very useful when there are multiple property owners and a range of infrastructure—not only roads, in particular, but also recreation, education and community infrastructure—that need to be coordinated. It also helps frame strategic decisions about land uses like water, sewer, power and road networks and so forth. They are particularly useful when there are multiple property owners and an overall strategic approach is needed to coordinate critical infrastructure.

Ms L. METTAM: I thank the minister for that clarification. An important issue that has been raised is that structure plans better utilise that information on power, through Western Power, and transport corridors as well through education. I appreciate what is in the bill and the proposed reforms, but to what extent will this legislation further support efforts to ensure there is a level of strategic planning that takes into account more than building houses and looks at the overall plan of a district?

Mr J.N. CAREY: As the member knows, district structure plans already exist. In the modernisation of the legislation, we are seeking to provide clarity around the process and its development, including mandating consultation. As the member knows, district structure plans already exist; this provision will provide greater clarity to all stakeholders about how they are progressed.

Ms L. METTAM: Clause 14 of schedule 1 deals with how the commission may prepare and resolve to approve district structure plans. Can the minister provide guidance on what is meant by broadest state or regional interest?

Mr J.N. CAREY: What is the member seeking to ask? It is clause 14(1) of schedule 1. My apologies; what was the member's question?

Ms L. Mettam: It was in relation to the "major strategic aspects of the coordination".

Mr J.N. CAREY: Is the member asking what "major strategic aspects of the coordination of future land uses" means?

Ms L. Mettam: Yes—and with respect to what is the broader state or regional interest.

Mr J.N. CAREY: District structure plans are important when, as I indicated earlier, there are multiple owners of properties in an area to be further developed. It is critical to give consideration to the potential reserving of land for particular purposes that are made strategic. For example, it could be for future regional road or public transport corridors, it could be for parks and recreation or it could be for a major new school. It is a broad circumspect of those critical projects, understanding that further planning will be done that may see changes to those reservations. That is what this is about.

Ms L. METTAM: Further to that, what defines the broader state or regional interest and how is it informed through planning?

Mr J.N. CAREY: "State or regional importance" is a concept that is reasonably well understood by planning practitioners. The phrase is used in other places throughout the Planning and Development Act and, according to my notes, it is found in sections 34, 171M, 171R and 246. When we refer to state or regional importance, as I have indicated, it is those high-level strategic matters as opposed to the fine details that characterise local planning. It can relate to the social, economic and environmental importance of development, including the nature, scale or geographic area of influence; the potential contribution to the delivery of physical community or other infrastructure or building sustainable communities; the potential contribution to the economic wellbeing of the state or region by facilitating local employment opportunities; the potential contribution to the strategic direction or outcomes identified in relevant state policies, plans and strategies, including industry development initiatives or subregional strategies; and the potential to make an important contribution to the state or region for the promotion of sustainable use and development of land in the general principle of state planning framework.

Hopefully that gives the member a clear sense of the definition. There is no prescribed definition for "state or regional importance" because we need to have some flexibility.

Ms L. METTAM: Clause 44(1) states —

> The Commission may consult on the proposed development of land with any public authority the Commission considers appropriate.

I imagine that the list of public authorities that this refers to is exhaustive.

Mr J.N. CAREY: Yes, member. This is a normal part of planning in which there is engagement and consultation with, for example, a local government or Main Roads Western Australia.

Ms L. METTAM: Clause 46 states —

> The Commission must not determine an application for development approval under this Scheme before —
>
> (a) the earlier of —
>
> (i) the expiry of the period referred to in clause 37(3) within which the local government may make recommendations about the application; or
>
> (ii) receiving recommendations from the local government under clause 37(3);

What sort of timeframe does the minister imagine will apply to this section?

Mr J.N. CAREY: Within 42 days of receiving the application or such longer period as the commission allows, the local government may make recommendations to the commission regarding the application.

Ms L. METTAM: Is 42 days a standard period of time? How has that been determined?

Mr J.N. CAREY: It is the current process and it is a standard timeframe.

Ms L. METTAM: Clause 47 refers to a 90-day and a 60-day period. Are they also standard within the planning and approval process?

Mr J.N. CAREY: Yes, the member is right. They are all current standard timeframes.

Schedule put and passed .

Title put and passed.

[Leave granted to proceed forthwith to third reading.]

Third Reading

MR J.N. CAREY (Perth — Minister for Planning) [3.27 pm]: I move —

> That the bill be now read a third time.

MS L. METTAM (Vasse — Leader of the Liberal Party) [3.27 pm]: As I stated, the alliance is not opposed to the Planning and Development Amendment (Metropolitan Region Scheme) Bill 2024. The metropolitan region scheme needs to be updated and this bill will deal with the necessary red tape and planning reform. Some concerns raised by industry stakeholders have been clarified through the consideration in detail process. Although I did not have the opportunity to attend the briefing on this bill, I know that our shadow spokesperson in the other place did, as did other members, and we thank the minister and his advisers for their support throughout the consideration in detail process.

I commend the bill to the house.

MR J.N. CAREY (Perth — Minister for Planning) [3.29 pm] — in reply: I want to thank the member for Vasse for her contribution. I appreciate that the Planning and Development Amendment (Metropolitan Region Scheme) Bill 2024 generally does not excite people. However, for anyone who is a practitioner in local government or the planning system, it has generated a high level of excitement, which I know is unusual to say because often when people hear the word "planning", their eyes glaze over. Also, respectfully, I appreciate that planning can be deeply complex, and that is part of the challenge in explaining the planning system and engaging local communities. It is a complex system. Often it can be challenging to explain reform and for people to understand and navigate it. This really is significant reform and, as I said in my second reading speech, this is a 60-year first. This is the first time that the text of the metropolitan region scheme has undergone a significant makeover. It really will modernise and update the text and, as I have said, it is modelled on the provisions of the Peel and greater Bunbury region schemes.

The member for Vasse asked about modelling and what this bill means. It will facilitate the cutting of red tape and critically it will mean reducing the administrative burden on both the applicant and local government. It is estimated that under the new MRS text, around 80 per cent of development applications will no longer require dual reforms. When a development application is still required, only one form will be submitted, and that will reduce unnecessary paperwork for Western Australians and local governments. As I have said, the planning system can be very confusing and frightening, but it should not be. There is extra paperwork for a deck patio, single home, patio or whatever, but through this new MRS text, we will reduce the burden, which is important particularly for small and medium builders because often they have to deal with this type of paperwork. It is the small and medium builders that help mums and dads with an application, because they would not necessarily engage a planning consultant. When people want to build a deck or a patio or undertake a small home extension, they do not necessarily engage with the planning consultants who are engaged with higher cost developments. Whenever we can reduce the burden, the paperwork and the confusion, that is a good thing.

This bill will align the MRS with other contemporary planning documents. As we talked about, and as the member for Vasse asked about, the bill clarifies the role of the Western Australian Planning Commission in preparing,

coordinating and considering regional level plans. The WAPC plays a critical role, and one way it does that is through the MRS. I deeply respect the integrity of the WAPC. Our previous reforms strengthened the WAPC. Our reforms in tranche 2 have made the process stronger and consolidated the composition of the WAPC.

Even today, just as an example—this relates directly to the bill—I was questioned by a journalist about my role in a planning matter. I had to explain to them that unlike what happens in other states, the role of the planning minister is less powerful; I should frame that better. The planning minister has less involvement in planning and decision-making. I believe that is the right approach. We acknowledge and respect the importance of the WA Planning Commission, which has the expertise and capacity to consider significant projects and structure plans, which is really important. It is best placed to do that and to consider strategic planning and strategic planning decisions. I want to reinforce that and put it on the public record, because in politics it is easy to say things about the WAPC, but that is fundamentally more about not understanding the planning process. We should respect the independence and integrity of the WA Planning Commission. This bill acknowledges that by providing clarity around district structure plans, special control areas and other head of powers in the MRS for the WAPC. All these reforms are about—it is a critical issue—enhancing the ability for the coordination of land use and infrastructure planning at a district or regional level. As I said during debate, when multiple property owners are involved, we need the potential for district structure plans and infrastructure plan areas. These reforms will help to provide clarity in the process and provide the heads of power. They are fundamentally important for the broader strategic vision of unlocking land for housing in Western Australia.

Members should not underestimate this reform bill, and they should not see it in isolation. This bill follows from tranches 2 and 1. All our reforms are about trying to streamline inefficient processes and enabling us to get land and housing out the door. What is this bill ultimately about? What is our planning reform about? Ultimately, this bill is about boosting housing supply. We recognise that there are challenges in the market and that an inefficient planning system creates more costs, which can make or break a land development project, a housing project or a density project, which is particularly important in this post-COVID world. The reforms in this bill are in full step with national cabinet's agenda for planning reform. Western Australia is not alone; every state in the country is working on planning reform in recognition that we cannot draw a line in the sand and say that the current system is working.

We always have to look at opportunities to reduce red tape. I really believe that these reforms will increase the transparency and ease the understanding and use of the MRS. It will enhance the ability for the state to coordinate land use at a district or regional level, provide more streamlined development assessment processes and, ultimately, reduce red tape. I understand that some people are dismissive about abolishing dual forms. Today we heard that of the 16 000 development applications across Western Australia, an estimated 80 per cent will no longer require dual forms under the MRS text provision. I genuinely think that although mums and dads may not realise it, because less paperwork has gone, this will actually help mum-and-dad owners, households and, importantly, small-to-medium builders that are not engaging planning consultants and are trying to navigate the planning system.

I look forward to the passage of this bill. It reflects the government's reform agenda and is a demonstration that this state government really is looking at every potential mechanism to reduce the burden and open up further housing supply.

Question put and passed.

Bill read a third time and transmitted to the Council.

RETIREMENT VILLAGES AMENDMENT BILL 2024

Second Reading

Resumed from 14 August.

MR R.S. LOVE (Moore — Leader of the Opposition) [3.40 pm]: I rise as the somewhat newly appointed shadow Minister for Commerce to act as the opposition lead speaker on the Retirement Villages Amendment Bill 2024. In doing so, I acknowledge that retirement villages play a crucial role in the lives of many Western Australians, so this bill will be very important to many retirees and families as they navigate their way through that industry. We know that there are many different stories as people go through that journey.

Everyone in Western Australia deserves to know that they can live with dignity and security in their later years, and I believe this bill will take some important steps towards improving transparency and protections for residents of retirement villages. The Nationals WA are supportive of this bill; the Liberal Party has some issues that it would like to tease out in the other place, and Hon Neil Thomson will talk through those, but we will not oppose this bill, so it will pass through the Parliament if the government makes sure that it gets into the process in the Legislative Council within an appropriate time.

This bill has been a very long time coming and a long time in the making, but it is generally supported by many of the groups and individuals that we have spoken to. Some people have struggled with some of the situations that the provisions of this bill will seek to remedy. I remember the particular circumstances of family friends who were

in a retirement centre that was a little different from many because each of the units had a strata title; that is reflected in some of the provisions within this legislation. In that situation, there was a change of ownership of the strata; there was a person who owned a number of the units and sought to own more of them over time. Through the strata they had control over the residents' common facilities. They applied many tactics and put pressure on residents to basically set up scenarios in which residents were more or less being forced to sell only to that particular person at a rate that sometimes was not reflective of the price they perhaps could have got elsewhere. I have seen how that issue can manifest itself when an unscrupulous operator in the for-profit sector wants to exploit that situation. Fortunately, I do not believe that that is the situation with many operators. There are many not-for-profit operators and other very competent operators in the sector who are genuine and just want to provide a decent service for a decent return, but are not trying to actually exploit people in the way that happened to those particular friends. People have also come to speak to me about their concerns around some of their difficulties in negotiating their way through very large contracts, and I will talk about those in a moment.

We know that the government has been developing this legislation since 2019, as part of the second stage of a review of the reforms identified in the statutory review completed by the previous Liberal–National government in 2010. A significant number of reforms were identified in that review and the bulk of them were implemented in the amendments made to the Retirement Villages Act through the Retirement Villages Amendment Bill 2012. The current bill is by no means exhaustive, and I expect we will see, hopefully, further changes in the not-too-distant future.

Some welcome requirements in the legislation include increased transparency for prospective residents, community arrangement statements and prospective resident information statements. The bill will introduce the new requirement for community arrangement statements, which will mandate that operators provide detailed information about the services, amenities and residential premises available to residents. The statement must be kept up to date and be made available to the public, either on the operator's website or, if no website exists, in a prescribed manner. The community arrangement statement is an important development because it will ensure greater transparency regarding what residents can expect from their retirement village. It will be a tool to help current and prospective residents to understand a community's offerings, from facilities such as dining halls, recreation centres and medical services, to how these services will be funded and maintained over time.

Another key measure will be the introduction of a prospective resident information statement. These statements will aim to provide a clear, summarised breakdown of entry costs, including any ingoing contributions—previously known as premiums; ongoing living costs; and potential exit costs, known as exit entitlements. The introduction of this statement will address many stakeholders' longstanding concerns that the true financial commitment of entering a retirement village can often be hidden behind complex and opaque contracts. I do not know whether my colleague the member for Roe will be contributing to debate on this bill, but he has shown me information about the amount of money some of his constituents or relatives have received back after selling their entitlement after leaving a retirement village, and it was very small in comparison with the price they sold it for. These statements will need to be provided within seven days of request and it will be expected that prospective residents and their families will have a clear understanding of their financial obligations before signing a residents' contract, thereby avoiding further surprises and disputes.

I ask the minister representing the Minister for Commerce whether the government could consider including in the regulations some sort of document through which operators can provide a simplified, one-page summary of key financial commitments, responsibilities and timelines et cetera as part of the prospective residents information statement. Such a summary could be in very plain language and highlight critical aspects of the contract, such as entry fees, ongoing charges and exit fees—the critical components of a substantial financial decision.

Over the years, residents in some retirement villages have seen contracts evolve in complexity, making it harder for residents—especially vulnerable seniors—to fully comprehend their financial and legal commitments. As the industry has matured, contracts have ballooned in size, sometimes exceeding 100 pages, and covering an increasingly complicated array of fees, charges and conditions. I understand that some are actually more than 200 pages in length. The increasing complexity in contracts has led to confusion and disputes between residents and operators, with some seniors feeling that they have been blindsided by unexpected charges. The introduction of the prospective resident information statement aims to reduce the information asymmetry by simplifying the presentation of key financial obligations. Under proposed section 13A, the bill will introduce a new mechanism so that residents' contracts will be enforceable against any current or future operator of the retirement village. That is crucial because the ownership of retirement villages can change over time. Residents need an assurance that the obligations outlined in their original contract will be honoured regardless of who operates the village. This will help reduce the risk of residents being caught up in legal battles or losing benefits due to a change in ownership.

Another area in which the bill makes progress but falls short of completely fixing it is the situation of exit entitlements and buybacks. The bill will require operators to pay exit entitlements within a defined timeframe, which is 12 months after the resident vacates the premises. Currently, it is possible for vulnerable residents and families to be left without those funds for extended periods, potentially affecting their transition into aged care or from making other necessary arrangements. The grace period in this bill for this provision to take effect is 12 months, which means that residents

today may have to wait up to 24 months for their exit entitlements to be paid out. However, that is a transition period and the exit payment period will become 12 months in the future. The Treasury modelling that was undertaken informed the 12-month transition timeframe to allow operators to adjust the cashflow changes. The Treasury modelling has determined that that timeframe is appropriate. The payment of exit entitlements is an issue of fairness and financial security for residents who, after usually years of contributing to those communities, deserve timely access to their exit entitlements. Delays can create unnecessary financial hardship.

One of the interesting areas is the reinstatement and renovation costs incurred in the turnover of the premises. I turn to the provisions relating to the reinstatement and renovation of residential premises. We have heard that this has caused some significant concern, conflict and distress. I am pleased that some provision has been made in the bill to help clarify these potential costs. We have heard of residents being subjected to operators charging for the complete renovation of residences. The bill will allow for any capital gain in the difference between the ingoing payment, previously known as a premium, of the exiting resident and the ingoing payment of the next resident so that the cost to the exiting resident is also realised by any capital gain to the resident. I hope that the minister can talk to this important provision. We will talk about that when we discuss part 3 under division 1 and the minister can confirm my understanding of that provision in his response. However, the bill will permit operators to demand payments from vacating residents to restore their units to a particular condition. Although that may seem reasonable in some circumstances, there is a need for sufficient protections for residents who may be forced to bear the costs of reinstatement, particularly when those costs are left open to interpretation by the operator. However, it is reasonable to expect coverage for fair wear and tear. That is another area we will discuss. There could be room for further improvement; perhaps that will come out in the discussion in consideration in detail stage. Clearer limits on what constitutes reasonable wear and tear should be included to protect residents above and beyond that level of restoration in term of reinstatement fees.

It is crucial that operators are transparent about their long-term financial strategies for maintaining villages and be required to demonstrate adequate financial capacity to meet those obligations without burdening the residents further. Consultations have shown that residents often express concern about the maintenance of their village infrastructure and the facilities in the village. In some cases, residents feel that their fees are not being adequately reinvested into maintaining or upgrading the village. This includes concerns they might have over common areas and safety facilities. They look around and see outdated and deteriorating facilities, yet they continue to pay the fees and wonder where their fees are going.

The bill provides for the creation of a resident committee, but it is not clear how that process will be managed. Many residents feel they have little say in important decisions that are made around their lives and their finances. For example, changes to services and increases in fees are sometimes implemented without much in the way of consultation or explanation. This lack of resident engagement in decision-making is a common source of frustration. The need for resident committees and consultation mechanisms have been highlighted by advocacy groups to ensure that residents' voices are heard. Some residents are also concerned about how operators manage village finances, especially the shared funds for the maintenance and capital works of the village. There are concerns that operators are not transparent enough about how the residents' money is being spent or whether reserves for future maintenance are being adequately built up. Operators will be required to consult with residents regarding the annual budget. This will allow residents to have a say in how their fees are being used and ensure that the burden aligns with their needs and expectations. The consultation must be meaningful, giving residents the opportunity to raise concerns and ask questions.

Operators will also be asked to provide regular financial statements to residents, ensuring transparency about how funds, including capital maintenance and replacement funds, are being managed. These statements will give residents insight into whether the funds they are contributing are being used efficiently and responsibly and are managed well when they are kept. Capital replacement costs can become contentious, especially when residents are expected to contribute towards major renovations or infrastructure replacement even when they will not directly benefit from them. As we go through, can the minister confirm whether it is the government's intention that the individual contracts that exist now will remain? I know there are some changes to that in the bill, but it would be interesting to know how they will affect the current contracts.

A provision in the bill extends to some fixtures and fittings for the personal use of residents. It is understood that these fixtures may extend to ovens, garage doors, air conditioners and the like, which are considered capital items in the bill. Proposed section 41D provides for a confusing prohibition on operators demanding capital replacement costs, implying that it should not be the burden of residents, yet it also provides that that cost can be borne by the residents if it is written into a contract. Getting back to that broad-facing provision of the contract, does it mean that these provisions for residents to bear the cost of replacing fixtures and fittings on exit can be included in individual contracts? At the moment, it is not clear what the bill is setting out to achieve in this regard, but perhaps we will be able to tease that out in consideration in detail and get a better understanding of it.

In conclusion, I will wind up by saying that I think this bill will provide certainty and protection for vulnerable consumers—the customers and residents in retirement villages. Hopefully, we will all get there at some stage. It

is in the interests of everybody in this place to ensure that the system is fit for purpose and does the very best for our vulnerable residents. I think the member for Roe might talk on this matter a little bit after private members' business, which I know is about to occur. Once again, we look forward to the discussion on the bill.

I have laid out the position that we hold on the bill and the fact that we genuinely want to see a good result for the customers, residents and operators of retirement villages because, without them, we will not have a place for our elderly citizens to go in their later years to find a place of security and comfort. One of the valuable things that the retirement village system does is provide a social setting for our elderly. We often hear of ageing in place and trying to keep people in their homes as long as possible. That is good if they are part of a supportive community, but if they are isolated in some suburban house with little family or social contact, it could be problematic.

Debate interrupted, pursuant to standing orders.

[Continued on page 4746.]

COOK GOVERNMENT — TRANSPARENCY

Motion

MR R.S. LOVE (Moore — Leader of the Opposition) [4.00 pm]: I will move the motion standing in my name on the notice paper, but I will read it out because it is a lovely motion. I move —

> That this house calls upon the Cook Labor government to review its processes of delivering a rolled-gold standard of transparency, as promised to Western Australians, and notes its abject failure to deliver anything close to that.

In 2018, former Premier Mark McGowan promised Western Australians a Labor government that would deliver a rolled-gold standard of transparency. That promise is as empty as the Labor back bench during this discussion and, I have to say, through most of the week. It is interesting that a number of parliamentarians are present in the building, yet consistently over the last two days there has been an absence of Labor government members in this house. I understand we are to move on to residential tenancies after private members' business. It would be sad if we called a quorum and nobody came in, and we had to shut down the house. Perhaps the Whip could rally the troops and get some in, so we will not have to go through that process. As I said, we have a very empty Labor back bench at the moment. A few members are leaving; they will be out the door. I think it is up to 10 now who are leaving and will not be back in the next session of Parliament. We will see how many of the remaining Labor MPs come back.

The government has often dodged transparency measures. We have seen that time and again in this place. Government members have addressed that matter by denial, or by belligerence when they are talking about members of the opposition, and sometimes they are talking about parliamentary officers and the like. They seem to hold a rather contemptuous view of anybody who seeks to criticise them or the way they go about their issues. In Parliament, one of the key transparency measures that exists is the Office of the Auditor General. Time and again, there have been plenty of alarming headlines around the reports that the Auditor General has brought down. I will read some: "Auditor-General Caroline Spencer calls for 'improved transparency' on major WA projects like Metronet", "McGowan Government slammed in Auditor General report over $600m in project cost blowouts" and "'Very unusual' Auditor General says that access to Griffin Coal insolvency legal costs withheld by Government". Again today, the member for Cottesloe asked questions about $220 million of taxpayers' funding and we were told it is commercial-in-confidence. Is it commercial-in-confidence for a business that is broke—in receivership? Its existence is only being propped up by that $220 million. It would be good to know what we are getting for it. Moving on, there is also: "WA Auditor General sports spending inquiry raises pork barrelling questions" and "Premier Roger Cook doubles down in defence against Auditor General's report on COVID advertising campaigns". I have that report here and I will read some extracts from it. Finally, "Auditor-general warns WA government over risk of money laundering and terrorism financing."

Part of this government's attempts to downplay the seriousness of some of its failings over those anti–money laundering and counterterrorism financing requirements, as highlighted by the discussions around the Perth Mint and its dismissal of serious failings as a certain type of "storm in a teacup" is the type of rolled-gold transparency we are not getting. It is not rolled gold transparency, but some other sort of substance transparency we are getting from this government. That is reflected in the remarkable situation in which we spent half a billion dollars buying rapid antigen tests, which I think have mainly ended up in the rubbish tip. Some of them were stored until only quite recently, but it was still costing us money to store them. They must all be expired now. I am sure many MPs had them in their offices. Now, if you squeeze the little tube, there is nothing in it anymore. It has disappeared, just like that half a billion dollars. The testing substance has also disappeared somewhere. It has floated off into the atmosphere like that half a billion dollars—just gone.

In opposition, we frequently put in freedom of information requests. Many of them are outstanding, have been refused or returned in much longer than the prescribed period. The Information Commissioner Bill is going through the upper house at the moment. We have not heard any real assurances that any extra resources will be given to the soon-to-be Deputy Information Commissioner in the pursuit of those freedom of information inquiries. We

are acutely aware that that office is seriously under-resourced, as evidenced by the time it takes to handle any requests for review and the fact that so many reviews are sitting there unattended. There is no shame in that on the Information Commissioner. It is all down to the lack of resources that this government is applying to that very important office, which is crucial to ensuring government transparency.

Even in this place, bills are rushed through. The opposition is given very little time to consider them. We are often not given briefings until the last minute before a bill is debated. Going back to the mother of all these situations, we can look at the Aboriginal cultural heritage legislation. It was a massive bill, which we were given access to about 24 hours—no, not even that—before it was rammed through this house. People were trying to get their heads around the new system, which nobody in the community could understand even years later. However, members of the opposition were supposed to somehow intelligently debate a massive piece of legislation with a completely new system on a very important matter with no regard for the processes of Parliament. There was no real reason for that to have been the case. It would not have mattered if it was another week, fortnight or month. There are reasons that legislation sits in this house for three weeks or so; it is so opposition members can understand it and consult with key interest groups about it. When those matters start to be pushed along in the way this government has done, transparency and good governance fall away.

I spoke before about a press report titled, "Premier Roger Cook doubles down in defence against Auditor General's report on COVID advertising campaigns". Some of the highlights were that —

> Premier Roger Cook has dismissed criticism from the State's Auditor General following a report into a number of taxpayer-funded advertising campaigns which ran throughout the COVID-19 pandemic, including one which polled voters on their political views.
>
> Caroline Spencer's report was tabled in Parliament earlier this week and made five recommendations to improve governance with the State's advertising, to ensure campaigns remained apolitical and represented value for taxpayers.
>
> The reports said that, while the State had largely followed the rules, there were examples of non-compliance demonstrating how advertising crossed the line from "appropriately focusing on public information", to being "politically advantageous" to the government of the day.
>
> He claimed some of the Auditor General's findings were "inaccurate". "I respectfully disagree with the findings," Mr Cook said on Friday … While Mr Cook defended the decision to use taxpayer funds for the polling, which included questions about whether AFL teams should be allowed through the State's hard border, Ms Spencer's report wrote poor procurement practices had also occurred.
>
> She said, in one COVID-19 ad campaign, costs increased by 600 per cent from what was quoted, adding the advertising agency was awarded the work without competition.

Labor while in opposition criticised government spending on advertising. We remember that. I remember it complaining about the Bigger Picture program and other things that occurred. It has certainly come back with a vengeance and spent money with gay abandon to support itself in its pursuit of re-election. Back in 2018, Minister Sue Ellery claimed the $25 million that was spent in 2016–17 had fallen just over $16 million in the first 11 months of 2017–18. Annual reports show the advertising spend by the Premier's own department soared in the lead up to COVID, increased even more through COVID and decreased only slightly after the state moved on from border restrictions and mandatory vaccination. Labor's circular to cut spending put out to the community and to its departments was removed from the government's website in November 2021: "No need to worry about it; just keep going." Department of the Premier and Cabinet figures also showed advertising spending from the office of the Premier also shot up in those years.

It is staggering to think what the government might be looking to spend in the next period because, as we know, we are coming up to an election. If one looks at government advertising at the moment for things like the Metronet program, also known as the "Metrodebt" program, the electricity credits and zoo tickets et cetera, it can be seen to go on and on. We will see that rolling further and further out in the future as we come towards the election as the government tries to promote itself to ensure, using its departments, that it get its message out there in the community. I do not think there is any doubt that the Labor government, in using Metronet, is basically using what was a political slogan for it in elections past. In effect, it is advertising the Labor Party. There will yet again be a Metronet train at the Perth Royal Show from which people will pick up all the little free giveaways and all the rest —

Mr P.J. Rundle: Using taxpayers' money.

Mr R.S. LOVE: It is using taxpayers' money to basically promote the Labor government. The Auditor General looked at this when she did that —

Several members interjected.

Mr R.S. LOVE: You will have your chance!

Several members interjected.

Point of Order

Mr R.S. LOVE: Can I call a point of order while I am standing on my feet or do I have to sit down to do it?

The ACTING SPEAKER (Mr P. Lilburne): Member, please continue putting your discussion points through me. It is not very serious: there was a bit of to-and-fro, and it was good-humoured. If the member would like to have no interjections, please let me know. The member certainly invited it himself. If the member would like that arrangement, I can arrange that for the member. I just ask all members to await their turn. Please continue, Leader of the Opposition.

Debate Resumed

Mr R.S. LOVE: There are four other Labor members here, so I think they would rather hear me talk than hear the minister shouting from over there. I would rather they be a little quieter while I continue my contribution.

The Auditor General's report overview states, as I said, some of her concerns about the way the government spent money during the COVID period. That was during the period leading up to elections as well. I read directly from the report —

> There were, however, examples of non-compliance that demonstrate how campaign advertising can cross the line from appropriately focusing on public information into areas that are politically advantageous to the government of the day. Two notable instances included the use of sentiment polling in COVID-19 campaigns and a separate campaign targeting the Australian Government's decisions on submarine full cycle docking.
>
> Despite my Office finding 10 years ago that the total cost of government campaign advertising is not known, there has been no improvement in this area. This limits transparency and makes it harder for Parliament and the public to judge whether advertising campaigns represent value for money.
>
> I note that the Department of the Premier and Cabinet (DPC) disagrees with some of the findings in this report, mainly in relation to the extent of the exemption to normal processes provided during the state of emergency to help DPC deliver campaigns in a timely way. In my view, the exemption applied only to the processes that affected the speed of campaigns, rather than the pandemic being an excuse to suspend all the principles, even those such as being apolitical which do not affect timeliness. This kind of disagreement is unusual and unfortunate, and I note that DPC in their formal response stated that despite the exemption they sought to adhere to the guidelines.

Some very serious concerns were laid out by the Auditor General about the COVID period. As I said, the result from the Premier was to come out and basically deny that there was any issue. In some way, I think he tried to downplay the Office of the Auditor General. We have seen that with other government ministers. When the Inspector of Custodial Services criticises the Minister for Corrective Services or the administration of the department for which he is responsible, we then hear, "Oh, well. I don't listen to what he says. He's a nice fellow, but he doesn't know everything." The minister downplays what he hears from the person involved. This is very worrying. If we hear from offices of the Parliament, the Inspector of Custodial Services et cetera, they should be listened to, not ignored, downplayed and spoken about patronisingly. We have a very fine Auditor General. We should listen to what those reports tell us about transparency.

Time and again, we know that we are not getting that transparency. It is becoming increasingly difficult for the Auditor General to get access to information to properly judge whether decisions have been made in an appropriate way. There seems to be a view of not trusting that agency and its confidentiality. Ironically, the Privacy and Responsible Information Sharing Bill that is going through the upper house at the moment contains provisions that I think are of great concern to the Auditor General in that they restrict what that office can report on. She made that quite clear, yet we see that she is not being listened to. When the information bill came in, we accepted on face value that there seemed to be good improvement in some ways in ensuring greater access to information. The sting in the tail was that after that bill passes, many situations I am talking about at the moment relating to access to information would be affected. The bill will restrict what the Auditor General can report on. Far from being a measure of greater transparency, the legislation has within it some very worrying aspects that have been well highlighted by the Auditor General. Nobody from the government is willing to accept that there is any validity to what the Auditor General has said, and, in doing so, the government dismisses those concerns. I do not understand what the government thinks it is trying to achieve by doing that. It is setting up a system that will also apply when it is not in government. The system is there for everybody—for all time going forward until another act of Parliament is passed and the system is changed again. We want to make sure that it is right so that those on the government side can be confident that when this side is in government—that will happen—decisions are properly examined and not shrouded in secrecy, which is occurring within government at the moment.

We know that the government made a promise in 2018 that it would provide gold-standard transparency, but time and again, this government has failed to provide anything like that. Another example of that lack of transparency was seen quite recently in a quite impassioned situation involving the member for Kalamunda, who heads the Joint

Standing Committee on the Corruption and Crime Commission. A report of that committee was tabled in Parliament not that long ago. Again, the Premier refused to accept that there was any reason for concern. We have seen successive reports from the Auditor General. We also have the report of the parliamentary committee headed by a Labor MP. There are two Labor MPs on that committee. Presumably, everybody on that committee was behind that report. No dissenting report was tabled. We assume that all four members—members from the Labor Party, the Liberal Party and the Nationals WA—concurred with that report. That report is titled *A lower standard*, which is not great for a government that claims to have a rolled-gold standard of transparency. The report was harshly critical of what the committee thought was vital information on the appointment process of the CCC. As we know from the report, there had been no change in the way information should be provided to the committee relating to the appointment of an important officer to the Crime and Corruption Commission. That information related to the new deputy's position, but the positions of commissioner, deputy commissioner and parliamentary inspector are filled the same way, although I could be wrong about that. There should certainly be no change to the way information is provided to members of that committee.

Again, one has to wonder why there was a concern. The committee has strong processes in place to ensure that information is held confidentially. Many things come across the committee's desk that are very sensitive and not leaked and put out to the public. I believe it is inappropriate to claim that there should be no trust in the processes of the committee. That was part of the reason given by the Premier when denying that information to the committee. We discussed that in Parliament and the government refused to accept that it had trampled on the committee process in a way that was unnecessary. It spoke of a government that has become used to not displaying true transparency. It does not like to have anyone else in on its decision-making.

I turn to another Auditor General's report—*Opinions on ministerial notifications*, which revealed that the Attorney General refused to provide key information for the Auditor General to make a necessary decision on whether the decision of the Attorney General not to provide information in answer to questions asked in Parliament was appropriate. The Attorney General had no ability to make that decision because he refused to provide the information requested by the Auditor General, which was backed up in this place by the Attorney General and the Premier. It is not as though they are minor players in the government. I am talking about the government's chief law officer and the chief minister, if you like, of the government, who backed up decisions to withhold information from the Auditor General that the Auditor General deemed critical in order to form an opinion on an important matter. That is a very worrying situation and just goes to show that whether it is the former Premier or the current Premier, transparency is not front of mind of the Labor government in Western Australia. The Western Australian people deserve better than that; they deserve a government that respects parliamentary processes and that wants to ensure it is doing all it can to be accountable and assure people that it has nothing to hide. It is fair enough for the government to keep some matters away from the public. We do not doubt that. The idea that pretty well everything the government does should somehow be protected from exposure has more to do with political expediency or perhaps not wanting to be held to account for the reasons behind decisions rather than any damage that release of the information may cause.

This issue also speaks to the enormous amount of money the government devotes to event promotion. I have nothing against people trying to enliven the social scene in Western Australia but there has to be a limit to how much money a government can spend without accounting for the value of that spend, even if it de-identified it, to give us some understanding of what is going on. We do not know how much it costs to hold some of these events in Western Australia and there is just no reason for that to occur.

I spoke earlier about freedom of information. The government is not putting in the necessary resources for FOI requests. I recently requested tracking, and learned that 28 requests were submitted back to my office late, with an average delay of over 78 days. That hinders the ability of the opposition to receive information. We are often told that there is limited scope. Is it limited because the information cannot be found or because it is so narrow and unless we have a certain date or subject, it cannot be found? Some departments know every trick in the book. In my view, they deliberately set out to frustrate and ensure that accountability does not happen.

We have even seen a lack of transparency in what the government does when it is out campaigning. Members may remember the lead-up to the 2021 election when the then Premier was repeatedly asked whether his government would embark on any changes to the electoral situation. We were told time and again that it was not on its agenda. Within weeks, a so-called ministerial expert panel was charged with coming up with some models, all of which suited the stated policy of the Labor Party, which the Premier refused to enunciate before the election, even though he had every opportunity to do so.

Dr D.J. Honey: How many times was it?

Mr R.S. LOVE: Goodness; I do not know. Was it three times before the cock crowed? No. It was many more times than that.

We know that is a hallmark of this government. Another way we are seeing a lack of openness, honesty and transparency is the way the government has consulted on some key policies. I remember when the then Minister for Environment conducted some sort of internet poll on forestry. She did not say that the government was doing

a push poll to all the conservation groups to ensure it got back the answers it wanted so that it could justify shutting down an industry, which had not been told it was going to be shut down. The government already knew it was going to do that because it had been doing the backend work to justify a decision that it had already decided to make.

Dr D.J. Honey: Didn't they take international submissions. The majority of the submissions were actually from outside the state of Western Australia, as I recall.

Mr R.S. LOVE: I think the government did that for the south coast one. I am not so sure about the forestry one. Certainly, that is the allegation. That is the understanding on the south coast, which is an issue I am about to get to.

The poll showed that there was already a process in place. In my view, the government had decided it was going to end the timber industry, and it set about building the case to do so using a faux consultation process. Anyone who knows anything about polling and surveys knows that that if you ask people the right question, you know what the answer will be on the vast majority of the responses you get. The government uses sham consultation processes. It is happening right now for the south coast marine park. As the member for Cottesloe said, there has been influence from the Pew Charitable Trusts, which is a US-based organisation. It seeks to impose environmental conditions in countries other than the United States, which do not exist in the United States by the way. As far as I am aware, it is not actively campaigning for those measures in the United States but it is doing it in some of the far-flung colonies. It used its influence on this government. We know that people involved in the south coast marine park process have been listening to the voices of people from everywhere but not the voices of people from Esperance, Bremer Bay and other communities on the south coast and goldfields who are very closely linked to the Esperance marine situation because it is their coastline as well. I talk to people throughout the Esperance–goldfields area, and they are ropeable with what has been going on. They have been ignored while everyone else, of course, is being listened to.

Western Australia's lawful firearms owners were asked to be involved in a consultation process with the Western Australia Police Force about an extremely complex matter on which there was many pages of information, but they only knew about the consultation weeks beforehand. We were heading up to Christmas, which is always a very busy period. Despite thousands of signatures on petitions calling for the consultation process to remain open to allow people more time to undertake the consultation, the call was unheeded and the consultation was period shut. We as lawful firearm owners were in some cases denied the ability to make our points known. I know that thousands of the submissions, emails and communications went unheeded and unopened and were not listened to. Why should the government listen to voices it does not want to hear? This has been set into government agencies' mode of thinking and they are starting to operate that way, and it is extremely worrying. In a democracy, government relies upon confidence in the community that its decisions are, as far as possible, open and there is transparency and an ability to check the information behind decisions and some of the processes by which decisions are made.

I note other members are going to speak on this motion, so I will end my contribution at this point and allow them to speak.

DR D.J. HONEY (Cottesloe) [4.35 pm]: I join in support of this excellent motion moved by the Leader of the Opposition, the member for Moore. There is a problem in this Parliament. I have had a significant number of Labor Party members talk to me privately about a problem in this Parliament. It is that the Labor Party has absolute ascendant control of both houses of the Parliament. Why is that a problem? I might say this was early on in the term, but members on the other side came to me and talked to me about this matter. The problem is that we have a government that thinks it is utterly unaccountable and can do what it likes. It thinks its moral position is so superior that it is beyond reproach and any decision that it makes is clearly the right decision. The government does not feel it has to be accountable at all. Of course, when the government came in, it employed, I think, 110 journalists—goodness knows how many more have been employed since—so it has a great relationship with the major media outlets. They will get government stories out whenever it likes, so why does it need to be accountable? Of course, there is the old saying about power: power corrupts and absolute power corrupts absolutely. It is not intentional, but we can see it in the arrogant demeanour of ministers in this government and in this government. It is the contemptuous way government members treat any inquiries from members on this side. As I said, that is because the government thinks it so superior morally and beyond reproach. The fact that anyone would dare question the government is itself a heinous crime. It is like the government has the infallibility of the Pope in everything that it does, and if anyone questions that, they are a heretic who deserves to be stoned to death.

There is an inherent risk in that, members. We have seen that risk in the past and I will go through that. The government treats the idea of transparency with disdain. The Leader of the Opposition mentioned the disgraceful way we are treated when we ask reasonable questions of the other side. I put in a freedom of information request recently. I was asking for reasonable information that was pertinent to current issues. I got the reply, "Go and look at my press releases." That is really disgraceful, tawdry and dismissive behaviour by a senior minister in the government, but it is common. If members do get a freedom of information request back, in many cases, it depends on the minister. I find some ministers are fine with answering questions because they are comfortable and confident in what they are doing, but a good number of requests—I would say the majority—are returned with nearly everything or every significant detail on the page crossed out. It is "an", "this", "but", "what" and so on. It is just joining words and no information.

There is an important reason we have transparency. Of any party in this place, the Labor Party should be the one that is most attendant to the idea of transparency. The repeated refusal to release documents means we cannot have transparency. The government cannot be accountable if it simply refuses to share information with the opposition. I know members on the other side would like to forget the WA Inc history, but, as I said, of any party in this place, the Labor Party should be the keenest on transparency. It behoves some of the younger members on the other side to look at the royal commission report into those activities. I say that not to shame them because of something that was done in the past—this idea of original sin is something that I have always struggled with—but to learn the lessons of the past.

I was much younger than I am now and was freshly involved in the Liberal Party, but I was around at that time. The Premier of the day, Hon Brian Burke, was a highly regarded figure in the community. I remember when my side of politics was digging into this, including Bill Hassell and others. They were ridiculed by the local business community: "How dare you impugn the reputation of the Premier. He's such a fine fellow." The circumstance was similar. The Premier had a very strong relationship with the media and good support in the Parliament and he felt that he could do what he liked. I do not think he was a bad person intrinsically. He definitely got in with a bad crowd and ended up making some very bad decisions that affected the whole state and, ultimately, his reputation. That is the risk that government members should be attending to.

I go back to the *Report of the royal commission into commercial activities of government and other matters*. Paragraph 27.2 titled "General Evaluation" states —

> 27.2.1 The governmental system of this State exists to serve the interests of the people of Western Australia. Our findings and observations provide compelling evidence that this fundamental purpose has not always been uppermost in the minds of our elected and appointed public officials, in some instances far from it.
>
> 27.2.2 At the very least, it must be said that the Parliament, the public's representative forum, has failed to provide an effective check on the executive arm of government. The Parliament, no less than the public, was kept ignorant of many of the matters which led to the establishment of this Commission and which have had such adverse consequences for every person in the State.

Members opposite should listen to those words. That is the problem we get when government members are not transparent. It is not that they are denying the opposition of information, but that they feel they can do whatever they like without scrutiny, and that means there is a high risk of them ending up doing the wrong thing. They do not set out to do that because they do not feel that they are accountable. The report continues —

> 27.2.3 Ministers have elevated personal or party advantage over their constitutional obligation to act in the community's interests. Public funds have been manipulated to partial ends. Personal associations and the manner in which electoral contributions were obtained could only create the public impression that favour could be bought, that favour would be done.

That is extremely relevant in the current circumstance. The report later states —

> 27.2.6 The processes of decision making, but more importantly the very reasons for decision in many of the matters inquired into, were often shrouded in mystery. If a basic principle of good administration is that governmental decisions should be taken by officials who are known to be responsible for, and accountable for, those decisions and who can provide considered, documented reasons for those decisions, then that principle has been disregarded systematically at the highest and most important levels of government.

How pertinent that comment is to this debate because we are not receiving the information around decisions that government members make. It continues —

> 27.2.7 The absence of effective public record keeping has dogged this Commission in its inquiries. Records provide the indispensable chronicle of a government's stewardship. They are the first defence against concealment and deception.

Further on, the report states —

> 27.2.9 The Government was entitled to pursue new goals. What it was not entitled to do was to risk the public resources of the State without its actions being subjected to critical scrutiny and review.

As I said, the government's actions are creating exactly that circumstance. In the great majority of cases, in the serious matters that we want to consider on this side, government members simply refuse to provide that information. I could go on with those quotes, but members opposite should read that report. It is a highly relevant report in relation to why we are raising this matter. This is not some idle opportunity to raise a gripe against the government because we do not believe we get adequate information. This government's failure to provide adequate information to the opposition is putting it at risk of doing the wrong thing. I do not think any member opposite would deliberately set out to try to do the wrong thing any more than former Premier Hon Brian Burke set out to do what he did. I have met the former Premier on several occasions and, as I say, I am convinced he did not set out to do those things at the start, but because he was not transparent, he got himself into a circumstance in which he did the wrong thing.

It is critical for the operation of our state that government members are absolutely transparent. If they forget the lessons of WA Inc, unfortunately they will risk repeating those actions that brought the Labor Party into such disrepute at that time.

For my final word on this, the last part of paragraph 27.2.11 in the report states —

> But when government seeks to "live by concealment", to adapt a phrase used in evidence by Mr David Parker, it can be anticipated that instances will occur where official power and position are both misused and abused.

That is why members opposite need to be transparent. What happened in the cases that were mentioned by the Leader of the Opposition—an experience I have had—is that it is questionable in some circumstances that certain government decisions served the public interest rather than vested interests. Our system of government is brittle. Despite all our rules and practices, the integrity of government relies on honesty and openness to the people and the opposition in government. The government's reluctance to adhere to its gold standard of transparency that the former Premier announced is a major risk for that side and a threat to our democracy. I do not think it is too extreme to say that because that is exactly what we saw in the WA Inc period.

I want to cover a few key areas on which our side has tried to get transparency from the government and the government has simply refused. We will go through the Metronet program. It is a massive capital program. Tonight, quite literally, families will be sleeping in cars because they have nowhere else go. There is no adequate housing and no affordable rental accommodation. When they cannot stay with relatives, families will be sleeping in cars or multiple families will be squeezed into a house because they have nowhere to live. On this side, we have been very concerned about the Metronet program for a couple of reasons. The first is the massive cost blowout. We are not talking about idle things. I have heard various discussions including from the Minister for Transport who comes into this place and says, "You guys can't add up or do this or that." The truth is that the Labor Party said that it was a fully costed program that would cost $3 billion. Labor had to know at the time that that was not true, but that is what it said. We are then told that some scope has been added to the program, but the program is now heading towards a cost of $13 billion, which is $10 billion more. Imagine what that money could have done to solve the housing crisis.

The program has not only cost a vast sum of money but also sucked a large part of the labour workforce out of the housing industry. I know this because I was approached by numerous builders about it. When I came into my role, they told me, "You've got to do something about the state government and the Metronet program. They are taking away all our workers." In large part, many of trades that build houses are the exact trades that build the rail stations and the lines and so on. The housing sector and the Metronet project use an enormous amount of "unskilled labour". It might be skilled, but it is unqualified labour, if you like. The Metronet project sucked that out of the building industry. I was told at the time, and I repeated it when I first came into this place, that doing that would cause a housing shortage. Guess what? It did. That is why we ask questions about the Metronet program. What happens when we ask those questions? The Minister for Transport refuses to provide any detail. It is just so frustrating to have to go through it. I have submitted some detailed FOIs and questions on notice about this matter and we get these smart responses: "Go and look at the budget". What a farce! Looking at the budget provides people with nothing but umbrella numbers and knowledge of how much they increase. It provides no detailed explanation of where the money has gone or what effort the minister has made to try to gain additional efficiency for the use of that money—none whatsoever. As I said, one program is more responsible for the lack of housing in the state than any other single issue and it is certainly more responsible than anything else for the lack of money for other critical government programs, such as social housing. That is the reply we get. When I requested information from the Minister for Transport, the response I received was —

> Project timeframes, budgets and milestones are, and continue to be, detailed in numerous publicly available Ministerial Media Statements and the State Budget Papers. Updates will continue to be provided as projects progress.

What a load of rubbish! I defy any member opposite to look at the minister's press releases or the budget and say that they provide the level of detail we need for transparency.

I do not know a finer public servant than the Auditor General. She is an extraordinarily professional woman who does her job fiercely without fear or favour. The Auditor General made a number of comments in the 2020 *Transparency report: Major projects* —

> … Parliament and the public cannot easily access detailed or consolidated information on the cost and time performance of these projects.
>
> …
>
> It is my view that Government should provide regular public reporting on the status of major projects to Parliament and the public.
>
> …
>
> It is my intention to continue to periodically report and track a selection of major projects until Government fills the gap.

Two years later in 2022, the Auditor General reported again —

> … Parliament and the public cannot easily access detailed or consolidated information on the cost and time performance of these projects.

The Auditor General highlighted those risks and the lack of transparency and further, in 2022, she stated that it was her intention to periodically report on and track a selection of major projects until the government filled the gap. As I said, the Auditor General, who is a superb public servant and an extremely decent and reasonable person, believes that this government is not being transparent and called for those reports. What was the response of the Minister for Transport? She said that she would not waste her department's resources on such a task and that the Auditor General's office could do as it pleased. What a disgracefully dismissive comment about the Auditor General's report.

[Member's time extended.]

Dr D.J. HONEY: If we were talking about building play equipment in a schoolyard, I am sure that people would be interested in it, but members opposite might not say that it does not deserve the attention of the opposition or that it should not be demanding a lot of information. In this case, we are talking about the largest single capital project ever undertaken by a state government and, more particularly, its competition for resources has called other major problems in our community. This is a really important project, yet the minister simply refuses to provide clarity or detail.

I ask members to cast their minds back to the Huawei contract as part of that project. Some members might like to forget about it. Due to national security concerns, the Australian government, along with our key allies, banned Huawei from participating in the national communication and development of the 5G network. That was well known across Australia and in government circles, yet during the time that all that concern was being expressed, the Minister for Transport approved Main Roads entering into a contract with Huawei. That was fundamentally against the advice of a range of different agencies; in particular, a number of governments had banned contracts with Huawei and the federal government expressed major concerns. Nevertheless, the minister entered into that contract. There was subsequent uproar and we in this place and elsewhere asked the minister to explain why and how that decision was made. Why was all that security advice ignored? When other governments were banning it, why did the minister enter into that contract? In the end, the state government was forced to cancel the contract at considerable expense to the taxpayers of Western Australia and, again, there was no transparency about it. We never had the opportunity to understand how that decision was made and to challenge it.

One of my great fears coming out of that was that the government did not have the chance to learn from that. I do not know who was responsible for that decision. Was it the minister who made that call? Was it a departmental decision that the minister was aware of but chose not to intervene or was the minister completely unaware of the decision until it was all underway and then felt she had to defend her department? We do not know, but those things are important; it is important that the public of Western Australia knows those details. As many members know, Main Roads is a bit of a fiefdom, but it is full of extremely capable people. There had to be people in that department who were aware of the public concerns and the concerns about Huawei but nevertheless that decision was entered into. Again, there was absolutely zero transparency. We can only speculate about what happened. I do not think that helped the government; it certainly did not help the public of Western Australia.

I want to talk about the Landgate building site in Midland. I will take members through a bit of the history of this because, again, it is something that members are not aware of or they have chosen to ignore it. The Landgate buildings in Midland were part of what can be described as a questionable deal during the WA Inc era in the 1980s. It involved the government taking a 30-year lease with inflated rent—as it has this time, I might say—with the building becoming government property at the end of the lease. For more than 30 years, taxpayers paid $180 million in rent for that property. But at the end of that deal, the government owned the building. The building was valued at $40 million at the end of the lease. It was the government's own building, owned by the taxpayers. In fact, there were two large parcels of land. One parcel of land had offices on it and the other parcel of land had a car park. What happened? The government sold it to a third party for $20 million and, once again, leased it back from them at, as I have demonstrated in this place before, inflated rent at the top of the market. We know that government is a blue-chip tenant. Government should pay the lowest rent because it has long-term leases and always pays its bill. It is not some commercial tenant that will be there for only a few years before they go broke. The government sold the building for effectively nothing—certainly it was a fraction of the value of the land—and then entered into what can only be described as an enormously generous lease arrangement coming back in. The builder was going to do some improvements to the offices.

It beggars belief. It is an $85 million rent deal for a 15-year term. If we take into account the $20 million discount for selling the building, plus the rent, it will cost $100 million for the government to use a building that it already owned—not that the government owned, but that the taxpayers of Western Australia owned. We paid $180 million in rent. We owned the building. We sold it for less than half its actual value—it was a written-down value, but nevertheless—and then we entered into another $85 million deal to rent back the building that we owned. Good luck to the people who bought it. They consolidated the car park under the original office area and then inherited

a 3 500-metre block of land in the centre of Midland for free on which they could do whatever they liked. It beggars belief that that deal made any sense to the taxpayers of Western Australia. Why am I labouring this point? It is because I was very interested in that, and some of my colleagues were as well. We asked the Premier and the minister again and again, "Can you provide any information to us? Can you give us the business case? We are not talking about some private organisation. What was the business case you used to justify this deal?" There was an absolute, total refusal to provide any information.

I am extremely disturbed by that deal. At the very best, it represents an utterly incompetent use of taxpayers' money—money that could be put to ample good use. I look at members in this chamber and I know that each of them could identify fantastic opportunities for that money to really go and help people. It really worries me. The best that can be said is that it was an incompetent deal; the worst that can be said is that something else was involved. Maybe it was not, but we do not know, because there has been zero transparency—none whatsoever, other than the headline numbers reported in the press.

The government made much of saying, "Oh, well, the Auditor General looked into this deal." The Auditor General looked into it to determine whether the deal was accounted for in the proper way, because there was complexity about which government department owned the land. That is what the Auditor General looked into. The Auditor General did not look into, and has never made a finding on, whether or not this was a good deal for the public of Western Australia.

There was also the Griffin Coal payment; we heard from the Premier about that today. The Premier is someone that I hold in good regard, most of the time, but $220 million of taxpayers' money went to a private company and we are told, "No, you can know nothing about what that money was used for, other than it was keeping the lights on." That was it; that is what we were told: "We have given $220 million to a private company." I can tell members that that equates to around $50 a tonne of the coal that that company mines. It is my understanding that it already gets somewhere around $50 or more a tonne for its coal, so it is double the value, but we do not know who got a commission for that deal. There were a number of consultants, and I do not have time to go through that, but a number of people were involved as consultants in that deal. We have no idea whether any of that taxpayer money went to consultancies. We do not know whether the money was used to pay off debt. We do not know what that money was used for. The Premier today said that it was commercial-in-confidence. We are not asking to know the intimate details of Griffin Coal; we are asking, "Where has that money been applied?" That is what I have asked; it is a simple question. It does not involve disclosing any commercial details of that company, and the government is obviously more than able to blank out anything that relates to the commerciality of that company, but it could tell us where that money has been applied and where it has gone. It is the public's money, not the government's money—the $220 million that has been spent for that purpose.

There was the Perth Mint scandal. Again, there was an utter refusal by the government to provide any detail on that. Why are we concerned about that particular issue? We were told in this place that there were 139 000 transactions to a value of more than $323 million on an app that did not comply with AUSTRAC's reporting requirements. We have no idea—not from any of the information we have had from the government—whether that money was misused. That app allowed the transfer of millions of dollars overseas with no reporting through to AUSTRAC at all. Again, we had an answer from the former minister responsible to say, "Well, no-one's reported any criminality in relation to that", or words to that effect. How could we? We have not been provided with a single piece of information about it; we have just been told, "You have to trust us. You have to believe that we have done things in the right way." It may be that it was not used for criminal purposes; it is equally possible that it was used for significant criminal purposes, but we have no way of questioning that deal, and the government's response is to brush it all under the table.

There is also the East Perth power station site. Unfortunately, I do not have time to go through that in detail, but 8.5 hectares of land on the river in East Perth was given to a consortium for $1. The government utterly refused to say how it chose a proponent for that. Subsequent to announcing the proponent, the government announced that $85 million of taxpayers' money was going to be spent on that site. It is also my understanding that none of the other proponents for that site were made aware of that when they made bids for it.

It is extremely disappointing that, given the history of the Labor Party, the government is not being transparent. We would expect this government to have a gold standard of transparency, but it is anything but. It is not transparent and it is not accountable for what it does. As I have said, that is a threat to the government of this state.

MS L. METTAM (Vasse — Leader of the Liberal Party) [5.05 pm]: I rise to support the comments made by the member for Cottesloe and the motion moved by the Leader of the Opposition —

> That this house calls upon the Cook Labor government to review its processes of delivering a rolled-gold standard of transparency, as promised to Western Australians, and notes its abject failure to deliver anything close to that.

As members of the opposition, we can point to many examples. When Mark McGowan and the Labor Party swept to power in 2017, the government made a bold pledge of gold-standard transparency. That promise was meant to

set a new benchmark for openness, accountability and integrity; however, after nearly eight years in government, this so-called gold standard has been exposed as being nothing more than hollow words from the government, with numerous failings highlighting a significant departure from what was promised.

We have already heard about a number of examples. One of the most glaring examples of the government's broken pledge is its persistent refusal to provide crucial information regarding the management of taxpayers' funds. This is not the government's money; it is taxpayers' money. There is a reason that transparency is necessary, and the Auditor General has highlighted this on a number of occasions. In a recent report, the Auditor General criticised the Labor government for obstructing transparency, particularly in relation to the legal fees paid for advice on the Griffin Coal debacle. That is just one example. The government's initial refusal to disclose these costs, citing commercial sensitivity, was not only inappropriate but also prevented the Auditor General from adequately assessing whether the government's actions were justified. The independent Auditor General is stating that, not the opposition. These are very serious concerns. The government's secrecy casts serious doubt on its commitment to accountability, as it hid crucial financial details from both the public and the Parliament. Similarly, the Labor government's handling of major infrastructure projects has also been shrouded in secrecy. The Forrestfield–Airport Link has been plagued with safety concerns and delays, and became a lightning rod for criticism as it was revealed that the government refused to release critical taskforce minutes relating to that project. The Auditor General condemned that decision as being unreasonable and inappropriate, yet the government persisted in withholding information that the public had a right to know. After all, this is not the government's money; it is taxpayers' money, and there is a reason we need that level of transparency and accountability, as highlighted by the independent Auditor General.

The government has also repeatedly used section 82 notices—a legal tool to avoid answering parliamentary questions—at an unprecedented rate. Over this term of government, the Labor government has issued more section 82 notices than the previous Liberal–National government did over two terms combined. This is the most secretive government since WA Inc. These notices allow ministers to decline requests for information, often on dubious grounds of commercial sensitivity.

This government is the most resourced in modern history and is enjoying the largest boom our state has seen. There is a great opportunity to address the real issues that the community more broadly in Western Australia really cares about and rise up to a gold standard of transparency. Quite clearly, we have seen the opposite. Effectively, the government is abusing its power. The government will not answer the most basic questions, even from the media. In a recent opinion piece, Dylan Caporn highlighted another failure of the Labor government fulfilling its promise of gold-standard transparency. Despite the government's repeated commitments to openness and accountability, he points to a reality that is quite different, emphasising how the government continues to fall short by withholding crucial information from the public and failing to provide clear communication on the finances of project-related matters. The persistent lack of transparency raises questions about the government's integrity and commitment to the principles that were pledged so strongly in 2017. If the government cannot be trusted to be transparent with its citizens, it cannot be expected to maintain their trust in the long run.

Unfortunately, the same disregard applies also to the Parliament. The Labor government's actions have been nothing short of an attack on the foundations of democracy here in Western Australia. The arrogant and dismissive treatment of Parliament by an out-of-touch government is evident in the government's handling of the legislative process. Transparency and accountability have been replaced by secrecy and a blatant disregard for scrutiny and public opinion. The removal of regional representation under the McGowan Labor government in its first term was not only a shock announcement in 2021, but also a divisive move. The then Premier denied that the issue would be on the agenda, not once but seven times in the lead-up to the 2021 state election, misleading and lying to Western Australians. The removal of regional representation understandably sparked —

Ms C.M. Rowe: There is more regional representation in this place than ever before.

Ms L. METTAM: That removal was absolute rubbish. The removal of regional representation sparked widespread outrage, particularly in regional and rural communities. We have seen how they have been treated since. They feel that their concerns and interests are being sidelined in favour of a metro-centric government. The government's actions have been understandably criticised. The government said and promised one thing ahead of the election and delivered something very different. As I have stated, the Labor Premier said seven times on record that such a move was not on the agenda. The government's actions have illustrated that this government does not care about regional WA. We have seen that as well with the Aboriginal Cultural Heritage Act. That was a disgraceful display of disregard for the democratic process. The government's approach to that critical legislation that impacted the preservation of Aboriginal cultural heritage across Western Australia was nothing short of appalling. The way that matter was treated in Parliament, a piece of legislation —

Ms C.M. Rowe: By yourselves; it was disgraceful.

Ms L. METTAM: The member said the opposition was disgraceful in relation to that. I find it incredible that the member for Belmont still stands by that piece of legislation that was presented and that process.

Ms C.M. Rowe: I stand by my comments about your conduct. It was quite shameful, actually.

Ms L. METTAM: The debate was guillotined. Rather than following established transparent parliamentary processes, the government briefed the opposition just days before introducing the bill to Parliament. It is extraordinary that Labor members in this place still believe that somehow the opposition supported the Labor government's approach to the Aboriginal Cultural Heritage Act.

Ms C.M. Rowe interjected.

Ms L. METTAM: It is extraordinary that the member still backs the bill that was introduced. It was a rushed and chaotic approach that left little room for meaningful consultation on the debate. It was proven to be a complete mess. The government forced the legislation through Parliament in late 2021. We are hearing from Labor members opposite the extraordinary support for that approach and that piece of legislation, which avoided the scrutiny and input that a bill of that magnitude deserved. The Labor government's decision to push the bill through Parliament at such speed, despite the complexity of the issues involved, showed a complete lack of respect of the legislative process and the broader community that would be impacted. The handling of the implementation of the act was equally disastrous.

The regulations associated with the Aboriginal Cultural Heritage Act were shambolic from the outset. Farmers, pastoralists and landowners were left confused and unsure about how to comply with the new rules and were angered by the government's lack of clarity and communication. Rather than addressing these legitimate concerns, the Premier stooped to using despicable tactics, accusing the opposition of engaging in dog whistling for raising very valid concerns about the act. They were proven to be true, given that this government repealed that legislation. His comment that likened the opposition to a dog returning to its vomit was a shocking and unbecoming attack. It was very divisive and further undermined any chance of reasonable discourse on such a sensitive and important issue. It is clear to members in this place and the broader public that if this government had its way, its first, second and third approach was to adamantly rush the legislation through. If it was not for the actions of the opposition but, most importantly, the broader community, we would not have seen that disastrous piece of legislation repealed. Just 39 days after the act came into operation, the Labor government was forced to backtrack. Faced with overwhelming public pressure, the government was left with no choice but to admit its failure and announce a full review of the Aboriginal Cultural Heritage Act. Members opposite still have an issue with that. The government's rapid reversal is a clear acknowledgement of its failure to properly consult with stakeholders as well as its inability to implement workable regulations. That was an illustration of a government that believes it is above accountability.

Over the past 18 months, the government has also neglected to disclose details of spending on external consultants, despite the clear mandate to provide those reports every six months. This pattern of withholding information is part of the growing trend whereby the government releases nothing until it is pressured by the media and the opposition. Such behaviour demonstrates a blatant disregard for the principles of open governance, leaving the public in the dark about how their tax dollars are being spent. This comes after the last report covering the first six months of 2022 was tabled in December that year, leaving a significant gap in transparency over a critical area of government spending. What makes this even more concerning is the government's casual explanation for what is a clear failure. When questioned, the government admitted that the delay was due to an administrative error. Given that these reports stem from a decree made by the former Labor Premier in 2021 aimed at reinforcing the government's commitment to openness, this so-called error appears to be part of what has become a broader pattern of neglect when it comes to transparency.

The delayed reports, which the government hastily claimed will be tabled in response to mounting pressure from both *The West Australian* and the opposition, highlight a deeper issue of governance. Hon Peter Collier in the other place has criticised the government's lack of accountability, stating that the failure to release these reports on time is indicative of the government's broader contempt for Parliament. He argued that despite the government's frequent chest-beating about transparency, its actions show a complete disregard for it. This behaviour is particularly alarming given the government's continued rhetoric about being transparent. Labor's upper house leader, Hon Sue Ellery, responding on behalf of the Premier, claimed that reports would continue to be published regularly as part of the government's ongoing commitment to openness, yet the reality paints a very different picture. Western Australians deserve better than a government that acts transparently only when pressured and backtracks only in the face of public pressure. This delay underscores growing concerns about the government's ability to hold itself accountable.

Moving to health, since 2017, there has been a steady decline in outcomes within the health portfolio, which was led at the time by our unelected Premier. Under his watch as Minister for Health, we saw the start of a failure to deliver for the people of Western Australia. Nothing has improved under the reasonably new health minister who is failing frontline health professionals and putting what was a robust health service under the previous government into decline and failures in every metric. This government continues to deny and spin figures to convince Western Australians that their health system has improved when, quite clearly, it has not. There is no better example of how this government tries to manage its failures than the Your Voice in Health survey, a valued and critical part of frontline health care. I understand it was an election promise of the current Labor government.

[Member's time extended.]

Ms L. METTAM: Our Minister for Health promises that she and the government are listening to employees —

> … we are listening to our employees, who are the most important part of our healthcare system.
>
> … we want to hear from our employees. We want to hear the experiences of staff.

The Your Voice in Health Survey was suspended in 2022. It returned last year to reveal widespread issues around workplace dissatisfaction and culture. These are our valued health workers but 75 per cent of healthcare workers said that they did not feel they were respected or valued, and that WA Health did not care for their wellbeing. No survey results have been issued this year, apparently because the government is unable to find a provider to undertake the process. It raises the question: is this what a caring government looks like? When questioned in Parliament, the minister outlined how she was unable to commit to the survey going forward. Is the minister afraid of what the survey will reveal again? We got some *Yes, Minister* answer about how the survey would not be starting again because of an inability to find a provider. We find that very difficult to believe.

On ambulance ramping, in a move that raises significant concerns about transparency, the Labor government ceased publishing data on ambulance ramping, which is a critical measure of hospital bed-blocking, overcrowding and mismanagement. Ambulance ramping—the time ambulances are forced to wait at hospitals before being able to transfer patients—has long been an indicator of how a hospital system is working. Both the public and health professionals voiced their concerns, pointing out that withholding this information not only obscures the severity of the crisis that was emerging in health but also undermines public trust in the government's handling of health. Did the government listen to those concerns? Absolutely not. It ignored those calls for greater transparency, leaving patients, healthcare workers, and the broader public in the dark about the worsening state of emergency services. In response, St John Ambulance stepped in to fill the gap, independently releasing the ramping data in an effort to maintain transparency and keep the public informed about the true extent of bed-blocking in the health system, which has clearly only become worse under this government, with a 400 per cent increase in ramping. There was over 6 000 hours in July and August this year. This episode not only highlights the state of Western Australia's health system but also demonstrates a broader pattern of secrecy from the Cook government, which consistently fails to provide timely, accurate information on critical public services.

Incredibly, the Cook government will not even show transparency to its union base. We constantly hear from government members that it is listening to and supporting our frontline health workers, but the facts paint a different picture. Despite repeated claims of solidarity, the Cook government has failed to reach a fair agreement with the Australian Nursing Federation, leaving our frontline workers without a satisfactory wage deal. Contrast this with the Premier's rapid response to the demands of the CFMEU, when he had no hesitation in handing a 25 per cent pay rise to workers on government projects just months after the union publicly supported his bid to become Premier.

It is simply astounding that the government would force all contractors on Metronet projects to implement a 25 per cent pay rise for workers while, at the same time, nurses and health workers have had to fight so hard for the nine per cent increase that nurses have been able to attain under this government.

The Australian Nursing Federation WA secretary declared last week —

> "If we're going to attract them —

That is, nurses and midwives —

> we don't just have to pay as good as NSW and Victoria and Queensland, we have to pay more.

Our nurses have gone from being some of the highest paid in the nation under the former government to some of the lowest paid under the Cook Labor government. There is also a glaring disparity between how the government treats workers who are part of the CFMEU compared with nurses.

On the elective surgery waitlist, there are also significant failures. Since 2017, wait times for elective surgeries in Western Australia have increased by a staggering 55 per cent, with more than 30 000 people now on the waiting list for essential surgeries. Even more alarming is that children in need of specialist care face delays of up to three and a half years just to see a paediatrician. This situation is unacceptable. No-one, particularly our most vulnerable children, should have to wait years to access critical health services. The consequences of these delays are severe, potentially stunting the health and development of children during their crucial early years. Rather than addressing the root cause of the issue, the health minister continues to mislead the public and deflect from the core problems.

The reality is that families are being failed by a government that has consistently underfunded, under-resourced and mismanaged child development services. Although many Western Australians are familiar with elective surgery waitlists, few understand the hidden waiting times unless they have personally experienced the system. These hidden waitlists occur in the gap between seeing a GP, being referred and finally getting an appointment with a specialist, creating another layer of delay that the minister and the Cook Labor government refuse to acknowledge. As a result, these individuals fall through the cracks and are not even included in the state's official waiting list statistics. To the Cook Labor government, these people exist in a "statistical black hole". Even the federal Labor Minister for Health and Aged Care, Mark Butler, has acknowledged that hidden waiting times can have a serious

detriment on people's health. The Australian Medical Association has further highlighted Western Australia's public health crisis, revealing that the state has declined on all four key public health metrics it measures, making WA the worst performer in the country. Western Australians are being forced to wait longer than is clinically recommended at every level of the health system—an unacceptable failure of governance and leadership. Again, it highlights the transparency issues of this government. This government has clearly neglected its duty to provide timely, accessible health care, and Western Australians are paying the price.

We have asked questions and raised issues about the new women's and babies' hospital. This government has not been up-front about the decisions made behind closed doors about the original proposal—this was highlighted in the government's business case—to build it within 10 years at the only location that is considered world-class in Western Australia, the Queen Elizabeth II Medical Centre site in Nedlands, alongside Perth Children's Hospital and Sir Charles Gairdner Hospital. This week the government pushed ahead with the tender process for the new women's and babies' hospital, despite significant concerns raised by over 200 clinicians regarding the safety of newborns due to the distance from Perth Children's Hospital. These medical professionals have continuously warned that this move could endanger lives but their concerns have been largely dismissed by the government. The government has argued that building the facility at the current QEII site would pose unacceptable risks and disruptions, claiming that the project would take between 10 and 20 years to complete. However, this claim has been contradicted by Labor's own business case and the Infrastructure WA report, both of which confirm that construction at QEII could be completed within 10 years, with clinical services operational by 2034. The repeated assertion of the Premier and the Minister for Health that building the hospital at QEII would take 20 years is simply misleading. By pushing this narrative, they have sought to convince Western Australians that the Murdoch option is the better way forward, despite compelling evidence to the contrary. This strategy undermines the best interests of the health and safety of mothers and their newborns. Every other state in Australia has a tri-located health precinct where high-risk maternity hospitals are located alongside children's hospitals, ensuring immediate access to specialised paediatric care—a gold standard that Western Australians are being denied by this government.

In a letter published in *The West Australian* on 6 September, Dr Tim Pavy, the former head of anaesthesia at King Edward Memorial Hospital for Women, warned that moving the hospital to Murdoch would "lead to the deaths of newborn babies". His words are also the words of other clinicians. His letter highlighted the potential risks of separating the women's and babies' hospital from the critical care services at Perth Children's Hospital. Dr Pavy's concerns reflect those of many in the medical community who believe this decision prioritises convenience over safety. This move is not in the best interest of patients. That message has been made very clear. The government's refusal to listen to the experts further exposes its disregard for the wellbeing of Western Australian families. The safety and health of mothers and their newborns should never be compromised for political expediency.

Accountability starts at the top. It is finally time to call out the Premier's dishonesty. Both in the Parliament and outside, he has repeatedly claimed that the opposition has opposed the government's cost-of-living measures, which is completely and utterly false; it is absolute rubbish. The Nationals WA and the Liberal Party have always supported measures to help struggling households. Whether it is about keeping the lights on, providing secure housing, putting food on the table or ensuring that children have school lunches and uniforms, we have put forward a number of measures that deserve the attention of this government and deserve to be considered.

MS M.J. DAVIES (Central Wheatbelt) [5.35 pm]: I rise to speak to the motion. I want to focus on a very important part of what this government has responsibility for but has failed to provide a degree of transparency or openness on. It relates to the state risk report. Members may not be aware of this body of work or the report. The state risk report was the culmination of the State Risk Project. It is the product of a national partnership agreement on natural disaster resilience between the Australian government and states and territories. There can be nothing more important than making sure the community is prepared for the very worst. It is the responsibility of not only the government but also the community. The fact that the government has failed to release this report after a significant amount of work was done goes to show that it is unwilling and, as my colleagues have already outlined, has a track record of burying information and failing to provide it through this Parliament or put it on the public record.

The project was not insignificant. It commenced back in 2013 and cost approximately $13.7 million. It was undertaken between 2013 and 2021. It is an extensive body of work. It involved significant consultation and planning by local government and communities. The project was substantially canvassed in the State Emergency Management Committee's *Emergency preparedness report 2021*, which was not published until August 2022.

My colleague Hon Martin Aldridge, the shadow Minister for Emergency Services, has done a significant amount of work to try to get to the bottom of why this government refuses to make this report public. He issued a media statement at the beginning of last year and nothing has changed, stating —

> The McGowan Labor Government has buried a report detailing worst case scenarios for 28 prescribed hazards that Western Australia might face.
>
> Shadow Minister for Emergency Services Hon Martin Aldridge MLC has called on the Premier to immediately publicly release the 'State Risk Report' in the interests of 'gold standard transparency'.

That is the report that this government promised the public of Western Australia when it came to government. The statement continued, with Hon Martin Aldridge saying —

> "This report was the culmination of eight years of work at a Local, District and State level at a cost of almost $14 million," …
>
> "The project found pandemics and animal or plant biohazards posed the highest risk to Western Australia, with that assessment occurring prior to the onset of COVID-19."

I have already been on my feet talking about a biohazard relating to a biosecurity risk. We certainly understand the enormous economic damage that was done by the COVID-19 pandemic. It is interesting that this government has failed to release that information. I reiterate that the assessment for all these hazards took place before the onset of COVID-19. The state risk report was created in partnership with the state government. Similar projects were conducted across all states and territories. I have a list of the efforts made by our shadow Minister for Emergency Services through freedom of information requests, meetings and briefings, to try to get to the bottom of where this report has gone. It is a very specific, but very telling, example of this government's approach to providing information. Even when it comes to the most important things that our state government should prepare the community for, it refuses to provide information. I can advise the house that on 24 November 2022, Hon Martin Aldridge, via the Freedom of Information Act, the FOI process, sought access to the final state risk report. That application was made to both the Department of Fire and Emergency Services and the State Emergency Management Committee. The FOI application was acknowledged by the Department of Fire and Emergency Services on 25 November 2022 with a due date of 8 January 2023. The notice of decision by the Deputy Commissioner at the time, Melissa Pexton, was made on 10 February 2023 and purported to determine the application to DFES and the State Emergency Management Committee. My colleague advises that the State Emergency Management Committee, an independent statutory body, never responded to the application, despite numerous attempts by Hon Martin Aldridge. Deputy Commissioner Pexton's claim to determine the matter on behalf of both entities is disputed by my colleague, and he is continuing the process of trying, still, to get that information.

When I spoke to my colleague, he advised that initially, when this commenced, he sensed that DFES was preparing in good faith to process the request for the document, including a request for an extension of time. Anyone who has been through the FOI process will understand that that is not an irregular request. Sometimes there are efforts made to ensure that third parties are contacted. Sometimes the information sought by the opposition or third parties is significant. I have made FOI applications and have had extensions requested on multiple occasions. I have to say that this government has made an art form of requesting extensions for information. Hon Martin Aldridge allowed for an extension of time, which was granted, and there was a request to exclude a prescribed officer's details, which was not granted. A further two exemptions to exclude third-party information were granted. There was obviously work being done behind the scenes. A further two extensions of time were granted to 30 January 2023 and ultimately 10 February 2023, respectively. We now see the Labor Party at its finest! After all this and after it was well and truly on the record that we were seeking access to this document, the Deputy Commissioner came back and told Hon Martin Aldridge that the document had gone through and was now cabinet-in-confidence. Anybody who has been involved in politics for any period of time knows that the easiest way to make sure that nobody ever gets to see a document is to put it through cabinet. But this government did that after a significant time. Remember that the process was started on 24 November 2022 and on 10 February 2023 the honourable member was given the advice that it had gone through cabinet. A significant amount of time had elapsed, and work had been done by DFES and the commissioner. It was clearly the case that the government did not want this document to be seen or to see the light of day.

The honourable member had also commenced asking parliamentary questions about the report on 30 August 2022. There have been references to the document. References to the document have been made by ministers in answers to parliamentary questions, yet the document itself has not been released. In February 2023, the member sought an internal review of the decision, which was again acknowledged by DFES on 15 February 2023. On 27 February 2023, Commissioner Klemm upheld Deputy Commissioner Pexton's decision that the document was cabinet-in-confidence. This matter has now been referred to the Information Commissioner for an external review. That has not yet been determined. This is a concerted effort to hide a document that ministers have actually referred to in questions in Parliament and in public. Work has been done by departments to gather and provide the information. Indeed, they have made extension requests so that they can continue to gather information. But there has never been a document tabled or provided to the opposition or to this Parliament.

The only conclusion that we can make is that there is something in the document that this government is mortally fearful of. The McGowan government and now the Cook Labor government have buried a very detailed report into the risks that Western Australia faces from 28 prescribed hazards. That is $14 million and eight years of work by local governments at district and state levels that has been buried completely. The project identified that the most significant risk facing WA are pandemics and animal or plant biohazards.

I raise this issue because members should be very concerned that we do not have a document that makes sure that we are building awareness in our community. Everyone understands that Western Australia is prone to natural disasters

and increasingly so as a result of climate change. Since completion of the work, we have seen COVID, severe tropical cyclone Seroja, Kimberley flooding, and, as I spoke about yesterday, the recent threat of the polyphagous shot-hole borer. I think it is a complete sham that demonstrates the lack of transparency by this government. A report aimed at protecting lives and property in Western Australia has been buried deep and was considered so dangerous for the public to consume that after dillydallying about behind the scenes and trying to use the FOI process to hide it, the government then said, "We know how we'll fix it; we'll fix it so that no-one gets to see it. We'll put it through cabinet". The State Risk Project created credible worst-case scenarios for each of the prescribed hazards to inform all our emergency services on how to prepare and for everyone to have a better understanding of what these risks might be. It is everyone's responsibility. Local governments in particular have a significant role when it comes to emergency response and management. They deserve to know what they should be planning because they get a significant amount of pressure and responsibility put on them when something like cyclone Seroja takes place. It is simply not good enough. We continue to call for the state government to release this report, as Hon Martin Aldridge has done for some time now. Its behaviour over the last three to four years has been anything but gold-standard transparency. That was a promise made by the Premier and upheld by the Deputy Premier at the time, who is now the Premier of the state, Premier Cook. They have failed miserably on something that is so very important in protecting our state and allowing people to build resilience into the systems that they are responsible for when it comes to emergency preparedness. Shame on them; it is a disgrace.

I thank Hon Martin Aldridge for providing me with the background of the work that he does. I do not think anyone could call into question his work ethic or experience when it comes to emergency services. He is a diligent and very experienced person when it comes to emergency services, having been a career firefighter and now actively involved in volunteer roles, like many in this place are. He has conducted himself as the shadow minister by making sure he understands the responsibilities that are required. I would like to think that if he were to stay on in Parliament, he would be the Minister for Emergency Services. I can assure members that this kind of behaviour would never be his calling card as a minister or of our government if we have the chance to sit on the government benches.

Mr P.J. RUNDLE: I certainly appreciate the opportunity to wrap up this debate from the opposition side and support the motion —

> That this house calls upon the Cook Labor government to review its processes of delivering a rolled-gold standard of transparency, as promised to Western Australians, and notes its abject failure to deliver anything close to that.

I think that the motion is spot on. It describes exactly what has gone on with this government.

Firstly, I want to congratulate the Auditor General, Caroline Spencer. I think she is a shining light on our Parliament, trying to hold this government to account. As the member for Cottesloe said, the work she does, without fear or favour, is excellent. I want to put on the record that I certainly appreciate her work. On behalf of the people of Western Australia, we appreciate the work that she does to hold a secretive and opaque government to account. I have said before that this is a government of strikes and unions and it lacks transparency. The people of Western Australia have woken up. The people of regional Western Australia have certainly woken up. Once again, there are no regional members in the chamber to listen to what is going on. Yesterday, biosecurity —

Mr P. Papalia interjected.

Mr P.J. RUNDLE: Biosecurity is a very important issue, Madam Acting Speaker.

Mr P. Papalia interjected.

The ACTING SPEAKER: Thank you, minister.

Mr P.J. RUNDLE: What did we have? There were two members opposite—two members opposite!

Point of Order

Ms M.M. QUIRK: I understand that it is disorderly to make comments about members who are absent from the chamber. There is a tradition that that is considered disorderly.

The ACTING SPEAKER (Mrs L.A. Munday): Thank you, member for Landsdale. It is not a point of order.

Debate Resumed

Mr P.J. RUNDLE: Thank you, Madam Acting Speaker.

We know the likes of Hon Darren West say, "Look at us. We're the party for the regions." The Labor Party is the party that has put the boot into the regions, and the people of regional Western Australia have woken up. That will show on 8 March 2025; that is for sure. There are no two ways about it.

Nonetheless, I have a few issues to get on with. I am glad the Minister for Environment is here because quite a few of my subjects relate to the lack of transparency in his various portfolios. I want to start on a positive note. The Minister for Environment was first to call out the federal Minister for the Environment and Water. He said her nature positive laws were not good enough. He was very worried about them. I suspect that he is still very worried

about them. I suspect he is being contacted by the business sector and many other people in Western Australia. Our big corporates have recently started to come out of the shadows and say that they are worried about what the federal government, let alone the state government, is doing in that space. I want to give credit where credit is due to the environment minister for calling out federal Minister Plibersek on some of the unrealistic programs she is coming up with for Western Australia.

I have a few basic questions for the Premier and the Treasurer, who are not here. How much is Metronet costing the government? How much will it have cost by the end of the project? When will Metronet—or Metrodebt, as it is colloquially known—finish? How much debt reduction is planned for the next financial year? They are simple questions. Considering public sector debt is expected to increase over the forward estimates from $28.6 billion this year to $40.9 billion by 2028, we have the right to ask those questions. I remember that every time former Premier McGowan stood up in question time, he would say, "The last government left us $40 billion in debt." What do we have now? This government's debt is estimated to be $40.9 billion by 2028. The Committee for Economic Development of Australia's response to the budget said —

> … reducing government debt is an important part of reducing the state's financial risk …

Back in opposition, during a presentation to CEDA, former Premier Mark McGowan said that a blowout to $40 billion was unacceptable. Apparently, it was going to be a 20–20–20 plan —

> 20 KPIs, 20 per cent salary … and a 20 per cent cut to SES.

That is a cut to the number of senior executive service members. I do not know how those KPIs are going. Quite a few of our directors general earn twice as much as the Premier.

Mr P. Papalia interjected.

The ACTING SPEAKER: Member for Roe, just so I know, are you taking interjections?

Mr P.J. RUNDLE: I do not mind. I am happy.

The ACTING SPEAKER: Excellent; okay.

Mr P. Papalia: Do you think she is being nice? If we preference against you, you could lose. You should be nice.

Mr P.J. RUNDLE: I am not going to lose too much sleep but thanks for the reminder.

I look forward to seeing people at the Esperance polling booth because I can assure members that—it is unfortunate the Minister for Environment has left the chamber—about 94 per cent of the people in Esperance are very unhappy with the south coast marine park. Once again, that is a matter of a lack of transparency.

The Cook Labor government talks about rolled-gold transparency. The south coast marine park proposal is a bitter debate in the community, with even government departments at loggerheads. Fisheries and the Department of Biodiversity, Conservation and Attractions are not talking to each other. At one stage, I do not think the ministers were talking to each other either. Maybe they had to sit at opposite ends of the cabinet table! It is no wonder that the people of Esperance came out in the rain in their hundreds for not one, not two but three protests. My colleague Hon Colin de Grussa stated in the other house that the quick and dirty consultation process undertaken by the Cook government came apart under scrutiny from within Parliament and on the streets of Esperance and Bremer Bay. That is spot on.

Quite frankly, the use of the 30-year-old Wilson report has backfired. The reality is that the Wilson report does not recommend the establishment of marine parks of this scale. The report recognises that there is not enough scientific data relevant to the south coast. In 2021, the government commissioned the Carijoa report, which also concluded that the WA south coast is relatively understudied. Here we are and the minister has the community against him, there is disdain from regional communities and there is no genuine consultation evident during the whole process. To top it all off, talking about a lack of transparency, the Pew Charitable Trusts is behind the government. It is a $7 billion outfit from Boston, Washington and Philadelphia. The CEO came out and said, "We can't mess around with the USA coastline because the people of America won't accept it." What has the Pew Charitable Trusts done? It has come down to Australia to mess up our south coast.

Mr P. Papalia interjected.

Mr P.J. RUNDLE: It is quite disturbing, Minister for Police.

Mr P. Papalia interjected.

Mr P.J. RUNDLE: I can honestly say that the lack of transparency on what is going on behind the scenes with the Pew Charitable Trusts is quite disturbing. I will wrap up because, unfortunately, I have run out of time tonight, but I want to compliment the Leader of the Liberal Party for pressing on with the lack of transparency on the women's and babies' hospital. All those clinicians have come forth and given good reasons. Then, of course, we had the former Premier Mark McGowan and the Attorney General saying that regional electoral reform was not on the agenda. They said it was not going to happen and that they were not going to change the upper house. Sure enough,

straight in, it was the first item of business in the new 2021 government. We saw that. We have seen the way the government has messed up the regions. We have seen the Aboriginal cultural heritage legislation mess. We have seen the firearm situation whereby 4 000 submissions came in but the minister pressed on and did exactly what he wanted to. To be honest, what has gone on in this government is quite frightening, and it will come out over time.

The people of Western Australia and the voters of regional Western Australia have woken up. I think the voters of metropolitan Western Australia have woken up, as well. I look forward to March 2025. I think the election will demonstrate the people of Western Australia have woken up about the lack of transparency.

Sitting suspended from 6.00 to 7.00 pm

MR R.R. WHITBY (Baldivis — Minister for Energy) [7.00 pm]: The member for Roe is here. It is good to have someone on the other side to focus on. At least the member for Roe has turned up, which is good to see.

It is my pleasure to respond this evening to the motion moved by the opposition. We get that the opposition has a role in the Parliament. Its job is to oppose. Ideally, it should be constructive and come up with alternative policy. However, all too often we see this opposition resorting to very cheap and puerile tactics. We know there is a dearth of policy. There is no policy that opposition members can talk about. We know they are not very good at doing their homework and doing the hard yards. I was part of the opposition before the 2017 election, and I know that as an opposition the Labor Party was ready for government because of the huge workload it took on and its keenness to develop interesting policies and take them to the community.

Ms C.M. Rowe: That's when Metronet was formed.

Mr R.R. WHITBY: Indeed. We can date the genesis of a whole range of policies to that time. We did the hard work because the Western Australian community deserves a government that is ready to govern and do the hard work.

Mr D.T. Punch: They hate negativity.

Mr R.R. WHITBY: That is the other thing. We have an overwhelmingly negative opposition. I think that is due to the fact that the opposition is lacking in its capacity to do the work and is lacking in alternative policies. It is a very easy and very puerile course to simply grab hold of cheap slogans, such as the arrogance line. Almost every opposition tries to employ it, but it is thrown around loosely and inappropriately: "The government is arrogant; it is not transparent." They are the things oppositions make up and grab out of the ether when they really do not have a constructive case to mount against the government.

I take everyone back to the previous period when Colin Barnett was the Premier and the Liberal and National Parties had control of the Treasury bench. Do members really think this is an arrogant government when compared with what was going on then and the nature and the approach of the former government and former Premier? Let us compare and contrast those two and the leadership we have today compared with back then. If members want to know what arrogance is really about, go back to pre-2017 when we had a Premier who optimised arrogance in the way that he conducted his affairs, by his lack of transparency and the way he wanted to bulldoze through policies and changes. Realistically, I think this government is a middle-of-the-road centrist government. That is the hallmark of this government. It is a government of moderation and good common sense. Our leaders—the former Premier and the current Premier—are both practical and moderate people who get on with industry, the union movement and community members. They can work together and collaborate. We are a very collaborative government; we are in the middle of the road. We are in the sensible centre. When a government occupies the centre ground—you see this all around the world—what does the opposition do? It has two choices—to go to the extremes of the right or the left. We are seeing some funny behaviour in this Parliament, with Liberal members standing and opposing some of the basic tenets of what we thought they were about. We have always known that Nationals members are agrarian socialists, as the Minister for Education quite correctly refers to them. They do not mind being capitalists when there is a profit to be made, but as soon as things get tough, they become socialists and they want government support. The approach by the opposition over the last couple of years—quite frankly, for most of the time we have been in government—has been to latch onto cheap headlines and say anything or drag out any fact. Indeed, it is a bit reckless, to be honest, but it is very good at looking for the extremists out there in the community—the people saying ridiculous things, making ridiculous assertions and saying things that are not based on fact. The opposition leaps on board to give those things currency, promotion and airtime and to push those false messages out.

I want to get into a couple of the examples I have mentioned from my portfolio. I will start with the environment and something that I am very proud of and that I know will be revered, respected and supported by the vast majority of the community in time—even members opposite will in time come to regard it as a good thing—and that is the south coast marine park. The approach to this by the member for Roe and his colleagues in the other place, working together, has been appalling. I remind the house of the time that I produced a pamphlet. I have it in another file, and I am sure the member for Roe is glad that I cannot wave it around again. It was a promotional flyer that the member for Roe and Hon Colin de Grussa from the upper house put out to the community in Esperance. Basically, it told a big lie. These members misled their own constituents. The claim made on the flyer was that almost half of the proposed south coast marine park would exclude the right of fishers, commercial and recreational, to go

fishing there. That was never, ever true, but it was suggested and strongly implied in that pamphlet, which went all around the Esperance community. That provoked concern, as members can imagine. In fact, there was a protest when my colleague the Minister for Fisheries was in Esperance. I think the size of it was exaggerated in media reports; how many people would the minister estimate were in attendance?

Mr D.T. Punch: About 300.

Mr R.R. WHITBY: About 300; I think members opposite said there were thousands! But it is understandable that concern had been created by false information on a flyer that the member for Roe put out with his face and name on it. It said that fishing would be restricted from almost half—around 45 per cent—of the south coast marine park, and that people would not be able to put a line in. That was wrong; it was never correct, yet that was put out there. The caption to one of the media shots of the protest crowd when the Minister for Fisheries was in Esperance repeated that false claim. Members opposite have talked about transparency, decency and honesty in government. The member for Roe's false claim was picked up, promoted and used to cause unnecessary anxiety in the community. The government has bent over backwards and gone to the extreme to ensure consultation on the south coast marine park process. There has been consultation above and beyond the statutory requirements. It has involved community consultation in ways that have never happened before, yet all the time we have had false information coming from the opposition. I will quote Tourism Council Western Australia chief executive Evan Hall. On 16 February, he said that he would —

> … support maintaining all current and future non-extractive marine tourism experiences to preserve and protect ongoing visitor access through marine tours to the marine environment."

He was supportive of what we are doing. He understands the business and tourism potential of an amazing part of our coastline. Businesses in Bremer Bay, which I listed in the chamber before, and businesses in Esperance have said they support the marine park. However, the rhetoric we have come to hear and expect from the other side is, unfortunately, almost quoting one individual who is given to making very extreme, exaggerated claims about the marine park. That grabs a headline, unfortunately. My former colleagues in the media love that sort of extreme message. It grabs a headline but it is never honest. The unfortunate thing about members opposite is that they do not show any moderation or reasonableness or take a fair approach. They will ignore all reality. They will latch on to the loudest, most extreme, often most unhinged voice out there and say it is fact. They will then promote those views. It is very disappointing.

A representative of an organisation came to see me recently to apologise for the conduct of a former member of the organisation and the types of things that were said—claims that were made and exaggerations and falsehoods—about the south coast marine park engagement process. It was good to hear. I was not expecting it but the representative from that organisation said to me, "I'm sorry. It was wrong. We want to build a new relationship based on trust and cooperation. I apologise for what happened and what was said in the past." When will the opposition also apologise for using the comments of that individual and promoting those views and extreme claims publicly and in the chamber? I wait for that apology. I have received it from the organisation involved. It was said very graciously and I accepted it. We moved on and will form good relationships in the future by working together. The opposition almost validated some of the things that were said at the time. They brought them to this chamber. They did not care to fact check because they wanted to cause anxiety in the community. When will members opposite apologise as the organisation has? That is the south coast marine park.

I will go on to energy, which is my other important portfolio area. We have had lots of bad faith from the opposition. The Leader of the Liberal Party has knocked renewable energy. Opposition members claim they support renewable energy and claim they are in for the transition and that they want to do something about climate change, but when an issue comes to the public's attention about a new wind farm, solar farm or transmission line, they will find a way to undermine it to cause anxiety and unreasonable concerns. An example of this occurred recently, in the pages of the *Augusta Margaret River Times* on 13 April. The member for Vasse, the Leader of the Liberal Party, referred to the Scott River wind farm and said —

> "This project has the potential to have a huge impact on … the wider community.
>
> "This lack of transparency is not good enough and the WA Cook Labor Government need to intervene to ensure that members of the community are provided with the full information they are seeking."

The member was aware of that process even though no project has been approved. This was the beginning of talks and consultation with the community, which is exactly how she found out about it. It is interesting that the energy spokesman for the opposition, Hon Dr Steve Thomas, had a very different approach to this issue. He said on 6 September —

> "There are a number of proposals that I personally consider are quite reasonable proposals. I think the Scott River proposal looks very good," …

The opposition energy spokesman is saying it is pretty good. There is a split. I know the member for Roe is not responsible for everything his minor partners or junior partners say and do, but the Leader of the Liberal Party was

attacking and trying to stir up concerns in the local paper. For the broader audience, Hon Dr Steve Thomas was being fairly reasonable, saying it is a good project and that he likes it. In fact, he said it is "very good". We have to ask opposition members whether they support it or not.

I could go on about this one for the rest of the night. It is a doozy! It relates to nuclear power. We still do not know the opposition's—the Liberals' or Nats'—views on nuclear power. I am not sure whether you guys are going to get together and have your own combined view or go off in separate ways. We know they sort of support it but sort of do not. They certainly have not been prepared to challenge the federal Liberal leader, Peter Dutton, when he told the people of Collie that they are going to have a nuclear power station down there. We have not seen the outrage we might expect when a federal leader, someone from Canberra, simply announces, "There will be a nuclear power station in this community." Can members imagine if that was done by the current government in terms of a project in a community what would be said from the other side, but we do not hear a murmur about putting a nuclear power station in Collie. There is no explanation about how the opposition proposes to magically create more coal from a finite resource, from mines that are almost exhausted. The plan is to wait for nuclear power, which does not have an arrival date; it could be 20 years at least. We do not know from the opposition how it will make the coal-fired generators, even if it could conjure up some coal from somewhere. How will those generators, which are at their end of life, go on for another 20 years at least and require billions of dollars of investment, maybe replacement, and then be stranded assets when in 20 or 25 years nuclear power finally comes along?

Members opposite have no explanation of how householders in Western Australia will be able to afford the massive cost of nuclear power given we know it is a multitude of the cost of renewable energy. We know that renewable energy is the cheapest new form of power today and continues to get cheaper. Anyone who has bought solar panels for the roof knows how the price of renewables is always falling. We know that nuclear power is always getting more and more expensive. There is no explanation from the opposition—arrogance, one might call it, in that it is not prepared to explain to the people of Western Australia—how nuclear power will fit into our energy market. We know that when it is there, it has one speed—flat out. One cannot dial it up or down. One cannot turn it down. Because there will be lots of renewables in the system that are much cheaper, one cannot go and turn down nuclear power and then whack it up again as needed; only gas does that, and that is why gas is an important part of our transition. But nuclear power has one speed, and what that means is it will crowd out the market. It will destroy investment in renewable energy and all the good things we need to have happen for the Western Australian economy to create —

Ms C.M. Tonkin: They want to switch our panels off!

Mr R.R. WHITBY: It will disrupt the network, that is for sure.

There is no investment in renewable energy for the opposition. No-one is prepared to invest in renewable energy when there is a nuclear power station going to be built "sometime in the future", so not only will we not have the nuclear power; we will scare off the renewables and we will be in a pickle.

The other thing is around social licence. Members opposite were stirring up hysteria down in the south west over wind turbines, which people could hardly see, yet they are happy to whack a nuclear power plant in Collie or who knows where else in the suburbs and towns of Western Australia. If members opposite want to talk about transparency and integrity and honesty and a decent approach and respecting the views of the community, on these key issues they leave a lot to be desired.

I have a lot of other things written here. I can talk about the other thing about nuclear. Forget about solar panels and the feeding tariffs and the ability to promote solar power in the home, and household batteries, because again nuclear takes over, crowds the market, and there will be only nuclear if and when it arrives. Goodness knows what we will do in the meantime! I know that my colleague has even more to say about this motion. I thank the chamber for its time. The way forward is to be reasonable and respectful. We can push our arguments and we can be passionate but we do not grab a throwaway line that has no basis in fact behind it, such as "You're arrogant" or "You're not transparent". I heard the Leader of the Liberal Party earlier tonight and she was just nasty, negative and whinging. What people are looking for from an opposition is a bit of integrity, a bit of effort and a few policies. It might change its situation. It has become a splinter group in the chamber, but the way it is going, it will not change.

MR D.T. PUNCH (Bunbury — Minister for Regional Development) [7.20 pm]: Today question time was a disappointing experience because I heard that the policy of the opposition is to create anxiety and confusion and spread misinformation. Despite members of the government giving clear answers during every question time, we get the same repetitious questions. It is disappointing to get few questions about my portfolios of disabilities and seniors, which together comprise nearly 900 000 people in Western Australia, and regional development. I think I have been asked for one briefing on those issues. So much change is happening in disability and regional development. There have been so many complaints about regional development. Transparency is about asking for information and asking questions. I may have been asked five questions and have certainly had no requests for briefings. I have not received a single request for a briefing from the shadow Minister for Fisheries, yet the opposition talks about the south coast marine park.

Mr R.R. Whitby: They have plenty to say about it.

Mr D.T. PUNCH: Yes, they have had plenty to say. Transparency is about asking questions and really working to try to understand the issues and apply critical thinking.

Mr P.J. Rundle: And giving answers like today.

Mr D.T. PUNCH: The member has not asked me a question.

I listened carefully to what was said today in the lead-up to this evening's debate. A lot of it was premised on the notion that for some reason because the Cook Labor government holds a majority in both houses, that leads to arrogance. Well, that is democracy. I did not hear that view expressed by previous governments when the Liberal–National government was in power and held the majority in both houses. That was not arrogance? That is the issue. For some reason, the opposition resents the fact that we hold the balance of power in both houses. Because of that, we do not get the filibustering that we had in the previous Liberal–National government. In a very clear way, we are able to move forward our very wide and diverse agenda on law and order, safety, projects and making Western Australia a better place. It is grounded in consultation.

I had a quick look at some news articles because there was a lot of talk about the Auditor General. I found "Opposition: Barnett government in 'computer stone age' with online services", a damning report by the then Auditor General, Colin Murphy. There is more, including "WA Premier Colin Barnett accused of misleading Parliament over advertising", in which the Auditor General was misquoted by the previous Premier Barnett. Also, "Barnett backs Grylls over Palmer links" and the refusal to provide information. We know where the loyalties are. I also found "Grylls 'acted inappropriately' in fuel contract disclosure".

Members should not come in here talking about the Auditor General because the Auditor General gives opinions. We listen very carefully. I have met with the Auditor General when she has expressed opinions about areas in my portfolios and we have acted on those opinions. She expresses an opinion, we look at it and we consider it. We adopt a very positive approach to government and we are a disciplined executive government team. Those are the Auditor General's comments.

How many cabinet ministers in the previous Barnett National–Liberal government had to resign in very unfortunate circumstances and how many have had to resign out of our government? None—zero. We are disciplined, we are positive and we are focused on the needs of Western Australians. I have some great examples. I was up in the Kimberley talking to the community about what is important. I was able to inspect firsthand the construction of WA's first $60 million cotton-processing facility in the Ord irrigation area. That achievement has come out of the solid hard work of bringing all stakeholders together. It was very transparent and included First Nations people—the Miriuwung–Gajerrong people. Lawford Benning has been fantastic. The Ord River growers and the Ord River District Co-operative have been part of it. The community and the town have been part of it and they are proud of what they see.

Work followed on from that. It is great to see industry progress, but it is also important that people are proud of the place they live in. We worked hard to bring the East Kimberley Chamber of Commerce and Industry, the Miriuwung–Gajerrong people, the Shire of Wyndham–East Kimberley and the regional development commission into a conversation about what it is like to live in Kununurra—a town that was sadly neglected by the previous government. They are excited, because for the first time they are talking about building a place that is inclusive, that can build relationships between people and look at how to modernise the town centre and make it an attractive, interesting place that people can be proud of and be positive about. That is about bringing the community together in conversation. We cannot get more transparent than that.

Have I been asked a question about that? No. Why? It is because it is a positive story. I contrast that with Warmun. We have been working with the Warmun community. Back in the day of the Liberal–National government, it had a very quick consultation with the community in response to the flood up there, and then went ahead and built an aged-care centre. The only problem with the aged-care centre is that it could not be licensed and used. It sat there as a symbol of despair for that community for years. It fell into disrepair. These places get vandalised when they fall into disrepair. We went and had the community conversation and worked out how it could be used. The community came back and said, "We really want to see if we can build it as a social enterprise." They looked at the opportunities of key worker accommodation and things like it being a central cleaning area or laundry area to make use of the asset. They are excited because we have backed them. We have backed them to renovate the building and look at how it can be operated into the future. It cannot get more transparent than that. We talk to the community in a positive way, with a very positive vision for the future.

I was with the Ord River District Co-operative, and our regional economic development grant scheme provided $220 000 to that co-op to get a cotton-classing machine. That makes the region independent. It means it does not have to go the eastern states to get cotton classed. That is a very positive story. What did I hear from the opposition? Crickets. There was no ringing up to say, "I'd like to know more about that. It sounds like a really great initiative." There was no thinking about how the opposition might build on that as a policy option and what it could do. All we got was the same old, same old: revolving questions from the opposition and not listening to the answers, because answers are provided. Whether it is in health, policing, education or housing, the opposition has had very clear

responses. The problem is that it does not like the answers. That is not in the interests of the Western Australian people. It is not how a good opposition operates. A good opposition talks to the community, finds out what the issues are from their point of view and sees whether it can put forward a better offering in a contest of ideas. It is not a contest of who can whinge the loudest, which is what we get from the opposition. We get negativity and whingeing all the time. There is not a single policy offering that comes in here that is well thought out, well constructed, put on the table and that the opposition, in a transparent way, puts up for critical review in this place. The opposition does not do it. I have not seen it, and I certainly have not seen it in my other portfolio of fisheries. In fact, what I have seen is a blatant disregard for the scientists within the fisheries section of the Department of Primary Industries and Regional Development and the work they do to build sustainability. All I hear is criticism about the actions that we take on sustainability to build a future for the next generation. All members opposite do is whinge and criticise and exploit division in the community. That is what they do, and they should be ashamed about it. The Liberals and the Nationals should go away as a group, have a big get-together somewhere, really try to talk through their differences and get a little bit more coordinated and positive. If they did that, they might get a better reception from the community.

Debate adjourned, pursuant to standing orders.

RETIREMENT VILLAGES AMENDMENT BILL 2024

Second Reading

Resumed from an earlier stage of the sitting.

MR P.J. RUNDLE (Roe — Deputy Leader of the Opposition) [7.30 pm]: I wish to make a brief contribution to confirm the support of the Nationals WA for the Retirement Villages Amendment Bill 2024. It has taken a long time to progress it to this stage, but I think it is a very important bill. As the minister said in his second reading speech, it takes into account both what we say would be a vulnerable group of consumers—our aged residential customers—and the companies that build retirement villages. They obviously have to be sustainable, so it is important that various companies can have a sustainable model.

As I said, I want to make a brief contribution. My folks live in a retirement village in Albany, as do my aunty and uncle. I have the power of attorney for my aunty, so I had a bit of an experience when they moved from their property recently. To get an understanding of how it works, I have seen the settlement statement and the like and, to be honest, I was slightly taken aback. The residential lease on the property was turned over for $455 000. I thought that, as it had been turned over for $455 000, they would probably end up with somewhere in the order of $400 000. They were there for 8.98 years. I have a list of items subtracted from that $455 000. The deferred facilities fee was 26 per cent of the next resident's ingoing sum, with the fee being capped at seven years. An amount of $118 300 was subtracted. The marketing and re-letting scale fee, at three per cent of the new resident's ingoing sum, was $15 015. I know at least three different lots of people were keen to buy or lease that property under the current structure. They were basically charged $15 000 for signing a property offer and acceptance form. The reserve fund contribution at 0.65 per cent of the fixed loan amount was $26 568.88 and the refurbishment cost was $37 934.29. I am sure the Leader of the Opposition will talk about the refurbishment cost and the capital payment scenario at the consideration in detail stage. Then, of course, there were the normal shire water rates and outstanding common service fees, which were small amounts. The total deducted from their sale or the turnover of that property was $197 823.23. They started with a sale of $455 000 and they ended up with a payment of $257 176.

I found that quite concerning. Maybe it is my naivety, but I envisaged that because the property sold for $455 000, they would probably end up with around $400 000 or somewhere in that order but they ended up with $257 000. That is 56.5 per cent of what it was sold for. To me, that registers concern. That is why I think it is important that we are here to ask those questions in consideration in detail. As I said, I support the bill because it will address some of the issues, especially the timeframe for the exit payment. We know that over time, some residents have had to wait longer than the 12-month period and, in fact, for three or four years. Whether it is the resident, the resident's spouse or even the estate, that can be concerning. I think that is one of the main assets of this legislation.

I think we also need to think about the vulnerability of the incoming residents to these retirement villages. I spoke to a representative and said I was concerned about the way people come in there. People are keen to get in there. To some extent, my parents did the same thing; they had their relatives in there and they wanted to sign up and go in. What were they faced with? It was about a 220-page contract. Members can understand that they are not necessarily legally right on top of it all. To the credit of the proprietor, they said there was a 17-day cooling-off period and that it was important that they seek their own legal advice. They were covered in that way, but at the same time, let us face it: how many of those residents are going to read a 220-page contract and understand all the intricacies that go with it?

That is really the context of where I am coming from. I understand that these villages are important. We have an ever-expanding ageing population, and we need to make sure that we not only look after that cohort of customers but also have aged and independent villages still being built. For me, the legislation has been greeted with some enthusiasm because this government has addressed some of those situations.

I just want to go through a couple of things. We had a discussion the other day with the Western Australia Retirement Villages Residents Association, which has over 6 000 members. In general terms, it is pleased with the majority of the proposals that have been put up. I point out a few things that, in an ideal world, the Western Australian Retirement Villages Residents Association would probably like to see amended. We know the track record of this government. Basically, it will not allow any amendments to any bills. The association is barking up the wrong tree if it wants anything amended. That is the challenge; the government rams through legislation and does not want to take any amendments from the opposition whatsoever. It is disappointing because sometimes amendments can improve legislation.

I turn to a couple of the amendments. In proposed section 41 under part 3B "Capital Items", the recommended change of WARVRA is to shift the responsibility. The definition in the bill before the house allows fixtures like stoves, air-conditioners and garage doors and everything within the four walls of the dwelling to be considered capital and the personal responsibility of the resident to maintain, repair and replace at their personal cost while leasing there. The recommended change of WARVRA would be to shift that responsibility back to the operator where it belongs. I agree with it. If someone leases a property and the garage door breaks down, that should be the bailiwick of the operator, not the person leasing. I agree with that one.

We have the scenario in proposed section 41D(1). One aim of the bill is to more clearly differentiate the financial obligations and responsibilities of residents and operators within the village. An agreed principle was that owners are responsible for capital replacement and residents are responsible for capital maintenance as defined. It is very clear on this. It ensures that residents' funds cannot be used for capital replacement by the imposition of any fee whatsoever. However, proposed section 41D(2), which is apparently a late addition, provides an alternative mechanism whereby the operator can make a resident pay for capital replacement thus nullifying the main aim of section 41D(1) and undermining the principle that a capital replacement is an operator's responsibility. I agree that residents should not be responsible for capital replacement. I think New South Wales legislation is much more effective in covering that.

I would like to point out a couple of other issues in relation to interest. It seems that our operators are quite happy to not pay interest on an outstanding exit amount between vacant possession and receipt of the exit payment, but they have a scenario in which the person who is leasing gets caught with interest at different stages. The suggestion is that the operator must pay interest at the prescribed rate to former residents or their estate for the period between vacant possession and date of the actual exit payment. As I said, some of these exit payments are years down the track. The operators have the money in their pocket and do not pay interest out to the estate when it is sold. I think that is fair and reasonable. They cannot have their cake and eat it too. Then we have the transition scenario. Once this bill goes through, we have the 12-month exit payment, but we will also have a 12-month delay in the commencement of the 12-month exit payment provision. Residents leaving, let us say, early next year will potentially be looking at a delay of 24 months. Those operators apparently now need another 24 months to accumulate the funds. Obviously, some operators pay out the exit fees within 45 days of vacant possession. That is one thing I will say for my uncle and aunty's situation; they were paid out well and truly within the 45 days. The only problem was that they got $257 000 out of the $455 000 it was valued at. That is 56.5 per cent.

In summary, as a concerned member of the community, a nephew of a couple of residents who have recently turned over their property and of course the son of my folks who are also in one of these villages, I am concerned. The operators need to work a little harder to make sure that residents know what they are getting into. I am sure that some residents think that they are buying the property, not leasing it, and of course they need to take independent legal advice. I do not think it is laid out well enough and I think this bill will improve some of those elements. We will leave the rest of our questions to consideration in detail. In general terms, as the Leader of the Opposition laid out, the Nationals WA are certainly supportive of the legislation.

MR J.N. CAREY (Perth — Minister for Lands) [7.46 pm] — in reply: I will just respond to some of the issues raised and then we can get to consideration in detail. It is our intention to keep working through the bill tonight until we get to the end of consideration in detail.

I thank both members for their contribution and despite the backhander that the member for Roe gave me, we will continue on. I thank the Nationals WA for its support of this reform, which is really important. As the local member for Perth, members might be surprised that constituents in my city electorate of Perth have raised this issue. I do not have a lot of retirement villages in my electorate, but people have raised issues with me. The intention is to implement stage 2 of the reforms from the recommendations of the 2010 statutory review of the act, as well as to modernise the act, which is critical. The reforms are in four key areas. I want to put those on the record before addressing some particular issues. The four key areas are: improved information disclosure in marketing and contracts, fairer access to exit entitlements, residential participation in village life, and processes for change and development in a village. I think that these four key themes and areas of reform not only genuinely attempt to address those critical concerns, but also work hard to get the balance right. It is a focus on transparency and consistency in the ways in which retirement villages are marketed, managed and priced. With this legislation, we will effectively ensure that consumers are ultimately in the best position to understand and make informed decisions about their housing options. In some sense, this tranche follows the strata reforms that we introduced in our first term that were about providing and ensuring that consumers of strata are better informed about the choices that they are making.

The Leader of the Opposition raised and discussed the importance of disclosure documents and whether it was possible for prospective resident information statements to include a single page summary of key financial information. The bill proposes two new statements to provide information. The first is the community arrangement statement. That will provide information about the village, the amenities and services that are applicable to all residents, regardless of their individual contracts. This statement will be available to everyone, including residents, family, neighbours, or whoever is interested in the site or has a family member going into a retirement village. It is intended to allow the features of the village to be compared and considered prior to a prospective resident engaging with an operator or visiting a village. This is about them feeling that they can make informed choices. I think this is the critical part of the equation, and I congratulate the department agency staff who have given this so much consideration and thought. This is also about reducing the risk of any customer feeling pressured by sales representatives in the early stages of the consideration. The customer can see the information. They do not necessarily have to walk into a village or engage a sales representative; they can get some initial sense of that retirement village product.

The second document is the prospective resident information statement, which is a disclosure statement that will be prepared specifically for a prospective resident taking into account their individual needs, financial situation and accommodation preferences. This will provide key information about the product and the costs associated when purchasing, living in and leaving the premises in which they have an expressed interest. This is important to note, Leader of the Opposition. The Consumer Protection division of the Department of Energy, Mines, Industry Regulation and Safety is currently consulting key resident and industry stakeholders about the content of the disclosure documents raised by the Leader of the Opposition. The documents will be required to be provided in an approved form. In designing the form, the Consumer Protection division is aware of the desire of residents to have a single up-front summary of key information, and it is intended that the approved form will include a single-page summary of key financial information. I think that addresses the Leader of the Opposition's concern there.

The Leader of the Opposition also raised the issue of resident consultation about village budgets. This issue is regularly raised; it has been raised with me. In accordance with the recommendations, the regulations will add an additional requirement for consultation with residents prior to the preparation of a draft budget to ensure that residents have the opportunity to be engaged in the early development of a budget. Of course, as we know, many villages already hold early meetings. I know that this is the case with the Leederville Gardens Retirement Estate in my electorate. This consultation is just an additional requirement. I put on the record that there are not expected to be any other changes in the provisions other than the code of practice, which already has extensive requirements. Residents have reported that some retirement operators do not comply with the current requirements, so they will be moved from the code to the regulations to promote awareness and provide better enforcement options. I think that addresses concerns flagged by the Leader of the Opposition. Moving them from the code to the regulations will be about not just promoting awareness, but also providing better enforcement actions.

The Leader of the Opposition also raised the issue of reinstatement and renovation obligations. We are reforming this. As the member knows, we are replacing the current references in the act and the code to refurbishment with specific requirements for a resident to either reinstate or renovate the premises. I think that it is really important that there is now a clear delineation between reinstating or renovating. If a resident's contract does not provide for the resident to receive any of the capital gain from the resale of the resident's right, the departing resident will only be required to reinstate the property on departure. That will require the resident to return the property to the condition that it was when the resident arrived, fair wear and tear excepted. The resident will be required to remove all possessions, leave the property clean and repair any damage caused by actions or neglect.

If the contract provides for capital gain to be shared by the operator and the resident, the resident can be required to contribute to the cost of any additional renovation undertaken to improve the property to increase the resale price, but only if parties have agreed to a renovation plan and only in the same proportion as the resident's share of any capital gain. I think that this is very clear. It is good reform. It will provide delineation between reinstatement and renovation. I think that, obviously, having that delineation will resolve some of the tension. We are providing greater clarity on definitions; people will understand where they stand, and I think that is critical.

The Leader of the Opposition also asked for more information about the responsibilities for maintaining capital items. The bill will require operators to have greater accountability to residents on the use of residents' funds for capital maintenance in a village. In most instances, operators will fund capital maintenance from the village capital maintenance fund, and operators will be responsible for funding replacement.

The member also asked: why can a contract provide that internal fixtures and fittings of a unit are to be maintained by a resident if the unit is owned by the operator and the resident has a lease or a licence? A retirement village lease or licence is not the same as owning a freehold title, and that is important to note, but it is also very different from a residential tenancy. In a residential tenancy, the owner of the property is responsible for maintaining fixtures and fittings, with each tenant effectively contributing to the landlord's expenses through their rental payment. This makes sense, particularly when a tenant may be on a six-month or 12-month contract, which is most common. I have jumped ahead, but what we know from the 2023 PwC–Property Council Retirement Census is that retirement

villages are different from the private rental market in that it was reported that a resident will live in an independent retirement village for an average of 10 years—a decade. That indicates a clear difference between the short-term rental market, in which the owner and landlord is responsible for fixtures, and the average tenure of a resident in an independent living village in WA.

Some retirement village models provide that a departing resident is entitled to some or all of the capital gain realised on resale of the residence, and may also choose to have control over the selection of and maintain the fixtures and fittings during their tenure. Others prefer a model under which they know that the unit will be fully fitted out and maintained for them with maintenance costs covered as part of their residential contract fees. It is appropriate that operators and residents should be able to choose whatever arrangement they prefer, provided that both parties—this is the rub—clearly understand the situation and the financial options when they purchase.

I think that the member for Roe asked: why can operators not tell residents at the start of the contract the exact exit fee? I think that he raised that. The advice I have been provided is that calculating exit fees can be very complex, because the factors used vary according to the individual agreements, and because often the operator cannot know the precise figure until the accommodation had been sold or leased to a new resident. For example, I am advised that some arrangements include sharing of capital gains, and the operator cannot forecast the sale price with certainty. That is understandable; however, as we have already indicated, improvements with clear up-front disclosure in the community arrangements and prospective resident information statements will allow residents to be better informed.

I have tried to deal with most of the issues raised. I think that we have addressed some of those issues, particularly around the disclosure statements, but I am very happy to move into consideration in detail.

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

Consideration in Detail

Clause 1 put and passed.

Clause 2: Commencement —

Mr R.S. LOVE: Why will part 2, but only division 2, and part 4 come into operation on the day after assent, with the rest of the act coming into operation on a day fixed by proclamation, with different days fixed for different provisions? The significant part of the bill is not included in paragraph (b). If I am not wrong, I think there is a mistake in the commencement clause because it should read paragraphs (a), (b) and (c).

Mr J.N. CAREY: Could I ask the member to give me a minute. There is an error with the letter in the bill!

The ACTING SPEAKER (Ms M.M. Quirk): Yes, I am aware of that. As I understand it—the member would know this—there is usually some sort of convention that these things are automatically altered if it is a style or clerical error.

Mr J.N. CAREY: It should be (a), (b) and (c).

Mr R.S. LOVE: I pointed that out after I asked my question and then the minister asked me to give him a minute; I gave him a minute and then things happened!

It should read paragraph (b) then (c). Part 3, division 3 is the significant part of the legislation and it is not included in paragraph (b), which is on the day after assent. The rest of the act, in what should be paragraph (c), will commence on a day fixed by proclamation. Can the minister give me an idea of the predicted timeframe for those and if there is a need for different provisions to commence on different days or is that just a catch-all phrase with the intention being that all the parts will commence with the rest of the act?

Mr J.N. CAREY: The member is right; part 2 deals with some technical aspects and terminology. Paragraph (c) deals with the rest of the formal operations. I am advised that it is expected that the operative provisions of the act will commence around 12 months after royal assent. That will enable the transition period for industry, particularly with the amendments dealing with the payment of exit entitlements. That will not commence until 12 months after the commencement of the act. It will enable the transition period.

Mr R.S. LOVE: What is the situation with contracts that are entered into within the 12-month period? Will they be captured during the 12-month grace period?

Mr J.N. CAREY: Those contracts will fall under the existing legislation because we definitely need the transition period. There is also IT work to be done by the agency and industry has asked for the 12-month transition period.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Section 3 amended —

Mr R.S. LOVE: This clause starts with the deletion of the definition of "premium". I wonder why it is necessary to delete it. I know that we are inserting a new term, but how was that word interpreted previously? I think it will now be known as the ingoing contribution. Perhaps the minister could explain the reason for this change.

Mr J.N. CAREY: The reason for this change is that it is a reflection of the way the industry has made changes to the payment model. Premium referred to the up-front payment; now there is a different range of options by which people can make a payment.

Mr R.S. LOVE: Is that defined in clause 4(3) as the ingoing payment?

Mr J.N. Carey: Yes.

Mr R.S. LOVE: Could that be a variety of payments?

Mr J.N. Carey: Yes.

Mr R.S. LOVE: That is different from what was envisaged in 1992 or whenever the first act was proclaimed.

Another point I will quickly pick up on is at subclause (5) to insert proposed section 3(1A), which states —

> Residential premises in a retirement village are ***permanently vacated*** ...

It gives a number of reasons for that. What is the importance of adding this term for the operation of the bill? Proposed subsection (1A)(a) encompasses vacant possession being given to the operator or, under proposed subsection (1A)(b), the contract terminates when vacant possession of the premises is given to the operator. Can the minister provide me with an explanation of the importance of that term?

Mr J.N. CAREY: I hope I can explain this, Leader of the Opposition. I have been briefed, I have asked questions and have been thoroughly engaged, but it is not my portfolio as such! Proposed section 3(1A)(a) relates to a contract requiring a defined timeline; proposed section 3(1A)(b) relates to a situation in which there is no requirement for a defined timeline to vacate.

Mr P.J. RUNDLE: With regard to the definition for ingoing contributions, I note that the explanatory memorandum says that in some village models, the payment may be made to an outgoing resident rather than to the operator. Will this be covered by the regulations or is there some sort of body that will oversee that payment going directly from one resident to another?

Mr J.N. CAREY: I am advised that it is dependent on the type of tenure in the village—for example, if someone buys into a retirement village and they are actually purchasing strata. Does that make sense?

Mr P.J. RUNDLE: I understand that the majority are under the lease model. Could there be any circumstances under a lease model in which a transition payment is made by an ingoing resident to an outgoing resident?

Mr J.N. CAREY: No, it would apply in a scenario with a lease or licensing model.

Clause put and passed.

Clause 5: Section 5 amended —

Mr R.S. LOVE: Clause 5 provides that this legislation will not apply to a residential premises in a retirement village that is used to provide residential care as defined under the Aged Care Act 1997 or aged care of a prescribed kind. I assume that that refers to the full care model of residential care. I am interested to know about model situations in which there might be provision of independent living, a hostel situation and a high-care facility all on the one piece of ground. Will this provision affect a model like that or are the three different levels normally at a different level of tenure?

Mr J.N. CAREY: If it is classified as a residential care facility, it will be excluded because it is governed by commonwealth law.

Mr R.S. LOVE: Would that capture the entire complex or just the component that is the residential care facility?

Mr J.N. CAREY: Only the residential care component, because as the member will be aware, there are complexes that have that—a retirement village and maybe social housing as well.

Clause put and passed.

Clause 6 put and passed.

Clause 7: Section 8 amended —

Mr R.S. LOVE: This clause refers to the requirement to keep a register of retirement villages. Can the minister give me some detail of what that register might entail? What information on a facility will it include and what will be the purpose of the register? I would have thought someone was already keeping a record of such villages, but apparently not. If a register of retirement villages is being kept, how will we find out where they all are if there is not a register already?

Mr J.N. CAREY: They are working on that at the moment. Obviously, there will be some elements that just makes sense, including the operator, the location, the number of homes and facilities. It will do that via the link to the community statement. That is how it will do it. I am advised that every retirement village on the register will have a link to access that information.

Mr R.S. LOVE: Is this the same register that is required under proposed section 78A? Will all the information laid out in the later sections of the legislation be on the register?

Mr J.N. CAREY: This is just to provide the function for the commissioner.

Clause put and passed.

Clause 8: Section 13 amended —

Mr P.J. RUNDLE: This clause refers to a prospective resident signing more than one contract with the operator. It refers to providing documents and so on. Can the minister outline in what circumstance a person would sign more than one contract with the operator?

Mr J.N. CAREY: A likely scenario is when there is a new village development and people might sign up to a contract off the plan, so to speak. Once they are about to move in and development has been completed, there may be a second contract with further detail.

Mr R.S. LOVE: Proposed subsection (2A) reads —

> A paragraph of subsection (2) does not apply in relation to a subsequent residence contract between the person and the owner if there have been no material changes to the document …

How are we defining "no material changes"? Why would there be a requirement to sign a fresh document if there were no material changes?

Mr J.N. CAREY: Sorry, member. That reads as a document has to be signed only if there have been material changes. If there have been no material changes, they do not have to be signed.

Mr R.S. LOVE: Section 13 of the Retirement Villages Act includes a penalty of $20 000 for transgression of section 13(2). Has that power been used at all in the past? Are there examples of when people have contravened the provisions of existing section 13(2)?

Mr J.N. CAREY: I would have to take that on notice. Would the member like to put that on notice to the minister?

Clause put and passed.

Clause 9: Section 13A inserted —

Mr R.S. LOVE: This clause states —

> After section 13 insert:
>
> **13A. Residence contracts enforceable against current operators**

This has been raised as being of some importance. It continues —

> A residence contract entered into with an operator, or a former operator, of a retirement village may be enforced against any operator,

Can the minister explain how this could not have been the case before? I would have thought that if a contract were entered into with a body corporate of some sort, the ownership would then change, or perhaps if they sold the site, the contract would have been assigned just as it was. Has that not been the practice? Have there been instances for a person whereby there has been a major change in the residential contract as the ownership or operator status has changed over time?

Mr J.N. CAREY: I am sorry; I do not have the exact previous section, but my understanding is that this provision will resolve a lack of clarity regarding the current section of the act, which is confusing in relation to the enforcement action.

Clause put and passed.

Clause 10 put and passed.

Clause 11: Sections 14B to 14D inserted —

Mr R.S. LOVE: The community arrangements statements, of which the minister and I spoke about, will provide the services and amenity information for the residents. Clause 11 will insert proposed section 14B(2), which states, in part —

> A community arrangements statement must —
>
> … be in the approved form;

I think the minister gave some indication of what might be in that community arrangements statement. Could we perhaps have some information about how far advanced is the drafting of an approved form and what the consultation process has thrown up? I assume the minister is running the consultation with operators and residents to understand what might be required. Has any particular legal issue been thrown up by having an approved form, which the government will set out as a standard-form document, which may not capture everything that has already been encapsulated in these 200-page documents that serve as contracts and arrangements between operators and residents?

Mr J.N. CAREY: Until this legislation is passed, regulations cannot be drafted. But I have been advised that a template, modelled on the Queensland statement, so it has some basis, has been created, and that this is being used with a range of stakeholders.

Mr R.S. LOVE: Clause 11 is fairly long. I refer to proposed section 14C, "Prospective resident information statements", on page 10 of the bill, which states —

> (1) The purpose of a prospective resident information statement is to give a person a summary of —
>
> (a) the estimated costs of the person —
>
> …
>
> (iii) permanently vacating the residential premises …

I assume that would be an estimate of clerical costs, final cleans and the like. As we know, there is some dispute about some of the estimated costs of permanently vacating. What costs will be covered by that proposed subsection?

Mr J.N. CAREY: Different models use different terminologies. It will cover all costs, including ingoing entry payment, recurrent charges and exit fees. The main fee referred to is the deferred management fee. Refurbishment costs, marketing costs and reserve fund contributions may also be payable on exit.

Mr R.S. LOVE: Proposed section 14C(3) states —

> (3) The operator of a retirement village must give a person a prospective resident information statement in the prescribed way —

It sets out ways of providing people with those documents, I guess. Proposed subsection (4) states —

> (4) Subsection (3) does not apply if the operator believes on reasonable grounds that the person has not asked for the prospective resident information statement for the purpose of considering or deciding whether the person is or might be interested in becoming a resident of the retirement village.

It seems to me that there is a bit of leeway about whether the statement is given. Will that be considered in regulations? Might there be some further fleshing out of how the two circumstances will be judged?

Mr J.N. CAREY: Respectfully, there is no intention to include it in regulations. We need some flexibility when dealing with vexatious applicants. What would occur if someone did that every three or four days? The obligations of the operator are set out pretty clearly in proposed section 14C(3).

Mr P.J. RUNDLE: Proposed section 14D(1) states —

> (1) An operator must, within 7 days after the day on which a resident enters into occupation of residential premises under a residence contract —
>
> (a) prepare a report describing the condition of the premises; …

What happens if, after seven days, furniture is moved in and the corner of the wall et cetera is chipped by the furniture removalist? What is the dispute mechanism under this scenario? Would it not be better for a report to be prepared at the point of entry rather than waiting seven days when all sorts of damage could be done?

Mr J.N. CAREY: I am advised that the period of seven days is consistent with the Residential Tenancies Act 1987. The next proposed subsection states —

> (2) A resident given copies of a report under subsection (1)(b) who disagrees with any information in the report must, within 7 days after the day on which the resident receives the copies —
>
> (a) mark a copy in a manner that shows the information with which the resident disagrees; and
>
> (b) give the copy back to the operator.

Mr P.J. RUNDLE: The report will go back and forwards, there will be so many days in which it can be marked, disputed and whatever. What is the final resolution process if both parties beg to differ?

Mr J.N. CAREY: I am advised that the process outlined under proposed section 14D(2) to (4) is about putting it on the record. If there is not agreement, it will be on the record and, at the exit, if those issues cannot be resolved it may end up at the State Administrative Tribunal.

Mr R.S. LOVE: At the time that the report is prepared, two copies are given to the resident. One copy will be given back to the operator with the disputed item recorded. A final inspection will be done within 14 days of vacating the premises, and the resident must be given an opportunity to be present at the inspection. The question that the member for Roe was asking was who will ultimately determine whether the operator or the resident was right about the condition?

Mr J.N. CAREY: If there is no resolution, for example, and there is something that the parties disagree on, and they cannot mediate it—the matter needs fixing, and they disagree on it—then it could go to the State Administrative Tribunal.

Clause put and passed.

Clause 12 put and passed.

Clause 13: Section 15 amended —

Mr R.S. LOVE: This is similar to what we were talking about before when we deleted the term "premium". We are talking about the exit payment instead of the incoming payment. It is the other bookend of the same situation. Is that correct?

Mr J.N. CAREY: Yes, because an exit entitlement could be something other than an up-front payment, like a share of a capital gain.

Clause put and passed.

Clause 14: Section 15A inserted —

Mr R.S. LOVE: Can the minister explain how the proposed section will help facilitate the development of a retirement village? Can he give a practical example of how that might work?

Mr J.N. CAREY: The 1992 act provides that land cannot be used for a retirement village unless a memorial has been placed on the land. The memorial will alert anyone dealing with the land to the charge held by residents over the land to protect their right to the payment of their exit entitlements. The provisions in the current act, in respect of memorials, do not permit the memorial to be amended. It can only be removed by the registrar of titles if no part of the land to which the memorial relates is still used or proposed to be used as a retirement village. This has clearly presented a problem for village developments, because a retirement village memorial may be placed over land prior to subdivision of the land for the purposes of the development of the village. All resulting land parcels would then be subject to a memorial that cannot be removed, even if the parcel in question is never used, or is no longer used, as part of the retirement village. This amendment deals with that issue by permitting the State Administrative Tribunal to order the removal of a memorial over a parcel of land if that parcel is not used for a retirement village, notwithstanding that a village continues to operate on another parcel that is subject to the same memorial.

Mr R.S. LOVE: Proposed section 15A(3)(b) says —

> the value of the land used for the purposes of the retirement village, other than the lot, is sufficient to secure the right of each resident or former resident of the retirement village …

In other words, sufficient real estate must be left to cover the outstanding situation. When we talk about the "value of the land", are we talking about the capital improved value of the land—the land with the buildings and all the improvements on it—and not just the piece of real estate?

Mr J.N. CAREY: Yes, because that is what the residents will be able to claim against.

Clause put and passed.

Clause 15: Section 17 amended —

Mr P.J. RUNDLE: Section 17 of the act provides security of tenure for retirement village residents who do not own a freehold title by providing that a residence contract can be terminated only in limited specified circumstances. Can the minister outline what those potential circumstances might be?

Mr J.N. CAREY: For example, it may relate to misconduct by a resident or to a resident who can no longer live by themselves or, as proposed in the new subsection to be added to the act, the State Administrative Tribunal could have closed the operator, but in all cases it must be approved by SAT, which is critically important.

Mr P.J. RUNDLE: This provision will cover all different types of tenancies, whether it is a lease, a short-term residential tenancy, a periodic tenancy or a fixed-term tenancy. These could all be terminated under this provision.

Mr J.N. CAREY: It will not apply to all. Some residents may be on an ongoing tenancy agreement, so that would be excluded—for example, a periodic tenancy that just rolls over.

Clause put and passed.

Clause 16: Section 18 amended —

Mr R.S. LOVE: Clause 16 seeks to insert a definition of "operator". It states —

> ***operator*** includes a developer, or any other person, involved in the development or construction of a retirement village.

Are there different definitions for the operator of a retirement village in different sections of the act, or is the operator the operator and the definition includes all the different variations or iterations that might be referred to in the act?

Mr J.N. CAREY: This definition relates only to this section of the act, which relates to holding a deposit in a trust during the development stage.

Mr R.S. LOVE: The operator has to be the general operator in every other aspect of the act because it includes that person. They are captured in all the other sections as the operator, but, in this particular case, they will be developing an area and holding payments that people have made in anticipation of the development being completed.

Mr J.N. CAREY: Yes. It does include the operator in other parts of the act, but this clause will cover anyone else who might be holding that deposit for a development.

Mr R.S. LOVE: Clause 16(3) will insert proposed section 18(2A) —

> … An operator commits an offence if —
>
> (a) an ingoing contribution is paid to the operator; and
>
> (b) the ingoing contribution is not held in trust or invested as required …

Are those trusts well known and do not need to be further developed? Do these systems already exist in other areas?

Mr J.N. CAREY: It is governed by existing section 18(1), which states —

> … (in a bank account or invested as trust funds may be invested under Part III of the *Trustees Act 1962*) …

Clause put and passed.

Clause 17: Section 19 amended —

Mr P.J. RUNDLE: Can the minister clarify what a service contract provides?

Mr J.N. CAREY: It is basically a broad definition. It states that a service contract is between an operator or a former operator of a retirement village for the provision of services and amenities to residents in the retirement village. It covers a broad number of services and amenities.

Mr P.J. RUNDLE: Is the minister able to give me a couple of examples of those services?

Mr J.N. CAREY: It could include a swimming pool, a restaurant or food service et cetera.

Mr P.J. RUNDLE: My question is about the contract being enforceable against any subsequent operator. Let us say that there is a swimming pool, but the new operator says, "No, thanks. We're not going to run a swimming pool anymore." What sort of recourse will the resident have in that case?

Mr J.N. CAREY: I am advised that they will have to go through the formal change process, which is set out in another part of the act.

Clause put and passed.

Clause 18: Section 20 amended —

Mr R.S. LOVE: I just want to clarify the reordering of priority, if you like. It says here that there will be the deletion of "repayment of a premium" and the insertion of "payment of an exit entitlement". It then makes it clear that that exit entitlement will have status against other charges. Can the minister explain the importance of that provision that is to be inserted?

Mr J.N. CAREY: I am advised there has not been any change. It has been on the advice of the Parliamentary Counsel's Office to improve the drafting of the current act.

Mr R.S. LOVE: Maybe it is in the section we are deleting, but I do not see anywhere a definition of the priority of payment. Could the minister point to where that occurs and what this will replace or reinforce?

Mr J.N. CAREY: I am advised that it is a rewriting. As the member knows, the replacement is —

> The charge has priority over all mortgages, charges and encumbrances created or arising in relation to the land after registration of the relevant memorial …

The existing legislation states —

> If the premium or part of a premium referred to in subsection (1) is paid after the time within which a memorial in respect of the land to which the charge relates is required to be lodged under section 15, the charge is a first charge on the land to which the charge relates, and has priority over all mortgages,

> charges or encumbrances created or arising after the creation of the charge, or created or arising before the creation of the charge but after the day on which a memorial in respect of the relevant land is registered under section 15.

If that is not a word salad, I do not know what is. I understand why they have replaced it with a shorter version.

Clause put and passed.

Clause 19 put and passed.

Clause 20: Sections 21A and 21B inserted —

Mr P.J. RUNDLE: I am firstly interested in proposed section 21A(2)(b), which states —

> requirements for operators regarding professionalism, training, competencies, performance and behaviour in connection with the administration of retirement villages;

I have a combination of questions. Are there current regulations and will they be rewritten? What are the requirements for the training?

Mr J.N. CAREY: No, there are not current regulations. Consultation is happening at the moment based on the voluntary code and New South Wales legislation.

Mr P.J. RUNDLE: To clarify, will there be any particular certificate or training requirements at all that the minister can envisage?

Mr J.N. CAREY: No.

Mr P.J. RUNDLE: I notice the regulations may also put in place conduct requirements for residents in their dealings with operators. If a resident on the council disputes accounts that have been presented and gets semi-violent or whatever the case may be, what does the minister envisage those requirements on the residents will be?

Mr J.N. CAREY: Firstly, I would say that if there is violence, that could be a criminal matter and should be referred to police. The idea is that there will be reciprocal obligations for both operators and residents. As the member knows, and I have seen this, it is also about resident-to-resident conflict. Conflict can often be between property owners and neighbours. For example, the obligations could be to respect the peace, comfort and privacy of others living in, working at or visiting the village; to not harass or intimidate residents, staff or others in the village; to not act in a way that places the health and safety of others at risk, impedes others going about their daily life, or undertaking their employment; and to comply with any applicable village rules or by-laws. It could be between the resident and the operator, or it is, probably, similarly, between resident and resident.

Mr P.J. RUNDLE: As a hypothetical, let us say that a resident keeps going up to the front office and harassing the receptionist. What ability will the operator have for that?

Mr J.N. CAREY: In the first case, there would be internal dispute resolution processes. Secondly, if it is not resolved, it would go to the State Administrative Tribunal.

Mr R.S. LOVE: The member for Roe has been talking about the regulations and the first part of proposed section 21A is the "Rules of conduct for operators and residents" of retirement villages. We heard a little about that. Have any existing models been looked at when developing those residential codes? For instance, I would imagine that a lot of strata organisations deal with similar sorts of issues that the minister has been talking about. Perhaps the minister could point to how this might be developed and what we might look at as a model for it?

Mr J.N. CAREY: I am advised that the intention is that the New South Wales code is of good guidance. That is being used for preliminary discussion and consultation. My understanding is that stakeholders are quite receptive. Other by-laws could be in place as well.

Mr R.S. LOVE: On pages 20 and 21 of the bill, proposed section 21B is about the development of the financial arrangements and budget obligations. The budget we are talking about here is money that is specifically kept for the purpose of the operation, perhaps some maintenance issues and maybe minor capital stuff. Can the minister give us a run-down of what items might be in the budget? That will not be the full budget for the operation of the site, because the operator will have a larger capital requirement and a much larger budget that they would be operating.

Mr J.N. CAREY: It is already set out in the code. We will move it to the regulations. It relates to the operating budget of the village and the reserve for that village.

Mr R.S. LOVE: Just to be clear, is there already a practice that is developed around this and is it making sure that every circumstance is followed?

Mr J.N. Carey: Yes.

Mr R.S. LOVE: Regarding the consultation that has to occur under proposed subsection (2)(e) —

> … with residents regarding the content of the annual budget;

Will that be defined in some way? Will there be some sort of process for dispute resolution if people feel that they are not being listened to in that regard?

Mr J.N. CAREY: They are currently required to have a meeting about the budget, but our regulations will make an additional requirement for consultation with residents prior to even the draft budget. It is an additional step of early engagement. What that will look like is being considered as part of the regulation consultation.

Clause put and passed.

Clause 21: Section 22 amended —

Mr P.J. RUNDLE: Section 22 deals with termination of a retirement village scheme, which includes to basically suspend, or effectively suspend, the retirement village scheme so that all residents are required to relocate even if only temporarily. Can the minister give some examples of how and why this would happen?

Mr J.N. CAREY: I am advised that it would be when a retirement village is really at end of life, or so old that the village needs redevelopment.

Mr P.J. RUNDLE: There are references here to how residents must be given one month's notice and the like, or it holds a meeting. This is under subclause 4, which is proposed section 22(3)(b). It states —

> holds a meeting of the residents, at least 1 month after giving each resident the termination plan, to answer residents' questions …

If the retirement village is coming towards the end of its life, surely it needs to be more than one month. Is there a designated timeframe that they must give notice to residents, or is it just one month?

Mr J.N. CAREY: No, that is "at least". It could be earlier than one month. One month is the minimum.

Mr P.J. RUNDLE: I move to proposed section 22(4) on page 23. It states —

> If the Tribunal makes an order approving the termination of a retirement village scheme, the Tribunal —
>
> (a) must fix in the order a date by which each resident must vacate the residential premises …

It then moves on to proposed paragraph (b)(i), which refers to how the operator may have to help with costs in vacating and relocating et cetera. What happens if there is a large village with a lot of residents in a town with no other accommodation? As the minister knows, we have a lot of towns with no other accommodation—I can think of places like Esperance and Narrogin off the top of my head. What circumstance are there for the operator when it is potentially unable to provide accommodation for those vacating residents?

Mr J.N. CAREY: In that regard, if the operator could not meet the obligations, the tribunal would not proceed to close the retirement village.

Mr R.S. LOVE: I have a question on proposed section 22(3) before we move further into the clause. Under proposed section 22(3) —

> The Tribunal must not approve the termination of a retirement village scheme unless the operator —
>
> …
>
> (c) obtains for each resident, or takes all reasonable steps to assist each resident in obtaining, alternative accommodation —

Will there be an absolute need for them to find that alternative accommodation, or can it be just that they have tried really hard?

Mr J.N. CAREY: I am advised that current standard practice is that the operator will rehouse a resident, but ultimately it is up to the order of the tribunal.

Mr R.S. LOVE: I am going back; this is a question really for my own information. I can think a number of times when we have talked about these little park home things that people live in. I take it that they are not covered by the Retirement Villages Act. I remember a couple of occasions—I think there was one particular example at Kingsway—whereby the caravan park was sold and a whole bunch of people had to move their little homes somewhere else. A lot moved up to Moore, in fact. There have been other instances of that.

Is there any future thought that perhaps those types of arrangements could fall under the protections of the retirement village scheme? For all intents and purposes, those parks offer a similar product to that offered by a retirement village. The only difference is that people provide their own capital as they actually provide the little house.

Mr J.N. CAREY: I understand what the member is proposing, but, ultimately, it is a different model. Those types of villages are regulated under the Residential Parks (Long-stay Tenants) Act, which was recently amended, as the member will be aware, to provide additional protections for residents. If we wanted to go down that course of action, we would have to make further amendments to that act.

Mr R.S. LOVE: I apologise; I was out of the room for a bit when the member for Roe was asking a couple of questions, so I am not sure whether he has covered proposed section 22(4)(b), which states —

> may make such other orders as the Tribunal thinks fit, including an order that the operator pay to a resident —
>
> (i) the costs of vacating, or relocating from, the residential premises occupied by the resident;

If a scheme is winding up and a whole bunch of different people are going through that, is that cost likely to be relevant to that particular unit or that particular person, or would that be a standard cost over the entire unit structure or the entire complex?

Mr J.N. CAREY: Ultimately, that is a decision for the tribunal, but the tribunal could go with both options. It may give recognition to the particular circumstances or arrangements of a resident.

Clause put and passed.

Clause 22 put and passed.

Clause 23: Parts 3A to 3D inserted —

Mr P.J. RUNDLE: I refer to proposed section 27 and the term "reinstatement", which I understand will replace the original term "refurbishment". This proposed section describes the obligation of the resident to return the property to a reasonable condition, but it does not set an objective standard of what is required or reasonable leading to disputes. I want some clarity on what would happen in a dispute resolution scenario after the operator says, "You need to reinstate this property to its original condition." What is the understanding of how that process will work?

Mr J.N. CAREY: Again, there are two options—try to mediate or go to the State Administrative Tribunal.

Mr P.J. RUNDLE: As I pointed out in my contribution to the second reading debate, my aunty and uncle were in a retirement village and when they left, all of a sudden $39 000 and something or other dollars suddenly appeared in the settlement statement. I know that there was not a lot of interaction in relation to that. What is the correct process by which an operator liaises with the resident for reinstatement?

Mr J.N. CAREY: As I have already indicated, a premises should be left clean, but the bill also recognises that there might be fair wear and tear. That term is used in similar legislation, including the Residential Tenancies Act. There is no specific definition of the term. Drafting advice is that definitions should not be inserted in legislation when other legislation does not define the specific term. The term "fair wear and tear" is commonly interpreted by both tribunals and courts to resolve disputes. The Consumer Protection division website includes the following examples: curtains faded from years in the sun, carpet in hallway areas worn because of frequent use, a lock that breaks because it is old and worn out and paint that flakes off because it is old or was not applied properly. If there is a dispute, the Consumer Protection division effectively has a conciliation process but ultimately if agreement cannot be reached, resolution would be via SAT. The operator would have to demonstrate that the damage done constitutes what is beyond reinstatement.

Mr P.J. RUNDLE: As the minister understands it, there is no up-front requirement for the operator to say, "Okay, you're going to be leaving. We're going to reinstate it rather than refurbish it", which is what currently happens, "and we estimate that it will cost $39 000." Is there any requirement for the operator to do that or can they just say, "Sorry, we're reinstating it. We'll tell you the cost when we've finished."

Mr J.N. CAREY: No, it does not operate like that. It operates like the Residential Tenancies Act. The operator has to justify whether additional expenditure is required. Ultimately, they would have to justify that to the State Administrative Tribunal.

Mr P.J. RUNDLE: Getting back to my original question, is there not a process laid out here with the statement and all the rest that is provided up-front? Is there not a statement or a template laid out whereby the operator says, "We're going to have to replace the worn-out carpet, the worn-out paint and the curtains, and it's going to cost this much"?

Mr J.N. CAREY: The member has to understand that there is a difference between this process and a renovation. For a renovation, yes, there is a stipulation. In this scenario, when there is a reinstatement, it is simply the case that the tenant has to leave it as is, with all possessions vacated, accepting that there will be fair wear and tear. There is an offence within the bill if an operator wants to impose additional costs to deliberately seek costs. Under proposed section 27(7) —

> The operator of a retirement village must not demand or receive payment from a resident for reinstatement or renovation of residential premises otherwise than in accordance with this section.

There will be a fine of $20 000 for doing that. This is the simplified process, which is for the reinstatement. There will be a different process for renovation.

Mr R.S. LOVE: I return to proposed section 27(1)(b) and the capital gains for residential premises. The capital gain is meant to be the increase between the ingoing contribution paid by or on behalf of the resident permanently

vacating the premises and the ingoing contribution to be paid by or on behalf of the next resident to occupy the premises. If we are shifting to a 12-month exit payment system, presumably, all these matters would have to be calculated to understand what the final capital gain would be. The capital gain in this case, when it ought to be paid, will not necessarily yet be realised. It could be that $400 000 has to be paid by the next person but that person has not been found within the 12 months. That amount is the charge that the operator will have to pretend they have gained from selling it in order to make that capital gain and work through the payment structure. Is that the case?

Mr J.N. CAREY: It is not about the actual value or the figure of the capital gain because that is yet to be determined; the percentage breakdown is relevant to this provision.

Mr R.S. LOVE: I think the member for Roe was talking about the reinstatement. The reinstatement will go off to be determined by the tribunal, according to proposed section 27(4)(c)(i) and (ii). Has any thought been given to whether the cost of the reinstatement could somehow be further codified and understood? I know the minister talked about the residential tenancy situation and those sorts of things being commonly known, but it seems to continually be raised. Circumstances have been described to me when returning premises to a particular standard that has been in dispute between the residents and the operators. Often it might be because the operator has changed and the requirements for reinstatement have changed. Perhaps the minister could talk more about that.

Mr J.N. CAREY: As I said in my reply to the second reading debate, this is why we are creating two clear new definitions: one is reinstatement and the other is renovation. The current definition of refurbishment is being interpreted in different ways by different operators, which is creating the confusion. We will have a more simplified process for reinstatement for the simple fact that a vacating resident has fewer obligations to meet in terms of fair wear and tear, vacating the premises and keeping the premises clean. The operator would have to go to the tribunal to justify any additional expense. That is different from a renovation and a renovation plan. We are seeking to remove the confusion that is resulting in the current system because of a definition that is being misinterpreted and allows for some of the scenarios that the member for Roe and the member for Moore have described.

Mr P.J. RUNDLE: There is reference to the operator and the resident agreeing to do a renovation. I would find that unusual, I guess, but it could potentially happen. I understand that it could be about a capital gain and both the operator and the resident sharing that capital gain. Am I interpreting that correctly?

Mr J.N. CAREY: That might be the situation, but the resident might be getting 100 per cent of the capital gain so they will want to do a renovation to maximise their sale. The operator will obviously also benefit from upgraded stock in their retirement village.

Mr P.J. RUNDLE: I notice that in a lot of the references to the regulations, matters will be referred to the State Administrative Tribunal if there is a dispute: "Let's refer it to SAT". A lot of the time we will be talking about people whose average age is mid-80s. I referred earlier to the fact that I have power of attorney for my aunty and went to SAT last year. It is a very complex process and the appointment was three months down the road, and so forth, so does the minister think it is suitable to just keep saying, "Oh, it's okay. If there's a dispute, just go to SAT"? Is that practical?

Mr J.N. CAREY: I say respectfully that SAT is well placed in terms of having processes for assisting people who are unfamiliar with these types of dispute resolution procedures. As the member and the Leader of the Opposition will be aware, often the stress is because of the conflict that has already occurred, whether it is between two residents or between a resident and an operator. That is where the deep trauma and stress has already occurred. I understand what the member saying, but ultimately we have to have someone to provide an ultimate formal decision outside the agency and outside the operators. The department also has a conciliation service. I do not know whether the member will agree, but I think this whole reform will shine a greater spotlight, particularly on the information that is made available to consumers up-front about the costs and services as they go into a retirement village. I am confident that this will leave us with a better system. I understand what the member is saying, but what is the alternative? It is difficult. When a dispute cannot be resolved, where do we send it?

Mr R.S. LOVE: Proposed section 27(5) sets out the circumstances for a renovation plan and that the renovation is in accordance with the renovation plan. Paragraph (c) sets out —

> the residence contract between the operator and resident includes a term to the effect that the resident is entitled to a share of any capital gain that is at least in proportion to the amount of the renovation required by the operator to be paid for by the resident.

If the resident has been asked to put up 10 per cent and the operator is doing 90 per cent or vice versa, the resident has to get more than 10 per cent of the capital gain, regardless of whatever figure it is. Does that contract have to specify the share or could it be negotiated at the time?

Mr J.N. CAREY: It must specify the share.

Mr R.S. LOVE: Coming back to proposed section 27(8), it reads —

> The operator or resident may apply to the Tribunal for, and the Tribunal may make, an order in relation to the amount, if any, that the resident is required to pay for reinstatement or renovation …

The minister mentioned that the tribunal has good processes for residents when they go for dispute resolution. Is there any view that there would be any costs to the resident? Are any of the costs chargeable back to the operator in the event that the dispute is successful?

Mr J.N. CAREY: Would the member be able to put that question on notice? I am sorry. I do not have the fee structure; apologies. I am happy to take it on notice.

Mr P.J. RUNDLE: I refer to proposed section 28, "Liability for recurrent charges". Once again, coming from experience, when my aunty and uncle left, they were told, "You're gone. You'll be paying up to three months." Is there any date or regulations that cover once someone has vacated? Do they have to pay recurrent charges for three months or does it vary with different operators?

Mr J.N. CAREY: I am advised that it is not intended that the new provisions will change the obligations of former residents with a leasehold or licence interest. The current arrangements, which provide by regulation that the obligation to pay recurrent charges will cease three months after departure from the village, will be retained for most existing residents.

Mr R.S. LOVE: Proposed section 28 reads —

> (1) The liability of a resident to pay recurrent charges arising after the resident has permanently vacated residential premises in a retirement village ends on the earliest of the following —

Paragraph (c) states that in some circumstances that is —

> the date on which the operator is required to pay an exit entitlement in relation to the resident under section 29;

This will not come into operation for 12 months, so is it 12 months plus another 12 months? Are we talking 24 months that someone is not captured by this provision? After 12 months, will it be another 12 months before that could be the end date for paying recurrent charges?

Mr J.N. CAREY: I am advised that the existing act and regulations will be in place—that continues the three-month date until the new act and regulations come in.

Mr R.S. LOVE: Proposed section 28 states —

> (2) The operator must not seek to recover from the residents of the retirement village, by increasing the recurrent charges payable by them or by demanding or receiving from them any additional payment, any amount of recurrent charges —
>
> (a) arising after a resident has permanently vacated residential premises …

It is not that the operator cannot recover any costs, but they cannot recover an increase in cost. If the proportion of, say, the power bill has gone up because the government is charging more or something, can the residents only be charged at the original rate, not at any increased rate for these recurrent charges?

Mr J.N. CAREY: This provision is already in the existing act, which means that the operator cannot increase the fees on the other residents to cover the gap.

Mr P.J. RUNDLE: I am just flowing down to proposed section 29(1)(a) where it outlines the different exit entitlements. Firstly, I want to go down to paragraph (iv). The operator must pay an exit entitlement to a resident on the date that is 12 months after the day on which the resident has permanently vacated the premises. Can the minister describe the circumstances in which the operator could withhold payment once the resident has permanently vacated for, say, 11 months and 29 days or the like?

Mr J.N. CAREY: Sorry, member. I am confused. This change is seeking to bring in the 12 months' resolution. I think that is a part of the problem that we have now, so what is the member seeking to clarify?

Mr P.J. RUNDLE: If a resident has vacated the premises and, potentially, the premises has been rolled over to another purchaser—I understand that one of the parts of this legislation is that the exit entitlement has to be paid within the 12 months—will the operator be able to withhold the payment right towards the end of that 12-month period or will they have to physically pay once the premises has being vacated?

Mr J.N. CAREY: No. If the premises is sold earlier, they will have to pay the exit entitlement earlier.

Mr P.J. RUNDLE: As I mentioned in my speech in the second reading debate, a scenario was brought up by the Western Australian Retirement Villages Residents Association Inc in relation to interest on exit entitlements—it certainly would have liked to have seen an amendment brought forward on that. Was any thought given to interest being paid on the exit entitlement being held by the operator?

Mr J.N. CAREY: That issue was not raised until after the bill had been written. We are not sure about the economic impacts on stakeholders and so as a result, respectfully, that is why we are proceeding with legislation as is.

Mr R.S. LOVE: I refer to proposed section 29(1)(b) and (2) and the situation in which a resident grants the operator an extension of the 12-month period. Perhaps the minister could explain why this is necessary. Can the minister provide any circumstances in which the resident would wish to grant an extension to the time taken to receive their exit payment?

Mr J.N. CAREY: There are scenarios—I have seen this in the past—in which a downturn occurs in the market for real estate village product and the resident is comfortable with holding off to get a better price.

Mr R.S. LOVE: I turn to proposed section 30, "Resident's payment of recurrent charges from exit entitlement". Under this proposed section, residents will be able to put off any further charges, which will be allayed. It is interesting that proposed subsection (1)(b) includes an interest calculation. Why was the other matter raised by the member for Roe not included as part of the discussion around the recurrent charges being offset by the exit entitlement?

Mr J.N. CAREY: The member for Roe referred to a change to the legislation. This already exists in the current act.

Mr R.S. LOVE: What is the situation relating to choosing the interest rate? Proposed section 30(2) sets out three levels of interest—the prescribed rate, the specified rate in the contract and the rate agreed between the operator and the resident. Is that the current situation?

Mr J.N. Carey: Yes.

Sitting suspended from 9.32 to 9.38 pm

Mr R.S. LOVE: We were about to talk about proposed section 31, "Operator's payment of exit entitlement for aged care". The provision outlines some of the requirements for the exit payment. Proposed section 31(2) sets out a range of regulations that may make provision about certain matters. I was interested in proposed paragraph (d), which states —

> when and how multiple payments of part an exit entitlement must be made (including in advance of an exit entitlement becoming payable in full under section 29);

Can the minister explain that part of the clause?

Mr J.N. CAREY: This is about the daily accommodation payments made by the commonwealth government. It has been written as such because, given the current reforms occurring in the aged-care sector, there may be a change in terminology and definitions.

Mr R.S. LOVE: Under proposed section 31(2)(e), could "the persons to whom payments can be made" be an operator, a guardian or others? Can the minister explain that?

Mr J.N. Carey: Yes.

Mr R.S. LOVE: Thank you. If we turn to page 31, "Residential premises to which Division applies", proposed section 32(1) states —

> (a) residential premises a right to occupation of which is conferred by ownership of shares; or
>
> (b) residential premises purchased from the operator subject to a right or option of repurchase; or
>
> (c) residential premises purchased subject to conditions restricting the subsequent disposal of the premises; or
>
> (d) residential premises prescribed for the purposes of this paragraph.

What is the purpose of (d)? I understand that (a), (b) and (c) are the common models for a residential premise in this regard. They demonstrate the various rights, including whether someone owns a share of a title or their own title or another right. Why is (d) necessary and is there another model that the minister is aware of that may come up in the future that has not yet been considered by the current legislation?

Mr J.N. CAREY: The member is right. We have left that in there because the models are changing and developing. It is for the possibility of an alternative model, as the member indicated.

Mr R.S. LOVE: Proposed section 33 is the "Buyback of residential premises that are owned". The conditions that apply to the operator in terms of entering a contract for the purchase of the resident's residential premises in a retirement village and completing the purchase will not apply if they are sold to another person before the operator needs to take that on. I am not as experienced as the member for Roe in this area. He has an expansive number of relatives who he is looking after.

Mr J.N. Carey: Does he live in a retirement village?

Mr P.J. Rundle: I'm a full bottle.

Mr R.S. LOVE: He is a full bottle!

Can the minister explain whether that would occur only if it was a purple or green title, as it is called, or would it be for other residential models in which people can trade the unit between themselves rather than with the operator?

Mr J.N. CAREY: It is any model other than a lease or a licence because it is effectively a title.

Mr P.J. RUNDLE: If it is a freehold property, will there be any scenario in which the operator can try to block the sale or seek damages if the resident sells the property on to someone else without its knowledge?

Mr J.N. CAREY: Yes, there would obviously need to be a management contract as well; otherwise, it is not a retirement village.

Mr R.S. LOVE: Proposed section 33(3) is the reasonable excuse provision for not being able to do it within the 12-month period. Perhaps the minister could explain why and in what circumstances an extended period would be offered. Would it be because, for instance, the village needed to be remodelled, or would there be some other underlying reason? I am trying to understand how this will come about and how the operator will have a reasonable excuse.

Mr J.N. CAREY: The proposed section relates to circumstances in which the operator requires the consent of the resident to complete the contract.

Mr R.S. LOVE: They would require the consent of the resident to complete the contract and, presumably, that would be withheld for some reason.

Mr J.N. CAREY: They own the title. A good example would be if the resident was deceased but there was an executor of the title.

Mr R.S. LOVE: Why would that prevent the operation of the contract going through? Surely the executor would step in and take on all the rights of the deceased.

Mr J.N. CAREY: For example, the executor may be grieving or may not be ready to agree to the sale.

Mr R.S. LOVE: Proposed section 37 refers to valuations for exit entitlements and buybacks. Proposed subsection (4) states —

> The operator or the resident may apply to the Tribunal for a review of a decision by the Commissioner to appoint a licensed valuer.

I am trying to get an idea of how long the process will take between the commencement of the discussion and the point at which the operator could apply to the tribunal. All this will have to happen within the 12-month period and there will be no reasonable excuse if there is still disputation and the like going on about the matters.

Mr J.N. CAREY: There could be some scenario in which there is a delay. A licensed valuer could be appointed if they cannot agree, but, in the first instance, it will be done by the commissioner rather than the tribunal. I think it is important to note that it will not go straight to the tribunal. In that case, the commissioner could act in quite a quick manner.

Mr R.S. LOVE: Proposed section 38 says —

> The Commissioner may, on application made by an operator in the approved form … extend, by up to 12 months, the period within which the operator would otherwise have to comply …

That will not be open to the resident. It will just be the operator who can go to the commissioner for a 12-month extension. Obviously, the resident would not want to have that extension, but could they go back to the commissioner in some way and try to have that decision overturned?

Mr J.N. CAREY: Firstly, the resident is not going to ask for an extension of the payment. Secondly, they will still have an opportunity to respond before a decision is made.

Mr P.J. RUNDLE: Let us say for arguments sake that the resident feels that the licensed valuer is not independent and has some sort of background association with the operator of the village. Can the minister explain to me what the process will be for the resident applying to the commissioner? How will that actually work?

Mr J.N. CAREY: Proposed section 37(2) states —

> The licensed valuer —
>
> (a) must have appropriate experience or expertise;
>
> and

This is critical to the scenario the member gave —

> (b) must not have a pecuniary or other interest that could be reasonably regarded as capable of affecting the licensed valuer's ability to determine, in good faith, the exit entitlement or value of the residential premises.

That already very clearly indicates that for the licensed valuer, a pecuniary interest, for example, would be quite strong. If the operator and resident cannot agree, it will go to the commissioner. The commissioner can then review the decision to appoint a licensed valuer. It may reject that licensed valuer and then those parties will have to come to an agreement again to find an alternative licensed valuer.

Mr P.J. RUNDLE: I just have a short further question. Will the commissioner be under an obligation to deliver a judgement or something that will actually lay it out there in a minimum of seven days or anything like that?

Mr J.N. CAREY: In the scenario of a disagreement with a licensed valuer, the commissioner could appoint an alternative licensed valuer or could suggest that the parties agree to an alternative licensed valuer. There will be no prescribed timeframe, but they would act quickly. As for whether it will be public or confidential, as it is in other states, that will be confidential, given that it is dealing with financial matters.

Mr R.S. LOVE: I am looking at page 35 at proposed section 38. There are an awful lot of steps there that will be undertaken by the commissioner. What information will be provided to the resident about all these steps so that they will know what is going on? Will there be a requirement for the commissioner to provide a detailed explanation of why the extension is to be granted or denied and all the steps that will be taken following that?

Mr J.N. CAREY: There is no specific requirement, however, the commissioner must give consideration to the resident, the impact on the resident and obviously the input of the resident. There is also natural justice, and the resident would be informed of that decision.

Mr R.S. LOVE: I refer specifically to proposed section 38(5)(b), which is about requiring the payment of interest at the prescribed rate. Again, it is a different use of interest from the three sets we had in the earlier example. Is there a prescribed rate that already operates in the act; and, if so, what is it set at? If not, from discussions and consultations had, how would the minister envisage that the rate would be set?

Mr J.N. CAREY: It is not in this proposed section, but it is in other regulations. I give the member a commitment to come back to that one tomorrow.

Mr R.S. LOVE: I turn to page 36 and proposed section 38(8), which states —

> Without limiting the matters the Commissioner may consider in deciding whether to grant an extension, or to impose or vary conditions of an extension, the Commissioner must consider the following —
>
> (a) the operator's financial capacity to comply with the requirement;

Could there be a situation in which the financial capacity of the operator to comply with the exit payment will become a reason for the commissioner to extend the period?

Mr J.N. CAREY: Yes, if, for example, there was a risk of putting that operator in serious financial risk. That would then put at risk to other residents the viability of the village.

Mr R.S. LOVE: One of the concerns that had been raised on the other side of the discussion was the effect on the financial viability of certain villages under the new scheme. This is the get-out-of-jail-free clause, if there is actually evidence to say that this would cause that threat. Would that then apply to that retirement village generally for a period until there was a turnaround in the financial capacity of the operator?

Mr J.N. CAREY: It is not in this proposed section, but under proposed section 39, an operator could seek a longer exemption for up to five years.

Mr R.S. LOVE: I keep forgetting that there are so many proposed sections in this clause!

We are dealing with clause 23 and proposed section 39, which the minister has just spoken about. I was actually going to ask about the exemption we have there. Why was five years chosen in the first place? If we look at the Treasury modelling that was done, from my reading of it, I do not think that there were too many operators going beyond a maximum period. I think they look at four years. This is an exemption for five years, plus the one year, so it is potentially six years before the requirement to pay would be made. I wonder what the evidence is to back that up as a rational number.

Mr J.N. CAREY: The Treasury modelling was based on the average. This exemption was included for those very small villages that are resident run.

Mr R.S. LOVE: If we turn to page 38, proposed section 39(4) states —

> The Commissioner —
>
> (a) may grant an exemption unconditionally or subject to conditions; and
>
> (b) may, by written notice to the operator, vary the conditions to which an exemption is subject.

Is there some sort of financial interest or payment to the resident that might potentially be a condition as an offset for the fact that they would have had to wait many years for their money?

Mr J.N. CAREY: Yes.

Mr R.S. LOVE: What is the meaning of proposed subsection (6), which states —

> The Commissioner may only grant an operator an exemption if the Commissioner is satisfied that the exemption is in the public interest.

Why is it in the public interest and not in the interests of the residents? Can the minister define how the public interest would be invoked in this situation?

Mr J.N. CAREY: That exemption is a significant decision to make for that period of time. It would be in the matter of, say, public interest that it is a small village that is really at risk of viability and unless that exemption was given, would be at the risk of bankruptcy or closure.

Mr R.S. LOVE: Would it also include a thought about the importance of that particular village in that particular smaller community, for instance?

Mr J.N. CAREY: Yes. The Leader of the Opposition is exactly right.

Mr R.S. LOVE: I move to proposed subsection (7), which refers to how the commissioner, without limiting the matters, must decide whether to grant an exemption or to impose or vary conditions by considering the number of residential premises in the retirement village. The minister has just spoken about that number. Can I get an indication of what scale the minister thinks a small village is when he talks about these matters so that we have some idea of the landscape here?

Mr J.N. CAREY: It would be 20 to 50.

Mr R.S. LOVE: I refer to page 39 and proposed section 40, "Resident's remedies for contraventions of Part". It states that the resident may apply to the tribunal et cetera. How would the contravention that is referred to here apply? If the commissioner is overseeing most of this activity, is that not going to be enforced anyway? Why will the resident need to find excuses?

Mr J.N. CAREY: It is because this relates to the obligation to make the exit payment.

Mr P.J. RUNDLE: We are up to part 3B, "Capital items", and proposed section 41. Proposed section 41(a) clarifies that large capital items will include any building, structure, plant, machinery or infrastructure, and that is fine. In my second reading contribution I referred to the Western Australian Retirement Villages Residents Association's concerns. Proposed section 41(b) states that capital items do not include —

> (iii) the following, but only if provided for the exclusive use of a resident and required under a residence contract to be maintained, repaired or replaced by the resident —
>
> (I) fittings;
>
> (II) fixtures;
>
> (III) contents of residential premises;

If a resident moves in and there is an air-conditioning unit up on the wall, a stove in place and a garage door out in front of the residence allowing the resident into the garage, surely those items should be part of the capital items that are maintained by the village or by the operators. What thought has gone into this, and why has this gone against the recommendations of several parties?

Mr J.N. CAREY: That is the member's opinion, but different models have different operations. Ultimately, the critical part of this reform is up-front statements so that people will know it is buyer beware.

Mr P.J. RUNDLE: It is not only my opinion; it is the opinion of 6 000 members of the retirement villages association. If, let us say, there is an electric stove and a resident comes in and changes it to gas, I can understand that they may need to replace or repair it or change it back to the original to fit in with the guidelines. But what we see here is a shift away from the operator putting in the capital items. As far as I am concerned, these are capital items, especially things like a garage door. What happens if it breaks down two weeks after a resident moves in?

Mr J.N. CAREY: Respectfully, again, it will depend on which model they prefer.

Mr P.J. RUNDLE: Was any contemplation given by the Minister for Commerce to a late inclusion?

Mr J.N. CAREY: Respectfully, no. We believe that it is right as it is.

Mr P.J. RUNDLE: I will move on to proposed section 41D, "Capital replacement" —

> (1) The operator of a retirement village must not —
>
> (a) use, or set aside, any amount of recurrent charges paid by a resident to pay for capital replacement; or
>
> (b) demand or receive from a resident any other fee or charge to pay for capital replacement.
>
> Penalty … $20 000.

But proposed section 41D(2) states —

> … does not prohibit an operator from demanding or receiving any amount that is required by a residence contract between the resident and operator …

To me, this contradicts the above section.

Mr J.N. CAREY: Member, it is the contract agreed to between the resident and the operator. For example, there may be a requirement for the resident to make a contribution to a sinking fund. Ultimately both of our statements, particularly the second statement flagged, are about being buyer aware and that they are aware of all the contributions and fees before agreeing to the contract.

Mr P.J. RUNDLE: The minister has been referring to New South Wales and Queensland; this is exactly what New South Wales does not do. Residents in New South Wales are not responsible for capital replacement. Does the minister see that proposed subsection (1) basically says, "You must not do this" but subsection (2) says this "does not prohibit an operator from demanding or receiving any amount". It is a contradiction in terms.

Mr J.N. CAREY: Proposed section 41D(1) relates to any ongoing charges while the resident is living there, which is to prevent that from occurring, while subsection (2) relates to a lump sum payment that may be required at the end of a residency. There is a clear difference.

Mr P.J. RUNDLE: Can the minister give me an example of the lump sum payment to which he referred?

Mr J.N. CAREY: It could be a contribution to a sinking fund, but, again, it will be in the contract. On signing the contract, the resident would be aware of that obligation.

Mr R.S. LOVE: I thank the minister for clarifying that. I raised that during the second reading debate because initially I thought there was a conflict. I refer to proposed section 41(b)(iii), which states —

> the following, but only if provided for the exclusive use of a resident and required under a residence contract to be maintained, repaired or replaced by the resident —
>
> (I) fittings;
>
> (II) fixtures;
>
> (III) contents of residential premises;

They are for the exclusive use of the residents. The New South Wales legislation provides further guidance as to what constitutes fittings, fixtures and contents. Other than what is provided for in this provision, is there anywhere else in the bill that provides guidance as to what constitutes fittings, fixtures and contents? I know there are common thoughts about what those things are, but is there instruction in the legislation as to what constitutes those things?

Mr J.N. CAREY: There is not, but the advice is that the agency would be happy to provide guidance material if it is sought and required.

Mr R.S. LOVE: I refer to proposed section 41B,"Plans for capital maintenance and capital replacement" and subsection (1), which states —

> The operator of a retirement village must, in accordance with the regulations, prepare, and keep up to date, a plan for capital maintenance and capital replacement.

That provision will ensure that over time the centre does not become run down and that residents continue to receive the full amenity they had when they first moved in. Proposed subsection (3) states —

> Without limiting subsection (2), the regulations may make provision about the following —
>
> …
>
> (c) the information to be recorded in plans for capital maintenance and capital replacement, including information concerning any of the following —
>
> (i) the costs associated with capital maintenance or capital replacement;
>
> (ii) the reasons for decreases or increases in costs associated with capital maintenance or capital replacement;

That would imply that the plan is flexible. There might be a plan to spend $300 000 over the next two years or whatever on garden paving but then the plan changes. Will those variations be made with the full understanding of the residents? What will the feedback process be? It might just be a cost escalation or a changed view that they did not want the tennis court any longer or whatever it might be. Where is that laid out and made clear? What is the process for the discussion around what the plan should be?

Mr J.N. CAREY: The plan would be a five-year plan with an opportunity for review every year, and it would be aligned with the budget process. Therefore, it could be assigned to the same consultation and engagement process.

Mr R.S. LOVE: I turn to capital maintenance under proposed section 41C(1), which states —

> The operator of a retirement village must maintain a fund for capital maintenance …

It is a separate fund. This is to ensure that there are buckets of money that are kept aside for various purposes. To make sure that the fund is being expended properly and is not just sitting there accumulating, what will the penalty be if the operator is sitting on this big pot of money and is not doing the things that the fund was intended for in the first place?

Mr J.N. CAREY: Proposed section 41E is titled "Excessive or insufficient money in capital maintenance fund". Proposed subsection (1) states —

> The Commissioner, or the residents of a retirement village, may apply to the Tribunal …

It then refers to the fund having insufficient funds for capital maintenance or the alternative, which is the fund exceeding what is necessary, in which case an order can be given.

Mr R.S. LOVE: Proposed section 41C(3)—I will not tell the minister to turn the page because that will confuse him—talks about the amount allocated for capital maintenance and any interest received from the investment of the fund. Will all those things be clear and transparent to the residents or will the operator be solely in possession of it?

Mr J.N. CAREY: I note that when someone enters into a contract, they would have information regarding the accounts, and that includes the capital maintenance fund. In the draft budget, the residents would see any allocation to the capital maintenance fund and any expenditure relating to the capital maintenance fund.

Mr R.S. LOVE: I think we still have a few minutes to go.

Mr J.N. Carey: I am happy to keep going, but apparently I am not allowed to.

Mr R.S. LOVE: I think the member for Roe wants to go home! We have sorted something out and will rejoin in the morning.

Proposed section 41D(1) is for capital replacement and states —

> The operator of a retirement village must not —
>
> (a) … set aside, any amount of recurrent charges paid by a resident to pay for capital replacement; or
>
> (b) demand or receive from a resident any other fee or charge to pay for capital replacement.

What if something goes wrong and something does not last for the 10 years or whatever it was supposed to last for? Will it be possible to go back to the residents and charge an extra fee on the basis of the new knowledge and say, "We got it wrong. We need to raise more money than we said"?

Mr J.N. CAREY: They cannot, no—not for that. The operator will be responsible. They will be able to for maintenance but not for capital replacement.

Mr R.S. LOVE: Okay. I think the member for Roe asked about capital replacement earlier, about garage doors and that sort of thing, so we have already covered a lot of that. For the purposes of this legislation, capital would cover pretty much any physical object that is within the boundaries of the complex, regardless of whether or not it is the garage door on each of the complexes. I would have thought there would be some things that will be subject to more wear and tear depending on the person who is using them.

Mr J.N. CAREY: The member is right. It would also be subject to the contract that is agreed to between the resident and the operator—that is, garage doors.

Mr P.J. RUNDLE: When a resident enters into a contract, will there be there any requirement for the operator to quantify and specify every particular capital item that the resident is dealing with, such as the garage door, the air conditioner, the stove et cetera?

Mr J.N. CAREY: Yes, that is the intention.

Mr R.S. LOVE: We have spoken about proposed section 41E. With regard to expenditure of capital, I am aware of some circumstances in which related parties sometimes provide certain services to the organisation. Residents may or may not be getting good value for money from that organisation. Will there be protections for residents to ensure that there are not any related parties to the operator that are providing those services? That has certainly been raised with me in the context of holiday accommodation and strata title accommodation. I can see that opportunity would exist for similar arrangements in which very large amounts of money could be spent on not a lot.

Mr J.N. CAREY: There would be an opportunity to go to the tribunal if they thought the recurrent charges were being inflated by, for example, another contract that did not provide value for the service prescribed for residents.

Mr R.S. LOVE: Presumably, one of the residents would have to go and do that or, as in the case of the member for Roe, someone could undertake that inquiry on behalf of a relative. That would become rather sticky in terms of the personal relationships in the villages. Is there some way they could go to someone else to investigate?

Mr J.N. CAREY: It would be a special resolution of the committee to take the matter to SAT.

Mr P.J. RUNDLE: Proposed section 41D provides that the operator of the village must not set aside any portion of recurrent charges or impose special levies or other fees or charges on residents to cover costs of capital replacement. However, that does not prevent an operator from putting a portion of an entry or departure fee under the contract as a capital works contribution into a capital replacement fund. Is this a regular occurrence?

Mr J.N. CAREY: Yes. There is a view that the majority of villages would have that, in part because residents prefer certainty about recurrent charges. They know that during their tenure they will have this residential charge, but at the end there will be a contribution to a sinking fund, for example.

Mr P.J. RUNDLE: Going back to the statement "on completion of my relatives departing". It says that the reserve fund contribution was 0.65 per cent of the fixed loan amount. Is that what the minister was referring to?

Mr J.N. Carey: Yes.

Mr R.S. LOVE: The effects of proposed section 41D will not in any way limit those types of arrangements going forward. They will not affect anything that is already contracted, of course, but that does not limit anything from here. I might now turn to part 3C, "Residents' participation", if the member for Roe is okay with that. Under residents' meetings, will there be a residents' organisation? How will this be conducted? Will the operator be responsible for setting up the meetings and making sure the residents all come along? Can they give that duty to a group of the residents? Can the minister explain how it will work?

Mr J.N. CAREY: There are already comprehensive requirements in the code for resident meetings and participation. This provision will move the code into the regulations.

Mr R.S. LOVE: I refer to part 3D, "Modifications of retirement villages" and proposed section 41I. Modification means redevelopment et cetera. Is this what we were talking about before, going to the termination of a plan, or do the modifications developed here not necessarily need to lead to another termination of the plan?

Mr J.N. CAREY: It does not relate to terminations. It relates to any other changes to a village plan or precinct.

Mr R.S. LOVE: Proposed section 41L, "Exception to prohibition: disclosed modifications", states —

> An operator does not commit an offence under section 41J —

That is the prohibition on modifications of the village —

> if the nature and extent of the modification was disclosed to each resident before the resident's entry into a residence contract with the operator.

Can the minister explain the operation of that section? Does it mean, "Look, in five years, we're gonna knock this down and do this and that, but we're just telling you it's not set out formally anywhere"?

Mr J.N. CAREY: It will be a scenario in which someone might be buying into an existing development that is also building a new development, which is perhaps staged. Effectively, it is when the resident is informed that they are entering into a multi-staged development.

Mr P.J. RUNDLE: The minister referred to a staged development. Is there any scenario in which a certain amount of green space needs to be provided for residents, when they could otherwise potentially fill in the whole thing with buildings and that is that?

Mr J.N. CAREY: In terms of the retirement village, that is so that they know ahead of the development what will be set out as green space, what will be amenities and what will be further new housing development. Of course, that in itself would have been approved through a separate planning system.

Mr R.S. LOVE: I go back to proposed section 41I, "Terms used: modification and modification plan". If we are looking at the modification of a village, it is not just the physical change, but also the change in services or amenities under proposed subsection (b). What would a circumstance be in which there was a reduction, an increase or a withdrawal of services or amenities that was not popular amongst the residents, such as Friday night movies will not be provided anymore or whatever it is? What are the residents' rights within this modification process?

Mr J.N. CAREY: It is pretty clear that under proposed section 41M, it states —

> An operator does not commit an offence … if the modification —
>
> (a) does not reduce the range or quality of services or amenities provided, or made available, to residents; and
>
> (b) does not result in any additional cost to residents.

For example, the modification of the time of a shuttle bus service or the provision of an additional bus service funded on a fee-for-service basis would not require residents' consent, but the reduction or withdrawal of the service or additional services that would result in a rise in recurrent charges would require approval. That is quite a good definition, explanation, example.

Mr R.S. LOVE: It is quite a bit to digest and understand at this late hour of the evening.

Mr J.N. Carey: For the record, I was very happy to go on.

Mr R.S. LOVE: I think we have reached an agreement between the two leaders, so I might sit down and we will see what we are going to do.

The DEPUTY SPEAKER: So there was no need for a response then? That was a statement, not a question, Leader of the Opposition.

Mr R.S. Love: I have lots of questions, but I think there has been an agreement.

The DEPUTY SPEAKER: But that one was a statement.

Debate adjourned, on motion by **Mr D.R. Michael (Minister for Mines and Petroleum)**.

House adjourned at 10.33 pm