



Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
2023

LEGISLATIVE COUNCIL

Tuesday, 28 November 2023

Legislative Council

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

BILLS

Assent

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

1. Main Roads Amendment Bill 2023.
2. Mining Amendment Bill 2023.

PAPERS TABLED

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

SELECT COMMITTEE INTO CHILD DEVELOPMENT SERVICES

Interim Report — Tabling

HON DR SALLY TALBOT (South West) [1.06 pm]: I am directed to present an interim report of the Select Committee into Child Development services entitled *Child development services in Western Australia: Valuing our children and their needs*. The Select Committee into Child Development Services was established against the background of widely acknowledged unacceptably long waiting times and gaps in the provision of child development services provided by the state’s public health system, and to some extent in the private sector as well. Although child development services can be delivered by a range of providers in various settings, the committee focused on secondary and tertiary-level child development services provided by the metropolitan Child and Adolescent Health Service and the WA Country Health Service. These services are referred to as CDS.

Many of the issues raised in the inquiry evidence are not new. There is a strong sense of frustration from everyone involved. In particular, the parents and caregivers of children referred to CDS are increasingly concerned about the effects of long waiting times on their children’s health and wellbeing. The often excessive waiting times are inconsistent with the well-established principle of early and timely intervention for CDS. This interim report highlights the very real impacts of excessive waiting times on children, families and their wider networks, as well as on CDS providers.

The evidence demonstrates a second equally problematic issue. Due to resourcing constraints and the importance placed on providing interventions in the early years of life, CAHS prioritises its allied health services for children aged under seven. This often leaves its paediatricians to manage older children with little or no allied health practitioner support.

The interim report discusses several causes of service deficiency in the CDS system, with a particular focus on what can be done “now for now” to address them. The final report will concentrate on other strategies to be implemented “now for later” to ensure that CDS is accessible and sustainable into the future.

In the report, the committee makes three recommendations. One recommendation is to continue to provide a free and publicly funded CDS. According to the report, the alternative to this would involve one or more of the following —

- privatisation of CDS
- a restriction of eligibility to exclude certain conditions
- a contraction of service provision.

Any such option would be unacceptable. The committee also concluded that, without additional funding, significant reductions in unacceptable waiting times and the expansion of CDS provision—particularly to children aged seven years and older—are unlikely. Therefore, a majority of the committee, comprising Hon Samantha Rowe and I, recommends that the government immediately consider providing the funding increase required to achieve these goals.

A minority of the committee, comprising Hon Donna Faragher, is of the strong view that the need to reduce unacceptably long waiting times and expand CDS provision, particularly to children aged seven years and older, is urgent. Therefore, the member recommends that a substantial funding increase be provided immediately and no later than the 2024–25 state budget.

Based on the findings in this report and the evidence received, all members are of the opinion that if the state government provides the funding increase required, it can be confident that waiting times will reduce and the provision of CDS can be expanded.

The committee stresses that the recommendations in this interim report about the “now for now” and those that will be made in the final report about the “now for later” are of equal weight. The committee expects that if the recommendations in this report are implemented, the Child and Adolescent Health Service and WA Country Health Service will concurrently plan to address the issues to be raised in the committee’s final report. Implementing those measures will go a long way to reducing the burden of developmental delay on children and families and help ensure that the development, health and wellbeing of Western Australian children meets the expectations of our community.

The committee seeks an extension of its final reporting date, from 31 December 2023 to 18 April 2024. Since the house first extended the reporting date, the committee has conducted another five hearings and three site visits and received more written evidence. The committee’s terms of reference are broad, and the inquiry evidence has raised a range of complex matters. Another extension is regrettable; however, it will ensure that the committee produces a final report that befits the importance of the inquiry and properly discharges its inquiry obligations to the Legislative Council. I commend this interim report to the house.

[See paper [2851](#).]

Extension of Reporting Time — Motion

HON DR SALLY TALBOT (South West) [1.10 pm] — without notice: I move —

That the reporting date for the Select Committee into Child Development Services inquiry into child development services be extended from 31 December 2023 to 18 April 2024.

I seek leave to continue my remarks at a later stage of this day’s sitting.

[Leave granted for the member’s speech to be continued at a later stage of the sitting.]

THERAPEUTIC GOODS LAW APPLICATION BILL 2023

Notice of Motion to Introduce

Notice of motion given by **Hon Sue Ellery (Leader of the House)**.

WESTERN AUSTRALIAN MARINE AMENDMENT BILL 2023

Second Reading

Resumed from 16 November.

HON NEIL THOMSON (Mining and Pastoral) [1.12 pm]: I rise on behalf of the opposition as lead speaker and I acknowledge Hon Dr Steve Thomas who provided very good comments at the last sitting of the house. He was enthusiastic and proposed to continue on with those comments, but I am leading this bill today. It is a pleasure to be here to support the Western Australian Marine Amendment Bill 2023.

I note we have had a flurry of activity from the transport portfolio and it is commendable, although probably overdue in terms of the movement of bills into the Parliament of Western Australia, given that as a jurisdiction we are somewhat behind others in a number of areas. This bill is similar to the application of the national law changes in relation to marine safety. Those are matters that we addressed previously. The Western Australian Marine Amendment Bill 2023 will bring in another element, which directly impacts safety on our waters, in particular with alcohol and drug testing, but other matters also relating to the safe navigation of recreational and commercial vessels across our state.

Sadly, we know that there continues to be an ongoing legacy of marine accidents. Many of those are directly related to drugs and alcohol. In fact, that was a point made by the two ministers responsible when they presented their media release. Hon David Michael and Hon Paul Papalia both made comments on the findings of the special working group reviewing local incident statistics and data-based evidence from the United States, where marine drug and alcohol testing is already in place. The group found that the use of drugs and alcohol could have been a contributing factor in many of the 88 deaths, 66 serious injuries and 167 hospital admissions reported in WA marine incidents between July 2021 and February 2022.

That is in keeping with more detailed information, which is older but is relevant to this bill, from *Boating and watercraft drowning deaths: a 10 year analysis*, as published by the Royal Life Saving Society–Australia in 2016. It is important to reflect on some of the factors included, given I do not have access to the special working group’s review. That will no doubt be published in due course. Page 22 of the report shows there were 63 boating and watercraft-related drowning deaths in Western Australia in the decade to 2016. Interestingly and unsurprisingly, 90.5 per cent of those were men, with a large number of those between age 55 and 64. I reflect on that given it is my age group and I am a keen boater. I get out on the water as regularly as I can. The message to my peers and people who I know who share the enjoyment of the marine environment, and notwithstanding people’s considerable experience over a lifetime of being on the water, is that we must be vigilant and careful. We should take note of the safety amendments introduced recently, which have been promoted by the education arm of the Department of Transport. We want to do everything we can to reduce tragic accidents on the water, particularly when the causality factors are reckless navigation or alcohol and drug use.

Another interesting fact from the Royal Life Saving Society report is that 27 per cent of boat and watercraft drowning deaths in Western Australia occurred in Perth. An area I am familiar with, the midwest–Gascoyne area, was responsible for 25.4 per cent over a ten-year period. That is a very high percentage for a sparsely populated region, notwithstanding the high use of vessels in that region. Again, it is important to regional people that the skipper or master of a vessel, including commercial vessels, maintains that level of safety and responsibility. I am, as many members in this place are, aware of those sad cases over time in which a person on a commercial fishing vessel has gone overboard and lost their life. A series of events can lead to those often tragic circumstances, but one of the factors is, of course, alcohol and drugs. It is important to note in the Royal Life Saving Society report that 20.6 per cent of boating and watercraft drowning deaths in Western Australia were alcohol-related, of which 38.4 per cent had a blood alcohol content greater than or equal to 0.5 milligrams a litre. Alcohol played a factor in those 63 drownings, and 38.1 per cent of the deaths involved drugs, 75 per cent of which were illegal substances. In Western Australia it appears that drug taking, at least for that period, was a bigger factor in those deaths than alcohol. It is an interesting comparison. Western Australia seems to have a distortion towards that, and maybe Tasmania and the Northern Territory have similar profiles. That might possibly have something to do with the time that people spend on the water, but I am not sure. I imagine that the vast majority of those deaths—this would have to be confirmed—would have involved a vessel under the control and management of a recreational skipper.

This message is important as we come to the end of the year when people will be spending a lot of time on the water. I am not sure of the timing of the rollout of the educational program as we go forward, but we might find out more about that during the committee stage, which I hope to not take long on. With the passage of the Western Australian Marine Amendment Bill 2023, it is important that on top of those other safety measures, we use the opportunity to get the message out that the person in charge of the vessel is the responsible person. They are ultimately responsible for the lives and wellbeing of other persons on that vessel. It is important that the person in charge of the vessel is not under the influence of drugs or alcohol or acting in a reckless manner that could endanger the lives of other persons on that vessel. That can take a number of forms including the management, awareness and custodianship of other people on the vessel, particularly during summertime when people often go out on the water to socialise and have fun times on those lovely blue waters that we all enjoy in Western Australia. It is important that the skipper remains aware of the other persons on the vessel and their state of awareness and ability to remain safe, given that things can go wrong on vessels at any time and without warning. I suggest that even persons who are not in charge of a vessel should at all times be sober and not under the influence of drugs, particularly illegal drugs. That should not be occurring because, at any time, circumstances can go beyond the control of the master or the skipper of that vessel. A vessel could get into trouble and a person may find that they need to enter the water. For example, a vessel might catch on fire, which can be very frightening and terrifying, or it might overturn or collide with another vessel. A whole range of factors might mean that the people on a vessel find themselves in the water and in a life threatening and very dangerous situation. Notwithstanding our culture in Western Australia, thousands of recreational fishers will be out on the water over the summer period, or even now, partaking in maybe a few cans of beer or some wine. This bill certainly focuses on those who are responsible for the vessel by making sure that there is a way to test and penalise. Most importantly, this bill provides a process by which we can educate our community on the vital importance of safety and sobriety on the water to keep our waters safe so that people can come home back to their loved ones having enjoyed their day and created some wonderful memories.

I want to briefly touch on the commercial sector as well. This bill makes a number of important changes to the commercial sector. I know that any reputable company will already have in place very strict internal policies in respect of the management of alcohol and drugs on its vessels. Those companies that operate across our waters will already have in place codes of practice and codes of conduct. Right across our state we have commercially operating vessels that play a key role in ensuring that our industry continues to thrive. I am thinking of, for example, those pilots who operate out of Port Hedland who play such a key role in maintaining our seamless and safe dispatch of that amazing resource wealth of the Pilbara. It is vital that those companies maintain those strict policies and disciplines internally. There has been a delay in making these changes to the law, but at the end of the day it would appear that our authorities might not have been fully equipped to deal with someone who has operated outside of the organisation's policies, organisations that ordinarily do a very good job. I do not know whether there are such companies—I hope there are not—that do not have those codes of practice or the management control over those vessels such that their masters might operate in a way that is reckless or endangers their lives or the lives of others on the water. In the commercial environment, this change is vital to ensure clarity in respect of the responsibility of the masters on those vessels. That is top of mind for someone who has family working in that industry. I certainly believe it is a provision that means these laws will be welcomed across the sector because, for any company that is doing the right thing already, it will provide additional support in order to ensure the force of the laws behind these matters.

We have seen some rather spectacular situations and, over history, one or two have been in Western Australia. There have been spectacular situations where recklessness plays out and the dire consequences of that recklessness can be quite long lasting. The one that comes to mind is the rather bizarre situation in Italy when the *Costa Concordia* cruise ship sailed too close to the rocks. I watched a very good documentary on YouTube only about a month ago on the amount of effort that went into bringing that vessel back to the surface and taking it away to be scrapped.

Billions of dollars were involved in addressing that issue. In that case, my understanding is it was a reckless action by the captain or the master of that vessel. Certainly, some of the subsequent actions of the master of that vessel related to the loss of life that occurred. This sort of example serves as a salutary warning of the incredible consequences that can happen when things go wrong. Things go wrong for our commercial vessels and in the shipping sector. I mentioned Port Hedland as an example. We know that if something happened in Port Hedland, for example a grounding or a mishap of any kind, it could have very severe economic impacts along with safety impacts. Furthermore, there could be environmental impacts when a vessel sinks, is holed, or leaks into the environment, particularly with oil and so forth. These changes are going to provide further backing to the important safety policies that are managed by the mariners who operate through our state. There are a whole range of them throughout our state—for example, in the tourism sector. There was a very unfortunate incident at Horizontal Falls, which is another matter I believe is still under review. I seem to recall that the final deliberation on that has not yet been finalised. There are a whole range of consequences and knock-on effects when things go wrong on our waters.

I would like to step through just a few points on these changes from the explanatory memorandum. I would like to make comments and provide some indication for the rather short—I hope—deliberation that will occur in our Committee of the Whole stage. I have some questions and I think they are worthy of airing in the context of our Committee of the Whole. Some questions need to be aired and I want to step through them.

The Western Australian Marine Amendment Bill 2023 amends the Western Australian Marine Act to introduce a marine alcohol and drug testing regime that enables persons navigating a vessel to be tested following a vessel incident and as a preventive measure. This provision is something we fully support. We have to have a testing regime for alcohol and drugs when there is an incident. We have already established a process through the Marine Safety (Domestic Commercial Vessel) National Law Act on reporting incidents through this bill. This bill will provide the mechanism for testing in line with matters in the normal road traffic arrangements. If there is an accident, testing would always occur. In this case, we now have the ability to test after an event. Some preventive testing could also occur. I assume there will be some rollout of testing capacity by the state, which can be done, for example, in the recreational sector. This sort of testing may occur when a vessel is coming to a boat ramp after being on the water, or comes to tie-up, or it might randomly be tested. I am not sure to what extent that might occur but it appears that this bill will allow that capacity under the law in order to provide for those sorts of tests that are necessary for prevention or to provide a level of incentive for persons who might otherwise seek to flout the regime. They will know that they could be tested. In road transport, the introduction of alcohol testing has been a major factor in reducing our road trauma. In the dark old days when I was a child and my father was in the police force —

Hon Dr Steve Thomas: Did you say the Dark Ages?

Hon NEIL THOMSON: The Dark Ages, yes. I recall a particular event, Hon Dr Steve Thomas, when my father was off duty. He saw someone had driven their car off the road. In those days, of course, without the testing kits we have now, he had to walk down the white line—it literally did occur. That person was inebriated. Things have moved on a lot since those dark old days when that was the only real test available to hardworking police, like my now-departed father. The important matter is that this testing regime will be put in place. There are some elements within this bill, obviously, around how that testing will operate and the finer points and details. We may ask one or two questions on them to clarify a couple of things.

The bill will modernise the existing offence for navigating under the influence of alcohol and drugs. This is basically to introduce new alcohol or drug navigation offences. Obviously, with the testing, we need to have offences in place. It will also modernise existing safe navigation offences by providing separately for reckless, dangerous and careless navigation. It will also introduce new offences where the unsafe navigation is occasioned by death or bodily harm. I have no doubt this will clarify those unfortunate circumstances in which a matter has to be brought before the courts. I assume up until now there has probably been some shoehorning of other powers that may exist. Obviously, shoehorning powers that might exist in other legislation is not always the most ideal arrangement. Going forward, clarifying these provisions within the Western Australian Marine Amendment Bill is going to provide more certainty and a clarified approach to dealing with incidents in the wake of very sad and difficult circumstances when someone has been either harmed or killed due to unsafe navigation.

Another point, which I have touched on briefly, relates to the consistency with road law. I raised a question and I got an answer that may not have been as fully fleshed out as possible. I know, for example, that provisions in the Road Traffic Act are similar or the same. I understand that Queensland's marine act, which contains similar provisions and controls, takes an administratively different approach and references its road traffic act. I asked why we did not take that approach. The only reason I asked that was to make sure that we have ongoing efficiency so that our legislation reflects community expectations—a contemporary community environment, one could say. In the briefing, I was assured that the most efficient way to do that was to have these provisions in this bill. That might be so, but it is important that we keep our fine regime up to date. I give this message by way of some possibly gratuitous advice to the government, which I am sometimes in the habit of giving. I make the point that maybe there is a case for someone in our justice area to review fines in all legislation and come up with some sort of omnibus bill to update those fines to reflect changing community expectations and also the very high inflation rate,

which has impacted the value of those fines over time. That is just some gratuitous advice as an aside. I am sure that the government will not take my gratuitous advice and I will not be offended if it does not, but there is an issue of consistency with the Road Traffic Act. That might possibly have been worked on so that those changes will flow through. I was assured that, in fact, that was not the easiest way to do that, so I accept that, but I make that point in my second reading contribution.

There is an issue around the testing and liability of skippers. I flag that I will raise some commentary and questions on this, because there is a matter in one of the clauses, which I will get to in due course, in relation to minors under the age of 18 years in charge of a vessel who are in the presence of someone who is over the age of 18. There is a lot more to their responsibilities. Certainly, we know that, on a vessel, ultimately the master or the skipper is the person in charge. This bill has been drafted in a way that reflects that, but it has this quirk, you could say, in that provision. In my briefing, the term used was “rebuttable situation”. For example, if a person over the age of 18 years is on a vessel, but the skipper of that vessel is only 17 years old, and something occurs, will the person who is over the age of 18 be culpable? I think that can be discussed further in Committee of the Whole House before we finalise this bill. We need to make it very clear because it is important that people who go out on the water know what their responsibilities are. Although we hope that these situations will not arise, it is vitally important that people understand their roles and responsibilities on the water, particularly if they are in charge of a vessel.

I now have the title of the legislation that I paraphrased, so for the sake of *Hansard*, it was the Marine Safety (Domestic Commercial Vessel National Law Application) Act. This bill is important and timely. I commend the department and the minister for getting this legislation into the house at this time. As the lead speaker on this bill, I note that we support this legislation. We want to get a bit of clarity on a few matters before we finalise the bill, but the sooner this matter becomes law, the better. I thank those who have taken the time today to contribute to this debate.

HON SUE ELLERY (South Metropolitan — Leader of the House) [1.44 pm] — in reply: I thank members for their contributions. I thank Hon Dr Steve Thomas for what might be described as a lengthy and wideranging contribution that sometimes even touched on the bill before us. One issue he raised in that wideranging and lengthy contribution was disqualification from holding WA qualifications. He made the point that although the new legislation will apply to both recreational and commercial vessels, if a person commits an offence and becomes disqualified, that disqualification will be from holding or obtaining a marine qualification issued under the Western Australian Marine Act only. Commercial qualifications are regulated by national law and granted by the commonwealth Australian Maritime Safety Authority. Members will recall the recent passage just last month of the Marine Safety (Domestic Commercial Vessel National Law Application) Act 2023, which applied the national law as a law of WA. Consequently, recreational skippers’ tickets will be the only remaining marine qualification issued under the Western Australian Marine Act. Most recreational vessels require a recreational skipper’s ticket to navigate.

For commercial masters who commit an unsafe navigation or an alcohol or drug navigation offence, the Department of Transport will put administrative arrangements in place to notify AMSA of the offence and the outcome of the case. AMSA may then take appropriate action with the commercial marine qualification. However, that person will still be disqualified from navigating most recreational vessels in WA. That approach is consistent with other jurisdictions that have disqualification penalties attached to marine alcohol and drug offences.

Hon Neil Thomson asked when the legislation will commence. The unsafe navigation offences for reckless, dangerous or careless navigation, including those occasioning death or injury, are intended to commence in December this year. That means that anyone who dangerously navigates a vessel during this summer’s boating season will be liable for the new unsafe navigation offences in the bill with increased penalties. The alcohol and drug testing regime will commence in April next year, when police will be able to commence post-incident testing, and the Department of Transport will commence preventive testing later in 2024 in time for next year’s boating season.

I refer to the issues around commercial skippers and company policies. The unsafe navigation offences and the alcohol and drug testing regime will apply to commercial vessel masters and pilots. Domestic commercial vessels are required to have safety management systems, which we understand may have drug and alcohol policies with their own drug and alcohol limits. However, that is separate from the testing regime proposed in this bill. The safety management system aspect is administered by the Australian Maritime Safety Authority.

Hon Neil Thomson asked why we did not just adopt the road laws, as Queensland did. This approach is not suitable within a marine context, which is different from that of a road. On the road, there is usually one driver behind the wheel. On the water, there can be more than one person navigating a vessel. Under the marine regime we will be able to test everyone who is navigating a vessel. The vessel master will also commit an offence if they suspect that someone is under the influence but still permits them to operate the vessel.

If we were to just adopt the road laws, it could risk confusion for enforcement and the courts in applying the law. The Department of Transport already works closely with the Road Safety Commission and the Western Australia Police Force. Any new alcohol or drug amendments to road laws will be considered in the context of the marine environment.

With respect to a review of the act, as we implement the new regime, further data will be collected and potential enhancements to the scheme will be considered. Given that the policy of the bill is underpinned by road laws, as those are updated, it will provide the opportunity to consider whether making similar changes to the marine provisions is appropriate.

Hon Neil Thomson raised a couple of other issues and indicated that he will ask some questions in Committee of the Whole. I am happy to provide the response then.

With those comments, I commend the bill to the house.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chair of Committees (Hon Steve Martin) in the chair; Hon Sue Ellery (Leader of the House) in charge of the bill.

Clause 1: Short title —

Hon NEIL THOMSON: I thank the Leader of the House for her responses to those points; I thought she provided quite a good synopsis of the matters that I had raised. It is encouraging to hear that the provisions for reckless and dangerous acts will be in place for summer. That is good to know. Of course, by way of comment, the rolling out of alcohol and drug testing early next year for the following summer will obviously provide an opportunity for some further awareness raising. I am sure the department has been thinking about that and will take the opportunity to provide a little bit of extra awareness as we go into summer 2023–24, when we know a lot of people will be on the water. That leads me to my question. There will be additional testing opportunities, not just after events but also in a proactive way in order to do some effective policing on the water. What additional resources will be applied and when will they be applied, within the context of either the marine safety officers of the Department of Transport, the water police or other policing bodies that operate in our marine environment?

Hon SUE ELLERY: Funding to support the new regime will be sourced from within the existing budget of the Department of Transport. At this point, we anticipate that only one additional FTE will be required.

Hon NEIL THOMSON: Does the Leader of the House think that is adequate? Clearly, she does. Maybe I can rephrase the question, because the minister will clearly say that it is adequate and I am questioning whether it is. Once this bill is passed and we get to April, when the testing comes online, or later in 2024 when I think the Leader of the House said that post-incident testing will come online, who will be responsible and have powers under this legislation for that direct interface with boaties, for want of a better term, particularly of recreational vessels?

Hon SUE ELLERY: Both the WA Police Force and the Department of Transport will have powers under this bill. With respect to the split, the Department of Transport will be the lead agency for maritime testing. The Department of Transport already has a greater presence of marine inspectors statewide versus the WA Police Force. However, the WA Police Force will take the lead on any testing that needs to be undertaken following incidents involving, for instance, serious injury or death. That is essentially the split between the two.

Hon NEIL THOMSON: It makes sense to have the police involved in post-incident events. From my previous experience in the department of fisheries, my understanding was that there were some joint patrols with fisheries officers. That may not be correct now, but I know that the Department of Biodiversity, Conservation and Attractions, for example, also has vessels on the water. We could say that they provide some eyes on the water. I am wondering whether there will be any scope, under this bill, for those officers to be engaged if something occurs when they are on the water in a professional way.

Hon SUE ELLERY: There is no intention or plan to extend the powers to those other agencies—for example, fisheries or DBCA. However, if they come across something on the water, they will be expected to contact the Department of Transport, which will then deal with the situation using its powers under this legislation.

Hon NEIL THOMSON: I thank the Leader of the House; that is an interesting point.

I would also like to talk about the awareness issue as we go into summer. We talked a little about that and the terrific work being done through the Department of Transport's marine safety group—I cannot remember the proper title. I met Laurie, from recollection, at the Kalgoorlie show. I am thinking about what the state and the department will do in the coming weeks and months to get the message out to the various groups across the community about these changes.

Hon SUE ELLERY: A communications plan is being developed that will be rolled out to respective regional communities using social media as well as the existing stakeholder groups, which are well aware that this is coming. We will use the existing relationships between the Department of Transport and the boating community.

Hon NEIL THOMSON: Who are the stakeholder groups?

Hon SUE ELLERY: The name of the committee I think the member was looking for is the WA Safety Committee. That includes representatives from commercial and recreational boating groups, but the peak boating group—the key stakeholders—comprises Boating Western Australia, the Boating Industry Association of Western Australia, Yachting WA and the Marine Tourism Association of Western Australia, which have been kept informed throughout the development of the bill.

Hon NEIL THOMSON: I wish the minister the best with that. I hope we can get the message out. I want to reference a comment made in a joint press release by Hon David Michael and Hon Paul Papalia on 18 October. I am finding the exact spot. It mentioned the long-awaited staged reforms. It is in the third paragraph. I am happy to give this to Hansard so that it has the exact dot points. The press release states —

Amendments to the *Western Australian Marine Act 1982* allowing drug and alcohol testing on Western Australian waterways have been introduced to State Parliament ahead of the staged implementation of the long-awaited reforms.

We mentioned some of those stages. Are there any reforms other than the rollout of the drug testing? Maybe the minister could give me a clean version of what the staged reforms are that the members referred to, in anticipation, so that we will know what they are and when they will be rolled out.

Hon SUE ELLERY: I gave the member a clear line of sight on the implementation stages in my second reading reply. If I need to do it again for the honourable member, I will.

Hon Neil Thomson: If they were the points and there were no other matters, I am happy not to proceed.

Hon SUE ELLERY: There is nothing to add to what I have already said.

Hon Neil Thomson: Are they are the staged reforms?

Hon SUE ELLERY: Correct.

Hon Neil Thomson: Thank you for clarifying that.

Clause put and passed.

Clauses 2 to 4 put and passed.

Clause 5: Section 3A amended —

Hon NEIL THOMSON: This clause will amend section 3A. It will apply to relevant vessel pilots. I assume it means pilot vessels. I am reading from the explanatory memorandum. A vessel pilot will be liable for safe navigation offences. The explanatory memorandum refers to a vessel connected to the state, which will be made an inclusive term. What is meant by that? The explanatory memorandum states —

Subsection (2) amends section 3A(2) of the WAMA to make the ‘vessel connected to the State’ an inclusive term.

What is the purpose of that, please?

Hon Sue Ellery: Which bit do you want clarification on?

Hon NEIL THOMSON: On the bit that says —

Subsection (2) amends section 3A(2) of the WAMA to make the ‘vessel connected to the State’ an inclusive term.

Hon Sue Ellery: Do you want to understand what we mean by a vessel connected with the state?

Hon NEIL THOMSON: That is correct.

Hon SUE ELLERY: Thank you. This clause will amend section 3A to ensure that the list of what constitutes a vessel to WA is inclusive instead of exhaustive, meaning that we are trying to use language that can capture it in as broad a range as possible without being prescriptive. The current list in section 3A(2) generally lists vessels that are registered to, or owned by, a person living in WA. This clause will ensure that the alcohol and drug-testing regime and dangerous navigation and similar offences will apply to the fullest extent to capture vehicles connected to the state. The inclusive definition will ensure that vehicles that have a nexus to the state, whether it is by location, ownership or registration, will be subject to the laws proposed in the bill. For example, an interstate vessel that disembarks from WA will be considered a vessel connected to the state.

Hon NEIL THOMSON: At the risk of labouring this point a little, are we saying that it will basically be all vessels that are operating within state waters? Will this law not apply to some vessels? Which vessels are not connected to the state and would not be included in this amendment?

Hon SUE ELLERY: It will depend on the particular circumstances. The definition written in the bill before us will ensure that we capture the broadest range of vessels. They are connected to the state because they are either physically here or their ownership or registration is connected to the state. Instead of trying to be prescriptive and

come up with an exhaustive list that might miss something, we are trying to capture the broadest group. If they have a connection either by location—where they are at a particular point in time—by their ownership or by registration, they will be subject to these laws. If it helps, generally, we expect that the vessels will be registered to or owned by people in WA, but by writing it in the way that it is written, it could also capture a vessel by its location.

Hon NEIL THOMSON: Again, at the risk of sounding pedantic, I am trying to seek clarification. Is it possible that a vessel not within Western Australia at the time of an offence but connected to the state by registration might be subject to this law? An incident might occur in New South Wales, for example. Will this still be subject to the Western Australian Marine Act?

Hon SUE ELLERY: Perhaps I will do it a different way, honourable member. If the vessel is registered in New South Wales but the location of the offence is in Western Australia, it will be dealt with under the Western Australian regime that we will be introducing. If a Western Australian vessel is in Botany Bay and an offence that fits the New South Wales regulatory regime is committed, it will be dealt with under that regime. Just because the boat is not registered here does not mean that the offence will not be captured if the vessel is here when the incident occurs.

Hon NEIL THOMSON: Would I be right in saying, in summary and in layman's terms, that any offence that occurs in the Western Australian jurisdiction will be covered by the act?

Hon Sue Ellery: Yes, honourable member.

Hon NEIL THOMSON: That is probably the extent of it; it is just a fancy way of saying all that. Is that correct?

Hon Sue Ellery: You could describe it that way.

Hon NEIL THOMSON: Lawyers are very fancy people, as we know, and I am sure that the reason that occurs is to withstand the cross-examination within a court of law. Look, I think that is fine. I will just leave it as a comment at that point.

Clause put and passed.

Clauses 6 to 10 put and passed.

Clause 11: Section 64A amended —

Hon NEIL THOMSON: This clause is talking about the penalties. Clause 11(2) will create a crime when the master of the vessel is involved in a marine incident that occasions death, grievous bodily harm, or bodily harm to a person, and the master fails to comply, without reasonable excuse, to stand by to render assistance, or render assistance to persons involved in the incident, for example. There is a maximum penalty. The offender will be disqualified from holding or obtaining a marine qualification for at least two years if death or grievous bodily harm is occasioned, or at least 12 months if bodily harm is occasioned.

It struck me that, given the circumstances that might occur, the maximum penalties seem to be relatively lenient, given the consequences of such an action might be significant. I wonder whether the minister could comment on why those penalties were applied. There was also a further comment about this matter. Subclause (3) sets the maximum penalty at \$5 000 for a master's failure to render assistance for marine incidents not occasioning death or injury, or when a master fails to provide their contact and vessel identification details to an injured person or other master or vessel owner involved in an incident. I thought that that seemed low, given these are maximum penalties. I am not somebody who normally argues for increased penalties when there might be mitigating circumstances.

We know that the courts will obviously be in a position to exercise a lesser penalty, but I wonder whether there was any reason the penalty was set at that figure?

Hon Sue Ellery: Could you take me to where you think the maximum penalty is written?

Hon Neil Thomson: It is proposed section 64A(2). I would have to go through the bill. I am using the explanatory memorandum at the moment. That is what it says here, so I am assuming it is correct. I could dig through the bill if the minister likes. We may as well try to keep both open at the same point. That is what it says on page 9 of the explanatory memorandum, about two-thirds of the way down the page.

Hon SUE ELLERY: I have got to try to work this through. As I understand the bit the member is describing—does he have a marked-up copy of the bill?

Hon Neil Thomson: No.

Hon SUE ELLERY: Will you bear with me?

Hon Neil Thomson: Minister, I was going to print it out this morning.

Hon SUE ELLERY: It is big.

Hon Neil Thomson: It's really big.

Hon SUE ELLERY: If we go to the bill before us, clause 11, “Section 64A amended”, and we go over the page, subclause (2) says —

Delete section 64A(2) and (3) and insert:

(2) The master of a vessel commits a crime if —

...

Penalty for this subsection:

- (a) if the marine incident occasions the death of a person — imprisonment for 20 years;
- (b) if the marine incident occasions grievous bodily harm to a person — imprisonment for 14 years;

Hon NEIL THOMSON: By way of clarification, this is not related to those penalties; this is about the failure to render assistance. The relevant proposed section of the bill is actually at clause 11(2). Proposed section (2A) states —

A court sentencing a person for an offence against subsection (2) must order that the person is disqualified from holding or obtaining a WA marine qualification ...

- (a) if the marine incident occasions the death of, or grievous bodily harm to, a person — for a period of not less than 2 years;

My reading is that it is to do with the rendering of assistance.

Hon SUE ELLERY: I have got you, honourable member. The member needs to read the two things together. If the member reads the bit that I referred to earlier, the new bit will be that the master of a vessel commits a crime if the vessel is involved in an incident that occasions death or grievous bodily harm. If the master is convicted of that, the penalty will be imprisonment for 20 years for death or imprisonment for 14 years for grievous bodily harm. That is what they will be getting. Then, they will get the provisions that the honourable member read out at proposed section 64(2A), which a court sentencing a person must order. They are already in jail for doing all that, but the court must disqualify the person as follows. If the marine incident occasions death or grievous bodily harm, it is a period of not less than two years. That is a minimum; it is not a maximum. But they will already be in jail for up to 20 years. The second bit is that if there is bodily harm to a person, it will be a period of not less than 12 months. Those disqualifications are minimums and have to be read alongside the fact that the penalty for committing the offence in the first place is jail time for 20 or 14 years, during which people will not be on a boat.

Hon NEIL THOMSON: Thank you. I will do my best to keep both the explanatory memorandum and relevant section in the bill open. It is a rather lengthy bill. I did not have a lot of questions, hence my abbreviation. I may stand to be corrected, but there might have been a mistake, because it says here a maximum penalty is dependent on what the incident occasions. If reading it correctly, maybe it does align. It may be a bit of shorthand, so it highlights the need to think about how it follows from both the bill and EM. I point I make, though, to finish the questioning on that —

Hon SUE ELLERY: I want to make sure we are absolutely clear, because the honourable member is suggesting there is a mistake in the EM; there is not. The EM refers to the imprisonment penalties of 14 and 20 years that I talked about. Those are the maximums, not the disqualification for no less than two years or no less than 12 months.

Clause put and passed.

Clauses 12 and 13 put and passed.

Clause 14: Part 3A inserted —

Hon NEIL THOMSON: Proposed section 75A in clause 14 refers to terms used, being “*0.08+ and illicit drug offence* means an offence against section 75DD(1);”. I assume that is consistent with the Road Traffic Act, or is that less nuanced than the Road Traffic Act?

Hon SUE ELLERY: It is the same, honourable member.

Hon NEIL THOMSON: It is identical. Thank you, I appreciate that.

I am making sure I have both the EM and the bill open —

Hon Sue Ellery: Hang on while we get there.

Hon NEIL THOMSON: — at the same time, because it is a bit of a tome. I understand the complexity of all this. I assume a fair bit was lifted from the Road Traffic Act to get to this point. Proposed section 75CA refers to the navigation of vessels while under the influence of both alcohol and drugs. It has a table with alternative offences. Can the minister clarify whether the offences of over .05 or .08, and the definitions of “impaired by drugs” or “under the influence of drugs” will be entirely consistent with the Road Traffic Act? Is that correct?

Hon SUE ELLERY: Yes, they are.

Hon NEIL THOMSON: I go back to proposed section 75CA in the EM. It refers to prior offences for other serious alcohol or drug navigation offences being counted, in particular the applicable penalty for the first offence. I assume this can only be offences committed from the day this bill comes into effect, but are we saying that when somebody fronts the court, those penalties start to accumulate and provide a history? Is this like motor vehicle driving offences, in which if a person has a prior offence, a more strenuous penalty can be exercised going forward? Hence those other sections outlined in relation to that—the minister is nodding.

Hon Sue Ellery: That is correct, by interjection, honourable member.

Clause put and passed.

Clauses 15 to 22 put and passed.

Clause 23: Part 8A inserted —

Hon NEIL THOMSON: I may be duplicating, because I had this listed before I came into this place. I think it might have been answered already, but we will look at it anyhow. In respect of commonwealth marine qualifications, there is a requirement to notify Australian Maritime Safety Authority, the national regulator, of a mariner's conviction of any certain navigational or alcohol-related navigation offence. Could the minister outline how that process would work, and how it will be managed to make sure it occurs in a timely way and also ensures a valid verification from the state that AMSA has addressed it, given the impacts on the state.

Hon SUE ELLERY: The Department of Transport will put administrative arrangements in place so that AMSA can be notified of the offence and the outcome of the case. It is AMSA's responsibility to take appropriate action in its own investigations or any administrative action in regard to a commercial marine qualification. That approach is consistent with other jurisdictions that have a disqualification attached to marine alcohol or drug offending.

Hon NEIL THOMSON: Is there any national register in which the Department of Transport has access to AMSA disqualifications?

Hon SUE ELLERY: No.

Hon NEIL THOMSON: Was there any anticipation within this bill around the sharing of information from other jurisdictions, including the commonwealth?

Hon SUE ELLERY: In the bill we did before, the Marine Safety (Domestic Commercial Vessel National Law Application) Bill, that is where it is accurate to say data sharing is captured.

Hon NEIL THOMSON: I know this digresses a little bit from this clause, but it is relevant to notifications. That would mean, in tandem with those other changes, there will be an ability for the department to assess AMSA disqualifications that might occur. Or is it not necessary?

Hon SUE ELLERY: It is AMSA's jurisdiction to manage that. It holds the data. We do not need it. We just make sure it gets data from us.

Clause put and passed.

Clause 24: Part IX Divisions 1 and 2 inserted —

Hon NEIL THOMSON: Earlier, in clause 1, I asked about the collection of breath-testing evidence and who might be able to do that. The minister clarified that it would be either the police or the Department of Transport. Proposed section 124HE refers to evidence of an authorised operator of breath analysing equipment.

We are getting near to the end of the year, minister, so bear with me. It relates to the equipment and the authorisation of the operator. As part of that theme at proposed section 124HF, "Certificate of authorised operator of breath analysing equipment", is this consistent with the requirements under the Road Traffic Act?

Hon SUE ELLERY: Yes, it is.

Hon NEIL THOMSON: I am asking because there may be transport operators who might be on the water doing this work to the extent that they might otherwise be able or qualified. I assume the Department of Transport along with Western Australia Police Force can do that work on the road. Is that correct? No?

Hon SUE ELLERY: The answer to that is no.

Hon NEIL THOMSON: That is a relatively important point, then, in so far as this will be the first time that the Department of Transport will step into this space.

Hon Sue Ellery: By way of interjection, that's correct.

Hon NEIL THOMSON: That is correct. I note the minister's very helpful explanation of the sequence of things that will happen in the level of training and certification of those officers. In terms of the rollout of this legislation, will a process be put in place to ensure that those officers will have that responsibility? The minister mentioned one FTE, but I assume a lot more than that will be certified to do this work because there are officers already in

play. Can the minister give me a brief outline of the sorts of officers who might operate across our state in this role? I would certainly like to know how that might apply across the regions as well, given the minister mentioned the rather modest increase of one FTE. Can the minister give me an outline of how those officers will do the job and how many will be involved in that process and where it will happen?

Hon SUE ELLERY: It will be one additional FTE, and that additional FTE will be the trainer. The Department of Transport already has people across the state. The member is quite right: these are new powers, and the officers will need to be trained in them. The training will mirror the training that police officers go through to exercise the same powers. It is the same training because they will be using the same equipment et cetera, albeit in a different environment, which is a marine environment.

Hon NEIL THOMSON: Has any internal work been done on those staff duties, given this will be—I would have thought—to quite a large extent, an extension of their duties in not only the classification, but also the workload?

Hon SUE ELLERY: A full assessment of the job description forms for the relevant officers is now underway to make sure the extension of powers is reflected in the duties that will be carried out once this bill comes into effect.

Hon NEIL THOMSON: The minister mentioned the review of the job description forms. How many officers will be able to do this work with the testing?

Hon SUE ELLERY: It might differ at various times, but it will be about 40 officers across the state.

Hon NEIL THOMSON: Given this will be quite an extension of transport staff duties, notwithstanding their role in marine safety, I assume these will be the same people who manage the equipment side of things; therefore, we are talking about the same staff on the water who go and check our flares. The minister is nodding, so I assume that is right. Has there been any engagement with police, given they are used to managing this space in their transport sector, to give some capacity-building within the department to achieve the results we hope to achieve from this?

Hon SUE ELLERY: There has been extensive work with police to make sure that we adapt what they use on the road to what we will need to use in the marine environment. I am advised it has been a very good, strong, cooperative and collaborative relationship. The member would appreciate that police are often at the wrong end of when something goes wrong, so they are absolutely 100 per cent on board with this process and have been very helpful with training and all the elements that need to be put into place.

Hon NEIL THOMSON: Are all those 40 officers uniformed officers?

Hon SUE ELLERY: Yes, they are.

Hon NEIL THOMSON: Another component of clause 24 refers to the proof of a person's blood alcohol content for certain offences. Obviously, there will be a requirement to make sure that that evidence is taken in a very professional way. I note that there is a level of discretion in so far as it is not like driving a car, where one is on the road and one gets an alcohol offence; instead, one might be sitting on a boat at a mooring, having a glass of wine. I read in the bill the commentary around—I cannot recall the words—evidence of the vessel being navigated while the operator is drinking. It is a slightly trickier environment to manage in that sometimes it is not absolutely clear cut, so a level of discretion will be applied. That will be important going forward, along with the issue that I just mentioned around the evidentiary side, in making sure that when somebody is brought before the court, they will not end up with a bunch of prosecutions that are not upheld because of insufficient evidence.

In terms of proposed section 124HH, “Proof of person's BAC ...”, I assume there will be the same requirement for drugs—in fact, I think it is in proposed section 124HI. Proposed section 124HH(2) will insert the rebuttable presumption from the Road Traffic Act section 71(2) and states —

In the absence of proof to the contrary, the accused is taken to have a particular BAC at the time the accused navigated, or attempted to operate, a vessel if it is proved the person had that BAC —

That is blood alcohol content—I think that is what BAC stands for. I read these things and I try to understand what they actually mean. Can the minister put it into layman's terms what this actually means?

Hon Sue Ellery: Plain English, is that what you would like?

Hon NEIL THOMSON: Plain English! What does that actually mean?

Hon SUE ELLERY: I will give it my best shot. The first thing that Hon Neil Thomson can stick in his head is that “rebuttable presumption” means that a person is allowed to lead evidence: “No, this could not be the case because of X, Y and Z.” Proposed section 124HH(2) inserts the rebuttable presumption from section 71(2) of the Road Traffic Act and provides that in the absence of proof to the contrary—it is up to the person to provide proof to the contrary—the accused will be taken to have a particular blood alcohol content at the time they navigated or attempted to operate a vessel. If it is proved that the accused had that blood alcohol content within four hours after the time of navigation or attempted operation of the vessel, or if the proof of their blood alcohol content relates to a sample of their blood taken in accordance with the requirements made under proposed section 75EO—that is the specific provision laid out—within 12 hours after the time of navigation. It can be confusing to read. There

are probably a couple of double negatives in the provision, but “rebuttable presumption” means that if a person has been charged, they can lead evidence and say, “Here is why you should not reach that conclusion, because of these circumstances.”

Hon NEIL THOMSON: The only reason I asked about that is because a range of evidence could be used. Most modern vessels have a digital log, for example, of when the vessel was used. I do not think too many vessels do not have the ability to assess when they were or were not being navigated. I guess it is a question of whether, after having navigated a vessel, the person sat down and had a few quiet drinks and were picked up by an overzealous operator. Notwithstanding that, I understand that those 40 officers will operate with a level of professionalism and discretion. I suppose that is important in the sense of someone choosing to park up and have a drink on Christmas Day. They should make sure that they have the ability to outline their defence for that point. I think that is what the minister means.

Clause put and passed.

Clauses 25 to 38 put and passed.

Clause 39: *Young Offenders Act 1994* amended —

Hon NEIL THOMSON: In my passing through the bill, I seemed to have missed one. I will touch on this and ask for a little discretion as this will be my almost final question, minister. I know I have said “final” before.

Hon Sue Ellery: You have, honourable member. You’ve got form! Give it your best shot.

Hon NEIL THOMSON: I will give it my best shot without prejudice as my final question, with possible deniability.

There is a provision about the culpability of minors, which I referred to in my second reading contribution, and it is a matter to which the minister did not respond. I refer to the issue of a minor who is a skipper with a skipper’s ticket. I am thinking of a scenario—I ask the minister to indulge me a little bit as we finish the Committee of the Whole—involving a 17-year-old and it is 364 days before their birthday and a person on the vessel who is 18 years and one day of age. I understand why the bill includes that particular provision. Clause 39 seeks to amend the Young Offenders Act 1994 and there might be some connection with that. The question was asked within the context of the briefings we had. Why was that approach taken? If someone is licensed to be in charge of a vessel, regardless of their age I would have thought that they would be required to meet all the expectations of the provisions of their licence. Can the minister indulge me just a little bit? I promise that this is the last question if the minister can give me an adequate answer. There is an incentive for the minister!

Hon SUE ELLERY: It is the same provision that we apply in any other circumstance in which a person is under 18. Whether the person is under 18 by one day or five years, it goes to the sentencing, not whether or not they are culpable or whether or not they committed a crime. It is about the sentencing regime that applies to them. If a person is under 18, they are captured, no matter the offence, by the regime in the Young Offenders Act; if they are over 18, they are not. That is the difference. It is not about whether they did or did not and how old they were at the time. Once it is established that they did commit an offence, it is about how the court deals with sentencing, which is captured differently from how it deals with adults.

Hon NEIL THOMSON: The minister touched on sentencing. With her indulgence—I have somehow missed that step—it is to do with who is deemed to be in charge of the vessel. I understand the sentencing—that is fine. But if a 17-year-old has their driver’s licence—I assume a person can still get their licence when they are 17—and they have an accident, the person sitting in the back of the car, who is 18 years of age, is not held responsible for the driving activity of the 17-year-old. That is the issue.

Hon SUE ELLERY: In a circumstance in which there is a 17-year-old skipper and an adult is on board the vessel—and they are the only adult on the vessel—then, yes, under the provisions before us now, there will be a presumption that that adult is the master of the vessel. However, this presumption is, again, rebuttable. The precise wording is “in the absence of proof to the contrary”. The adult can bring proof to show that they were not the master at the time. The standard of proof is the balance of probabilities; in other words, that it is more likely than not that they were not master of the vessel.

Hon NEIL THOMSON: I thank the minister for indulging me on that one. This is my final question. In terms of the balance of probabilities, there is the opportunity for a scenario—I know that we do not like using scenarios in Committee of the Whole—in which someone does something reckless and their mate happens to be a few weeks older. They could be the adult on the vessel in terms of the law, but they were not really in control of the vessel. For the sake of *Hansard* and any unfortunate soul who might find themselves in that situation, under the balance of probability, that person, who might only just be 18 years of age, would not be regarded as the person who was responsible for that vessel.

Hon SUE ELLERY: Depending on the circumstances, honourable member, they would be. The point is that there is a rebuttable presumption. The person who is accused of being in charge of the vessel, just by virtue of their age, has the opportunity to provide evidence to the court that says, “This is why you should not find me to be the person in charge of the vessel” and then the court, giving regard to the evidence provided, needs to make a determination based on the balance of probabilities.

Hon NEIL THOMSON: My last, last question! We did it. That is not the case with road traffic licences.

Hon SUE ELLERY: The honourable member is correct. That is because there is a difference and we have already talked about it in a number of circumstances, which we have canvassed in today's committee stage. It is not the same, because someone is sitting behind the wheel of a vehicle. There are cases of people quickly trying to swap seats between when they get pulled over and when the police officer steps around, but in the boating environment, in which there may be a group of people sitting around in close proximity and, in fact, sharing responsibility for navigation —

Hon Neil Thomson: By way of interjection, minister, there may be a 17-year-old who has a skipper's ticket and it might be their vessel and that other person may not have a clue about it.

Hon SUE ELLERY: That is right. It is not mandatory. That is why there is a rebuttable presumption, because we can lead the evidence to demonstrate that it was not the case.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by **Hon Sue Ellery (Leader of the House)**, and passed.

PLANNING AND DEVELOPMENT AMENDMENT BILL 2023

Second Reading

Resumed from 14 November.

HON NEIL THOMSON (Mining and Pastoral) [2.52 pm]: Thank you for the opportunity to speak on this bill. I am leading this bill and I assume I will get a bit more time. I need extra time on this bill. Members opposite may find this a little more exciting than the tone of the Western Australian Marine Amendment Bill 2023, which we previously considered.

We are not opposing the Planning and Development Amendment Bill 2023. There are elements within this bill that we support. There are elements we have questions about. It is something I think warrants further discussion, particularly given the hype of this bill in terms of its presentation to the community. I speak to people in the industry and we constantly hear commentary around reform. We often talk about reform and yet, in Western Australia, we have a situation that is outlined very capably by a number of reports across various stakeholder bodies, including the Urban Development Institute of Western Australia and the Property Council of Australia. We are facing a challenging time with the delivery of affordable housing. We need reform within the system, which is why we do not oppose this. There are always opportunities to make things better, but I think there is a limit to the effectiveness of legislative changes and how they might make things better. There is always a risk of making things worse. I have what could be considered a traditionalist view about the planning system. I think the role of the executive government should be one of setting the rules and making sure that we have an efficient system, in which the processes within our government agencies are efficient, and that sometimes involves the deployment of technology, for example, and ensuring we hold our directors general and staff to account. As someone who spent some years on the other side of the fence, I know what that feels like, and I think staff in those agencies, who may be listening to this second reading debate today, will understand what I mean. It is not meant with ill will, but there is a sense that government agencies need to be empowered through the provision of important resources and leadership within those agencies to deliver efficient processing within our regulatory system. The government's role is to ensure the rules are clear, which they are, I think, to a certain extent. There is a level of complexity within the planning system, which could be subjected to a more profound review than what has been put forward. I think that is important. The other role for the executive is making sure that there is a vision for the city and the regions. While 75 per cent of our home owners are in the metropolitan region, there is an ongoing shortage of land and housing in our regional cities. We must have a vision. That vision is set within the strategic framework. Sometimes we have a case of "set and forget". I think that is part of the challenge we have with *Perth and Peel@3.5 million*. In my view, we are setting ourselves up for failure in the long run in relation to a whole range of targets around those important infill targets and greenfield developments.

The focus of the Planning and Development Amendment Bill 2023 is on the margins of processes that are already in play. The significant development pathway has been amended to some extent. The development assessment panel process has been changed somewhat. The approvals delegations for planning approvals for offices within local government authorities are being changed. There seems to be a single-minded focus of this government to keep changing it. I have been here only two and a half years and I have seen a number of changes like this come through this place. Whether it was the COVID provisions, the subsequent changes or now these changes, they seem to focus on what I would call, in a broad sense, the development application part of the process. The government seems to be focusing on that endpoint and thinks that by moving the deckchairs around a bit, we are going to get

a more effective system. My concern is that a lot of the constraint is happening at the front end of the process. We have to take a step back and look at some of the big issues that are affecting housing affordability, particularly rental affordability, in Western Australia at the moment, and emerging trends that will impact housing and rental affordability into the future. To some extent, Western Australia remains a relatively affordable jurisdiction compared with Sydney or other capital cities around Australia. Our median house price is lower than in those cities. Somebody with that important housing dream who is starting out can still acquire a home in the order of \$500 000—the half-a-million-dollar mark—depending on the quality of the home they are looking for. That is a lot of money in the current interest rate environment. It puts people under a lot of pressure but, compared with Sydney or Melbourne, it is certainly a lower price. To some extent we are blessed with employment opportunities in Western Australia. People can choose to get involved in the resources sector for a period in their lives and they can build up that important asset.

To some extent, the housing dream is still available in Western Australia unlike in some other states. However, I think this bill fails to really set the framework for the generational change that will stop us falling off the cliff in the next year or two. Certainly, the predictions I have heard from people in the industry are that we are heading for a very severe shortage of residential land and a shortage of apartments. Some fundamental issues are driving this and this government has failed to address them. Some things have been done to attempt to touch it up at the edges and ensure we can tidy things up. We saw the establishment of the special hit squad in one of the agencies to do special work. It reminds me of the days when I was in the micro-economic reform unit at Treasury. A very similar situation occurred in which we were facing the cliff. The last time the Labor government was in power, from 2004 to 2007, we saw unprecedented increases in property values in Western Australia because there were shortages. In about 2007, there was almost a panic that gripped the government, particularly as we saw some massive challenges in places like Karratha and other parts of the state. There simply was not enough land and we were starting to really struggle. It is important to reflect on these things as we come into this because I think the Minister for Planning; Lands has made the wrong diagnosis. I think we have the wrong diagnosis. We are not opposing this legislation because we think there is some merit in some of the changes, but it is an opportunity to reflect on significant factors that are affecting our housing and apartment markets in Western Australia.

The facts speak for themselves. The *UDIA state of the land 2023: National residential greenfield and apartment market study*, which was released in March 2023, has a comprehensive assessment of greenfields market activity. We have seen a massive decline in lot sales from a peak in 2013 during the Barnett era, when work was done to ensure that land was released and the department of housing was involved in joint ventures to deliver land supply. A massive amount of work went into delivering that. It dropped off in 2015 as the market contracted. In 2016, it got to what we thought was a low point because there was a bit of a contraction in the resources sector around that point. We know that it impacted the market to some extent. Despite growth in the resources sector and the strength of our economy in Western Australia, we continued to see low levels of lot sales rolling through. There was a bit of a peak around 2020 but now, at the beginning of 2023, we are down to probably record lows according to the report.

That is problematic because it will not necessarily have an impact straight away but, if we are not selling lots, and people are not going out and buying house and land packages, we are building up to a shortage of housing stock. All the data is showing we are well below the requirements for population growth. I was talking to people in the industry recently and I met with people at the Property Council of Australia. They said there is some level of absorption within the market. Rooms are starting to fill up or people may stay with their parents a bit longer or do a bit of working it out. That also impacts our rental market. Our rental market is white hot at the moment. It is absolutely white hot and vacancy rates are at unprecedentedly low levels. This is really having an impact on rental values and that impacts on people who can least afford it. I saw a case on Channel Nine or one of the mainstream news outlets only yesterday when I was watching. Someone had a rental increase in the order of \$200. This is happening right across our state and across the country. There are massive challenges in rental affordability because of the contraction in the building and construction industry and in lot delivery.

I believe we are facing the cliff because the state is not doing enough in the strategic planning piece. It is not focusing on the piece it should be. It is not focusing on streamlining those very important, complex processes that occur before construction starts. We seem to have a constant fixation by the minister on the development application path—the end path. That is the last thing that happens, going forward. To some extent, he is hoping that by changing the development application panel process, somehow we are going to get more apartments built and that will somehow take off the pressure. It is simply not going to be enough. Ultimately, despite the government's view on infill and the densification of Perth—we all agree with that; it is a given that everybody in the state, bar one or two people, agree that there should be more infill and more density—the vast majority of new homes in Western Australia are still going to be delivered through greenfields development and expansion of our city. We are talking massive numbers. *Perth and Peel@3.5 million*, which is based on *Directions 2031: Draft spatial framework for Perth and Peel*, talks about a city of 3.5 million inhabitants. We currently have about 2.1 million or 2.2 million inhabitants in Perth, so we have to find in the order of not far short of a million new households in Perth in that time frame. Sorry, I keep referring to *Directions 2031*, but it is the *Perth and Peel@3.5 million* report that was released in March 2018. Despite that report being a bit of a case of set-and-forget, it was presented. What

I do not see is the state doing enough work around the contingencies as the population change situation rapidly evolves. Before the COVID pandemic, who would have known that our border was going to be closed for as long as it was and that our population growth would effectively grind to a halt for that period? Then who would have predicted the massive rebound that is now occurring as we go into the post-COVID environment and we have this massive rebound in population? Who knows what will happen tomorrow? What we do know is that all the analysis on those greenfield block production numbers are well short of what was projected in order to achieve *Perth and Peel@3.5 million*. We are banking up a shortfall that is going to have a massive impact on affordability at some point. At the end of the day, those dynamics of supply and demand will kick in. At the end of the day, those dynamics will have such an effect that I think we will see a massive increase in the price of housing in Western Australia, and that is the last thing we need, given that we all want our children, the next generation and the generation after to still aspire to home ownership going forward.

The *Perth and Peel@3.5 million* provided scenarios of the type of city that might exist. It outlined how the city has grown and provided an excellent background for that growth, but it also laid out how the city might expand. The key elements of it are stated at page 13 of the report, which states —

- increasing housing diversity and affordability
 - 800,000 new homes are required to accommodate 1.5 million extra people
 - 380,000 of these will be predominantly in strategic infill locations

I will come back to that in a minute, because 380 000 is an aspirational target, but it is still a minority target. It is still not the main element. We have to have a strategy. I do not believe that we have done enough work with our development sector to ensure those important greenfield developments can continue.

It is not just the development of greenfield sites. I went online today and checked on realestate.com, and one can still buy a block down towards Armadale and Oakford, for example—that important growth corridor as we head southeast. Certainly, in my mind, that growth corridor will eventually be the land buffer for Western Australia’s capital city, because notwithstanding some of the environmental challenges with its watertable, it is largely clear. There is a lot of cleared land through there. We know that the extension of the city along the coastline into the banksia woodland to the north of our city cannot continue forever because of the challenges particularly with the Carnaby’s black-cockatoo habitat and so forth. There are limitations to where the city can grow. Ultimately, we are going to have to bite the bullet until we can fundamentally resolve the problem with the economics of apartment development in Western Australia. That is the number one issue constraining us from going forward to a denser city.

I spoke to the Property Council of Australia about this. It cannot—excuse the pun—get apartments to stack up. I am talking about the economics of apartment development. We can still buy an apartment, but the prices are rapidly increasing. In the last 12 months, the value of second-hand apartments has gone up quite considerably. Not that long ago, someone could buy an apartment for around the high \$300 000s in the CBD; now, those small apartments might be sitting around the \$400 000, \$450 000 or \$500 000 mark. They are escalating quickly. Almost every day we watch that apartment price increase. We do not want that price to increase because it makes apartments less accessible for young people. The bottom line is that in building those apartments, we just cannot get it to stack up at that price. I am talking about diverse housing forms. A family living in an apartment might need a three-bedroomed apartment. Two by twos are quite common in Western Australia, but if our families are going to start living in apartments and not in the detached building components that we are so comfortable and familiar with, we are going to have to see more diversity with our apartment composition. The bottom line is to build apartments around the Metronet stations to make sure we get the full value of that Metronet investment, which is everyone’s goal, and we need to find a way to deliver those apartments at affordable rates. The industry is really struggling with that challenge.

I suppose that comes to the heart of some of the concerns that might be raised by those who do not wish to see density. It is not something I am necessarily in support of, but some people might be worried about the ad hoc density that seems to be developing in some of the more affluent suburbs in a way that might not conform with the scheme. That is problematic in itself. That is the issue. That is where the return can occur. That is the only place in which developers can get apartments to stack up, because it might cost \$800 000 to build an apartment there, but the developer can sell it for \$900 000 or \$1 million. That is because that market is available. The apartment might have views over the river or the coast. The problem is that we are struggling to address the affordability issue in the apartment market because our construction costs in particular are so expensive in Western Australia, particularly for those high-rise developments.

I come back to the other component of this detached and greenfield development. It is not just the land. We are not developing enough land in Western Australia. We are not focusing enough on making sure that land is going through an efficient process of going from other zonings such as urban deferred through to urban and then getting to subdivision. We are not doing that efficiently enough. Even when we have that land, we have all these problems in the construction element. We are seeing building companies struggling under the weight of the cost of labour and materials. I think this has greatly impacted confidence within the market, which is again a serious issue that

needs to be addressed. I say to the government that it is all very well to come back and make these changes. Most of my speech was going to be on the things that I think are important that have been missed and not addressed by this government, such as making sure that the land is available, there is security in the construction industry and those apartments can be delivered in an affordable and timely way. Instead, we are fixing up the composition of that. We are making changes and moving the deckchairs around on the Western Australian Planning Commission, as though that will make anything different. Quite frankly, I think the changes to the Western Australian Planning Commission will make it worse. That is my contention. I certainly do not have any expectation that the changes that we do support within this bill will have any material impact on overall strategic positioning or the affordability of our housing market in Western Australia. We need a government with vision that can actually make sure that we have affordability going forward. I hope that the boffins who will come together—maybe some from Treasury—will be willing to put up some difficult recommendations around the taxation arrangements relating to housing. I am sure Hon Dr Steve Thomas will have some other comments to make about that.

I commend the Property Council of Australia for undertaking *Taxes and charges on new housing*, an important piece of work that was released on 7 June 2018. The housing industry is a money-making machine for the state government. This is part of the problem in creating affordability, because when a tax is put on housing, it simply underpins the value of housing, makes it harder for people to get into housing and constrains the supply of housing. That makes it harder for the civil construction sector to make it stack up. These issues need to be addressed thoughtfully and in balance with the revenue requirements of the state. The report undertaken by Acil Allen Consulting looked at every capital city. It was a comprehensive piece of work. The report states that the median price of housing in Western Australia for greenfields developments—it has increased a little since then—was \$569 500, with \$112 400 of that being government taxes and charges. Government taxes and charges are a huge component of that. Some of that was GST on materials and so forth, and I am not suggesting that we should abolish GST on materials for housing. What I am saying is that, given the government's current budget situation, there is an opportunity for the government to look seriously at the taxation arrangements in relation to housing across Western Australia. For infill developments, there was a median unit price of \$511 000, of which \$94 800 was government taxes and charges. Members of the Property Council to whom I spoke recently suggested that the apartment market might now be more heavily taxed than the greenfields market. I do not have any evidence to support that, but I do have this report from the Property Council—it is on its website—called *Taxes and charges on new housing*. These are the things that are slowing down our housing market and having a debilitating effect on the ability to deliver affordable homes and for the next generation to achieve the great Australian dream.

I talked about the rental market. A member of the real estate sector recently came to me with an issue around stamp duty on insurance. Insurance is impacting severely on the rental market in places like my home town of Broome and Karratha, because it represents between \$200 and \$250 a week in costs for an average four-bedroom home. Before someone even gets started with a rental, they are up for that cost, and then of course the mortgage, interest rates and so forth, as well as the risk in those parts of the world that the market might not stay up. It is very difficult for investors to make sure that the rental market stacks up. That is the problem we have. We end up with median rental prices for a four-bedroom home in places like Broome of almost \$1 000 a week. How can someone afford that if they are on \$70 000 or \$80 000 a year? They cannot. This is a serious issue. Critical workers, essential workers and retail workers do not have the scope to get into those communities. Although I do not have the data in front of me, it worried me significantly when some data was sent to me today about the state government putting up the rent for the essential workers' accommodation in Port Hedland. We will have some more to say about that later this week. That is increasing by not just a small amount; it is a considerable amount. There are some serious considerations.

The boffins will come together in a special squad. That seems like *deja vu*, because I was a member of one of those groups when Eric Ripper was Treasurer. I remember sitting in the meetings with Alannah MacTiernan. I am experiencing *deja vu*, as this government is also sitting on the hose of regulatory reform at the strategic level and not having a vision for the future. It is just tinkering around at the margins and saying, "Look at us! We're wonderful. We're making these reforms all the time." Quite frankly, I think the government is failing. I am getting *deja vu*, remembering the Gallop–Carpenter years. In 2001, at the end of the Court years, Western Australia had the most affordable housing, but within the space of seven years, WA had the most unaffordable housing in Australia because the government took its eye off the ball. I could add to that: the government has completely failed on social housing. I have spoken many times in this place about the challenges with social housing. The Australian Bureau of Statistics provides information under the category of government-built homes; it provides the gross number of homes built by the public sector as opposed to the private sector. We saw a massive drop-off during the McGowan years. I have not checked those figures in the last few months, but I hope there has been a bit of an uptick. That is where the massive shortage was created. It will not be solved by adding a couple more storeys to developments in Mosman Park or by having a few more ad hoc developments along Marine Parade in Cottesloe. I do not want to say whether that is bad or good, but we should not rely on those schemes. As I said, I am a traditionalist in the sense that I believe that the role of the minister is to oversee the strategic framework. The minister needs to make sure that it is being delivered in a timely way, that the agency is doing its job and that we have a vision for Western Australia. The minister needs to make sure that we are taking serious measures, whether through taxation or other incentives, to

provide whatever levers we can to ensure that we do not end up in the situation that we are currently ending up in, with shortages becoming very apparent in our housing sector. That is what he should be doing. That is what the Western Australian Planning Commission should be doing.

On that issue, I think the Planning Commission's job has been confounded to a large extent. I spoke about it when we talked about the introduction of the State Development Assessment Unit. I think the Planning Commission's job has been confounded and that it now has more of a development application assessment and approval role, as opposed to a strategic planning role. I think that is bad for Western Australia; I do not think it is a good thing. We need to make sure that the Planning Commission focuses all its energy on delivering the strategic framework and bringing together the often recalcitrant agencies. The government talks about recalcitrant local governments, but I can tell members that I have evidence of the recalcitrance of some of the agencies. This is no reflection on staff; they are just doing their job. They probably have a budget and objectives that they have to meet, but they cannot actually deliver on some of the requirements.

Let us take the minutes from the Development Services Committee meeting of 20 February 2023 for the schedule of submissions proposed for the Kelmscott District Centre Precinct Structure Plan. That is right at the heart of the reforms that should be going on in Western Australia. Let us see what is being done. That 380 000 figure that I quoted earlier is from *Perth and Peel@3.5 million*. Everyone says that is the pinnacle of our aspiration—the 380 000—but which we all want to make 480 000. We believe that it will have to be millions in the future because the city will not stop at a 3.5 million. The way we are going, Perth will keep growing. Let us see what happened. The hardworking City of Armadale got out there. The government loves to pick on local government. The previous Minister for Planning made an absolute sport of it. I think the current Minister for Planning has forgotten his heritage in local government and the things that he said when he was a local government councillor. He conveniently forgets because he is hooked on the kneejerk sporting reaction of the former Minister for Planning who used to love to pick on local governments and pick up on the negatives of local government.

Let us see the submissions that were put forward. This is a massive piece of work. The City of Armadale's Development Services Committee had to go through a massive piece of work on 20 February to lay out the Kelmscott structure plan to get a nine-storey development around a Metronet train station. That is absolutely what we should be doing. This is absolutely what we want to occur so that we do not slip on that figure of 380 000 and have to develop all the way down the coast to Capel and have our city become a megalopolis or one of those massive urban sprawls because that is the only way that we can keep housing affordable.

Submission 27 is a submission by the Water Corporation, and it was a late submission. It refers to sewerage and a whole range of things. The Water Corporation's submission was late. There is a very long piece about what it put in and it refers to what it contributed to that. The council could not support one of the Water Corporation's recommendations because the city was not proposing cost-sharing arrangements through a development contribution plan. The state agencies and corporations should match infrastructure investment. I refer to the state government's infill station precinct development objectives. This highlights a key issue. This is a problem. The Water Corporation is trying to throw off the costs. We know that to get nine-storey developments built we will need support in and around the delivery of sewerage. The submission was late and its recommendation was not supported.

Another submission was from Main Roads. That was also late. There is a conflict between the city and the recommendation from that committee. There are a whole range of things in the submission about the roads and achieving the functions and safety of the road network. All those considerations by Main Roads imposed on the future development at that site. The city said that the vehicle access strategy was not supported and it referred to a discussion and a report. The city proposed a balanced approach to maintain access in the interim. Future development will need to accord with *PLN 5.1 highway development*. Car parking location has been considered through the precinct structure plan. The comments were noted. There is a conflict within our state agencies with respect to transport.

Another state agency put in a submission. These are the so-called recalcitrant governments trying to do the work the state government should be doing because the Kelmscott District Centre Precinct Structure Plan is part of a critical and strategic node to deliver an infill opportunity at the state level after the \$13 billion—and rising—investment in Metronet. We have to get an outcome.

There was a late submission by the Department of Fire and Emergency Services. Again, that was not supported. The submission refers to vegetation on private and public land that is best characterised as very low. That is all about the Bushfire Attack Level factor. Looking at the whole issue, it would appear to add more costs to the development in such a way that the city is having to address it because it believes there are other ways to manage that issue to achieve the infill development that it is trying to achieve. It is trying to do the state government's job.

Let us look at another state agency. I could keep going. The state agencies are failing because the ministers are not keeping on top of it. I would have thought that if the Minister for Planning had any authority at all—the former minister has gone on to become the Treasurer—he would be banging heads together and bringing together people in our planning system to achieve the goals that we need to achieve. We would not then need the constant parade of distractions and minor tweaking of the Planning and Development Act and the minister would be dealing with

some of the fundamental issues. I am not saying that some of the changes are not good, but the government is completely failing on some of the key issues. All its members do is get up and constantly bag local government. All they do is say that the local governments are recalcitrant. We have seen a parade of initiatives to take this power and that power off local governments. The single dwelling delegations issue is a tiny fraction of what is required, if it is not done that way already. It is a complete distraction. Yes, we support that element, but the key is that it will not solve the problem. The massive problem that I am talking about is the cliff of housing affordability and housing availability, and the cliff of rental vacancies to the point at which there are virtual bidding wars at the doors of rental properties as people try to get into those homes because we do not have enough roofs to put over the heads of Western Australians. That is the point at which this government has failed.

The next agency that had to put in a submission was the Department of Biodiversity, Conservation and Attractions. Again, its submission was late. I would have thought that it was a basic issue for agencies to get their submissions in on time to the City of Armadale, which is trying to do the job of the Western Australian government through its Development Services Committee meetings. Again, the submission refers a lot to issues with bushfires, the setback in relation to the Swan River and a whole range of things. We know that these are complex issues, but do members know what? If the ministers were worth anything, instead of sitting on their backsides in their offices, they would be getting off their backsides to talk to the agency heads and make sure that they get their submissions in on time and that they are properly resourced to do the job.

I will come back to the issue of the Western Australian Planning Commission. It has a critical role in infrastructure coordination. The Planning Commission has a critical role in making sure that the approvals through the Department of Water and Environmental Regulation are actually delivered in sympathy with the strategic goals of the Minister for Planning. The commission plays a critical role. Main Roads and the Department of Transport have a critical role in ensuring that our future city will not be gridlocked, that it will be efficient and sustainable, and that we will have a transport network that works. Technology and a range of things are coming along that will improve, dare I say, even the motor vehicle industry. It is not all bad to have cars driving around the roads. We have this \$13 billion asset. It is not all bad, particularly as we move to sustainable fuels like hydrogen and, obviously, battery-powered cars. It is a matter of managing the traffic flow. That will become a thing. Main Roads can be very good at that.

However, the state is saying that it is not very important to have those heads of departments in the Western Australian Planning Commission. In fact, the government will not even make them members of the Planning Commission. Are we to say that members of the Planning Commission are not wanted there anymore; they can turn up if they want to? That is what is happening; it has now become a voluntary thing. It is not surprising because when I looked through the Planning Commission's annual report, I saw that the commission had about 22 meetings, and the average attendance of the heads of departments when added up was 2.5 meetings over that period. Clearly, it is not valued.

I have asked questions in this place about the infrastructure coordinating committee. It was a little while back now. As far as I recall, I do not think it even met; maybe it met once or twice. But it is not a focus of this government. That is the issue, folks. If you want to deliver affordable housing, you have to get serious about infrastructure delivery. It is quite interesting that on 22 February, after the minutes of that meeting came out in Kelmscott, we saw ministers roar down to Kelmscott to announce an \$80 million or something infrastructure headworks fund. Was it \$40 million? I am not sure what the response was. With great embarrassment, ministers saw these late submissions, saw that nothing was going to happen and thought that they had better get down there because they probably had a furious City of Armadale. It was all too hard. The City of Armadale is doing the terribly difficult job of trying to do the state's work regarding the important train station and density. I think they put in \$40 million for the regions and \$40 million for the city, but that will be a drop in the ocean in terms of what is needed.

I am not saying that the solution is always money, but the key here is to find solutions. We have to bang heads together. We must have a vision. The chair of the Planning Commission should have vision and should be banging heads together. I am sure that the chair is a perfectly good person and has entirely good motives, but I do not see the commission having the capacity to have the status it should have. The commission should have that status. There should at least be something in here about the heads of departments. I would feel a lot more comfortable if these chambers ensured that there was still some circuit breaker and some other committee was established under statute to ensure heads of department came together. Maybe some of the other heads of departments who are not on the Planning Commission at the moment could be brought in, because that is vital to ensure that lot development and infill occurs going forward.

We support elements of this legislation. I can assure members that, as the next Minister for Planning, I will get on with the job and forensically assess every aspect that is holding us back. I tell industry and the people of Western Australia who are worried about their future this: I will be very forensic and assess every aspect that is holding up our state's housing and planning development. I will work with my cabinet colleagues in the Mettam government in 2025. We will work together to ensure we deliver affordable housing in the future. We will not be about cherrypicking a few developments here and there. I am certainly not opposed to high-rise in certain parts of the western suburbs, but I tell members what: I would love to see a strategic plan to do that.

I sat down with the Town of Mosman Park the other day, and it talked about the need for some infrastructure. I am trying to recall the name of the street, but it is near one of the train stations just south of Cottesloe. South of that, a train station needs to be moved. Leighton Beach is along that area. A whole area of land could be developed with incredible high-rise looking out across the bay, and it would be incredibly valuable and add value to the state if we got on with it, but it needs some serious infrastructure development. It needs the building of subways under the train line and potentially moving the train station. We have seen a focus on spreading the city out in every direction when there are huge opportunities for infill, which I would support. Going forward, that will be an incredible strategic focus of the Mettam government in the western suburbs. We will not have a casual, half-pie approach: “We will just add a few more storeys over and above.” That approach would remove community confidence in ongoing consultation in the development of local planning schemes. If local planning schemes are not being developed on time, I would not be afraid to intervene, unlike the previous minister. Under the previous minister, we saw a complete decline in the number of local planning schemes presented to the Environmental Protection Authority for consideration. The Department of Water and Environmental Regulation website outlines those numbers and how they collapsed. I do not know whether Hon Rita Saffioti even believed in those structure plans and local planning schemes. She did not think they were important, but that is how to get the confidence of the community. You work with the community, develop the local planning schemes and make sure that people are engaged at the early stage of the planning process, when you should consult. As the Minister for Planning, I will never support the last-minute third-party appeal rights that are thrown in to frustrate development once they have done all the hard work on the plans within the context of the scheme. We would set the rules and send it up to the independent arbiter, being either the development assessment panels or the local government planning committee. That would be the independent arbiter, as long as it could follow the context of the scheme and rationalise and explain it. Obviously, there are some very limited appeal processes through the State Administrative Tribunal, but that would be the appropriate way to do it because it would provide certainty going forward. We have to create certainty in the investment market, and that is what we should be focusing on. All this government is doing is undermining that certainty, undermining the strategic role of the Western Australian Planning Commission and ignoring the gaping problem of no strategic vision for Western Australia in how it could be the most affordable jurisdiction for housing.

We understand the pressures on the state as Perth becomes a global city and Western Australia becomes a global centre for energy and resources. That is what we should be doing. The pressures on the city will continue to come, folks, whether we like it or not. Western Australia will be the world centre for the production of hydrogen; this will happen. We must be the world leader with the lowest carbon footprint in the delivery of our natural gas, whether it is through carbon sequestration, carbon capture and storage, or other mechanisms of capturing it at the end use, bringing it back and re-injecting it. There will have to be solutions to all this because Western Australia’s natural resources are such that the state will position itself to continue to grow. The City of Perth will continue to grow, probably at a much greater and faster rate than we expect. We will have to make some hard choices. As the next Minister for Planning, I will be prepared to make those hard choices to ensure an ongoing stream of land availability.

My colleague Hon Steve Martin, who will be in the housing portfolio at that time, will be able to make sure that the agency is delivering important social and affordable housing into our community. My colleague Hon Dr Steve Thomas will make sure that we have a streamlined taxation system, and, for commerce matters, make sure that we have a robust and reliable construction centre and not overcook the civil construction industry to such an extent that developers cannot find civil construction contractors to deliver important developments like ONE Subiaco in Western Australia. We had a recent discussion with Mr Blackburne and other people, and they said how hard it is to find contractors to deal with their future plans to deliver the transport-oriented development we want to achieve. This is what real reform is about, folks. It comes from the Liberal Party. We are a party that believes in rules. We are a party that sets efficient rules. We are a party that will ensure that the independent umpire gets on with the job, without interference, and lets the market do its job. That is what the Liberal Party is about. Instead, we have this government floundering around. Yes, it has come up with a few things. The best it can come up with are a few reforms, which are fine. As I said, I will go through them relatively quickly. I will make a very important point: we are failing Western Australian people on housing affordability. We are failing the development sector on making sure those strategic planning processes are efficient and guided by a strategic vision. We are failing on that. That is what I stand for. I will go into a lot of this in detail in committee. We do not oppose this bill. More will be said during the committee stage.

HON DR BRAD PETTITT (South Metropolitan) [3.51 pm]: I am pleased to stand to respond to the second reading speech on the Planning and Development Amendment Bill 2023.

The Minister for Agriculture and Food started her second reading speech in this house with a lot of what the government is doing on housing. It is fair to say that it is on the public record that I support many of the things that were spoken about, be it encouraging build-to-rent developments, stamp duty relief for apartment purchases and those kinds of things, but that is not what is actually in this bill. There was also a lot of talk during the second reading speech about how this legislation will accelerate housing supply, but, as I will make clear in my speech, this bill will neither sustainably do that nor lead to better planning decisions. In fact, my fear is that this bill will most likely entrench what can only be called Perth’s poor planning outcomes, which, frankly, have characterised development

in Perth for many decades. There is a real danger that this bill will entrench business-as-usual, status quo planning, with lots of sprawl and unstable housing. In the second reading speech, the minister almost bragged about that fact. I quote from the second reading speech —

In August this year, the Minister for Planning announced the resolution of the last two planning investigation areas, which will open a further 835 hectares for future urban development in the Perth region and is expected to deliver approximately 9 000 dwellings ...

It goes on —

... 15 planning investigation areas ... 6 400 hectares of land will ... deliver around 85 000 additional dwellings to plan for growth across the Perth and Peel regions ...

I double-down on my concern about what is at the heart of this bill—that is, a failure to plan. We are seeing too much planning that is more about fast tracking what we are doing, and that is at the heart of my critique of this bill. To be brutal, we could call this bill an anti-planning bill because it is almost as though we are giving up on good planning. This bill will do two key things. It will take away from communities and local governments most of the key planning decisions and centralise them in state-dominated development assessment panels and the Western Australian Planning Commission. With the most significant developments, it will also undermine planning schemes, which should be at the heart of planning to give certainty.

If the state were doing really good planning and if we had a great reputation for doing some of the best planning in the world, I would back this in, but for decades in this state we have been creating the longest city in the world, at 150 kilometres now. It is extraordinary that we have the lowest population density of any city in the world but we are the longest city. Document after document has been put together by planning agencies that support the view that we have to turn this around. Do members know what? We have not turned this around! Over the last few years, almost three-quarters of new dwellings have added to that sprawl. We are failing planning because we have not implemented the good planning that is in some of those documents. We are letting the business-as-usual sprawl continue. As we do that, we bulldoze our way through one of the world's 35 biodiversity hotspots. It is a place rich with species unique to this part of the planet. We bulldoze those areas and replace them with largely treeless suburban streets. In places such as Butler, tree canopy cover is literally at 1.6 per cent. Some of the places that we are creating with the planning that this bill wants to double-down on are some of the hottest and least well-planned places we can imagine. That is why Perth has the lowest tree canopy cover of all the capital cities. The percentage of suburbs that are meeting the tree canopy cover target is 22 per cent, which is well below the other capital cities.

We are doing good planning in some of the older suburbs, which have good tree canopy cover, but some of the new suburbs are planning out trees. There is no room to put them on verges because of the Western Australian Planning Commission road width requirements. There is no room to put them on our blocks because of the way we do housing approvals. I am not talking about the medium density code now, but I will go to it for a second. It has been put on the back burner. It was meant to encourage good medium-density housing with canopy cover, but it has been sidelined for business as usual. Once again, we lack confidence in the government doing good planning going forward.

On top of that, we are creating suburbs with some of the lowest active use and public transport use of any city and some of the highest car use. Recently, I asked a question in this place, which was backed up by data from the 2021 census. Public transport use was about 10 per cent, active transport use was 2.6 per cent, but 87 per cent of us are forced, by lack of choice and bad planning, to move around by car. To add a final layer on top of that, we are building some of the biggest energy-hungry houses on the planet, at 250 square metres.

The government's planning has created a city that is sprawling in an uncontrolled way and it is bulldozing biodiversity hotspots and replacing them with low canopy cover suburbs. We have really high car ownership and dependency and low public transport and active transport use, and giant energy-hungry houses. You know what? With that list, we would say that the government was failing at planning. That is what we are doing in this city and this state. We are failing at planning. In response to that, we have this planning amendment bill. Will this bill correct any of those key failures of planning? No, it will not. All it will do is fast track and centralise planning approvals with a state government that is, frankly, responsible for these planning failures. This is at the heart of my critique today. Seriously, this planning amendment bill should be a great disappointment because it is administrivia in the face of serious planning failure. If we are serious about creating proper planning in this state, merely consolidating the planning with DAPs and other state government agencies that want to fast track it is not the way to do it. Let me unpack this.

Let us start with development assessment panels. Part 2 of the Planning and Development Amendment Bill 2023 will reduce the number of development assessment panels from five to three—one for the inner metro, one for the outer metro and a regional panel—and appoint fixed-term, full-time DAP members. It will remove the mandatory threshold of \$20 million that applies to Perth and the \$10 million that applies to the rest of the state and the provision that applies to projects of less than 10 multiple or group dwellings. Pretty much everything—everything except a single house just about—will become captured by a DAP. Guess what? Single houses—I will come to

this in a minute—will no longer be dealt with by elected local government members. The fundamental question is: with the passing of this bill, what will be the point of local governments? It is a legitimate question to ask. Why would people run for local government when local government will literally have no planning role? Local government may have a planning role in putting together schemes—I will come to that in a minute—but given the way that is done, that role could be overturned. There are serious questions about this bill, some of which I will ask during the Committee of the Whole. Why is the government excluding local government involvement in DAP decisions? DAPs were introduced when I was the Mayor of the City of Fremantle; the council did not support them. One of the ways we made sure that our community had a say in the planning decisions that impacted them was to take DAP recommendations to the council so that the community could comment on them. We made sure that those comments were inputted into the process. My understanding is that that will no longer be allowed. Why is this government so intent on pushing the community out and not providing proper community say and involvement in the planning decisions that will impact them?

To be clear, the DAPs will comprise three paid members and two local government members. From my experience on the Fremantle council, I can say that my Fremantle council colleagues made much better planning decisions, frankly, than did the DAP members. Of course, there are many other questions about this. Local governments will continue to write reports for DAPs. Who will pay for this? Why should local ratepayers pay local government staff to write planning reports for DAPs? Local planning fees do not even come close to covering those costs. If the state government thinks that this is such a great idea, maybe it should cover the costs of this new process. I will be asking a lot of questions as we go through.

The next key point is community consultation. I had to have a bit of a chuckle about this. The bill has this strange assumption, which, I do not think, adds up to any kind of scrutiny, that the community consultation that the state government does is somehow better than that of local government. The second reading speech refers to setting a benchmark. There are some sensible reforms in the bill, including extending the minimum advertising period for structure plans from 28 days to 42 days and those kinds of things. The second reading speech also states that the government has prepared a planning engagement toolkit that provides state government agencies, local governments et cetera with clear and consistent principles, guidance and tools for designing and delivering best practice consultation and engagement. Where is this best practice consultation engagement that state agencies have been running? I will provide one example that comes to mind, which is, again, a bit of comparison from my experience on the Fremantle council. When the City of Fremantle undertook a major development of its town—the \$250 million redevelopment of Kings Square—it spent months co-designing with the community, doing walking tours and holding an international architecture competition. It undertook months and months of engagement and round tables with the community as it went on the journey of redesigning the civic centre. The civic centre part of it was a \$50 million project and involved a long and major community engagement and co-design process. We can compare that with the Fremantle District Police Complex that was approved by the Western Australian Planning Commission in the last month or so, on which there was no proactive community consultation. In fact, the only consultation was when, of its own initiative, the Fremantle council asked for community feedback. The Fremantle council got a bunch of community feedback. From memory—I cannot remember the exact numbers—it received either 420 or 240 submissions and, of those, 100 per cent were against and zero were for it. That was quite a rational response because it is an inappropriate building for that location and it fundamentally undermines the good and orderly redevelopment of the Fremantle Oval precinct. Not a single person wrote a submission in favour of it, but it sailed through and was approved. Where is this top-notch consultation that was referred to in the second reading speech?

Another example is the process around rezoning the Roe 9 land from road reserve to an urban redevelopment zone. Everybody supports that, but how that was done is the fundamental question. The Department of Planning, Lands and Heritage undertook the process and it was chaotic and shambolic. Posters pinned to a wall at a local community hall, with people being able to ask questions, versus a co-designed process that the community and my office ended up running around what it could look like. I do not see any examples of this government showing what proper community engagement looks like, except the really good one undertaken by former minister Alannah MacTiernan with the network city plan, but that was about 20 years ago. That is an example of proper community engagement and design. That is how you do it. I do not think there has been another example since then. There certainly has not been one since I have been around. If the government is serious about where we are going with planning, that is what it should look like. That community engagement and design resulted in a very good document with, interestingly, much more ambitious density targets than we have today. It resulted in a 60 per cent density target for our city, which was reduced to 47 per cent. We are currently tracking at 21 per cent. There are good reasons to ask whether community engagement and consultation will be better as a result of this amendment bill.

The next point is really important—it highlights, fundamentally, some of the problems that I have with this bill and is the basis for an amendment that I will move later as we go through the committee stage—and it concerns the significant development pathway. This bill will make permanent a COVID-19 provision that was done under the guise of an emergency and wanting to stimulate the economy during COVID. The pathway for significant developments will be to go through to the WAPC as the decision-maker. The criteria for that will be pretty low. It will be \$20 million, which is not that significant, frankly, and \$5 million in the regions. It is hard to imagine

any apartment developments being worth less than \$20 million. These days, some houses cost close to that. The significant development pathway eligibility criteria are pretty low. That matters, because attached to it is the provision that anything that meets the criteria for a significant development pathway does not have to abide by the local planning scheme.

At the heart of the narrative for this bill is the idea that local governments need to get out of the weeds, stop approving houses and apartments and those kinds of things, and focus on their planning schemes, because that is their job: they need to get their planning schemes right. However, any development worth more than \$20 million—which is frankly every development of any significance; not state significance, but even local significance—will now have a whole bunch of reasons why it will not have to abide by the planning schemes that we are asking local governments to focus on.

That is a slight improvement on what we had before; it would be fair to say that the COVID legislation was even looser than this, but this is still pretty loose. One could drive a truck through most of it. To give some examples, if the commission is of the opinion that an application raises issues of state or regional importance, or that the determination is in the public interest, the development will not have to be consistent with the local planning instrument. “Public interest” is pretty vague. If a local planning scheme is older than five years, again, the development will not have to be consistent with it.

There are so many ways and options for developments to get around local planning schemes through the significant development pathway that I kind of wonder: what is the point? Why bother with them? Apparently this government wants local governments to focus on developing really good, robust local planning schemes; but then, if it is in the public interest, or if a local planning scheme is older than five years, then any development beyond a two-storey walk-up will be able to get around local planning schemes. They can also be ignored if, in the opinion of the commission, the determination is consistent with the state planning code.

This is a fundamental inconsistency in the approach to planning in this state, which is why I said this is anti-planning legislation. We are now moving in a direction in which planning in this state is being increasingly sidelined. We are, to be frank and brutal, seeing ad hoc, developer-led planning on a project-by-project basis that will give us uneven results. As someone who is passionate about density and good planning in cities, my fear is that this legislation will create a density hangover—one that will waste a good opportunity for cities to work out what we need to do to create good density in the right places: around transit corridors and train stations, to create transit-oriented developments. We see none of that in this legislation; in fact, it is in real danger of being undermined.

I find this legislation frankly bizarre and pointless; it feels like it is a bill that is designed to make the government look like it is doing something in planning when, in fact, all the big-picture things I talked about at the beginning of my contribution are not where they should be. Instead, we have the government saying that local governments should not make decisions about single houses; those decisions should be made by the CEO instead. I will say that, frankly, that is largely what happens anyway. It is rare for it not to happen, and for good reason, when the CEO or the planning director says, “You know what? There’s a real on-balance decision here as to whether this should be approved or not.” There is value in the community and elected members having a say in that. That is why councils are elected. I think that will be a great loss. It will do nothing to speed up approvals and housing supply if this is taken away from local governments. It is an odd, petty and not particularly good move.

I will give another example of why it is not a good move. I quote the minister from her second reading speech in this place —

... the City of Stirling, an exceptional council for planning development —

The minister was holding up the City of Stirling as a good illustration for why these decisions should be taken away from local governments. Let me explain why that is an absurd idea. The City of Stirling is highlighted in plenty of other planning documents as being ground zero for some of the most appalling losses of canopy and for literally creating the worst kind of unsustainable infill—the very kind that the Department of Planning, Lands and Heritage, in its medium density code, went out of its way to highlight needed to be stopped. Despite that, we had the minister in this place referring to it as “an exceptional council for planning development”. Really? The City of Stirling should be the poster child for the kinds of infill and planning development that need to be halted, but instead the government is doubling down on that.

The government admits in its own planning documents that every development in the City of Stirling requires a state subsidy in the tens of thousands of dollars because it is so treeless and unsustainable and meets so few criteria. Ultimately, we are subsidising this terrible infill. It is probably second only to the \$75 000 to \$95 000 per-dwelling subsidy we give to developments on the urban fringe; but either way, the planning outcomes that this bill will perpetuate are of the low, unsustainable kind.

That is not to say that there are not some sensible things in this bill; there are. I think there are some amendments that we can all agree are just logical. I even think the reforms to the Western Australian Planning Commission are largely good ones, because hopefully they will mean that we get the right people rather than, as Hon Neil Thomson pointed out, directors general who appear only some of the time. That would be an important change.

However, as we are focusing on the Western Australian Planning Commission, that leads to a fundamental issue. At the heart of this legislation it is saying that local governments should get on and do their planning schemes and get them right. I met with a range of local governments in the lead-up to the debate on this bill, and I heard story after story from local governments saying, “We’ve had stuff with the planning commission for two and a half years. We haven’t had a response in a year on whether we can advertise.” Apparently this bill is going to put more responsibility onto the Western Australian Planning Commission—a planning commission that literally cannot even keep up and do its job. The block on good planning and housing development is not the fault of local government; it is state agencies and the Western Australian Planning Commission failing to do that, and it is frankly just bad planning. The idea that this is going to somehow work is fundamentally flawed.

In summary, this bill can be described in two ways. Firstly, it is a lost opportunity. One would hope that a Labor government with a huge majority in both houses would give us progressive amending legislation that would fix the planning blight that is the majority of planning in this state, but it does not. All this bill will do is double-down on this. In fact, I would say that, in many ways, it is a step in the wrong direction.

Imagine instead what a proper planning amendment bill could look like. Imagine a bill that said that it is time we put an urban growth boundary in place. No-one is saying that we should cut off developments on the urban fringe tomorrow, but let us be clear and define what is urban now. There are probably 30 more years in that, but that would be it. Let us get serious about infill. Imagine a bill that defined that. Imagine a bill that said that here is where we are going to put people. I went to the most extraordinary talk by Professor Rob Adams last week. For those members who do not know who Professor Adams is, he was the chief planner at the City of Melbourne from 1985 until a few years ago. He was awarded a Member of the Order of Australia for his work. I love his presentations. When he took over the job, *The Age* had just put “Melbourne: the empty city” on its front page. In 1985, there were no people in the centre of Melbourne on the weekends. Of course, anyone who goes to Melbourne now will know that finding space on the footpath is more of a challenge, because it is now one of the most buzzing, vibrant cities. That shows how infill can be done well.

Professor Adams gave an amazing presentation about the lessons that he learnt from his many decades in Melbourne and said that places like Perth could do all the infill they need in the next 50 years on 7.5 per cent of the land—on the existing urban fabric. That can be done by identifying train stations, activity centres and transit corridors and then incentivising and upping densities along those key nodes. The other 92.5 per cent of the suburbs can be left alone, without the random, ad hoc, terrible infill that we are seeing happen. Imagine if this planning amendment bill mapped out that kind of vision for Perth—a vision of a properly planned city, with every train station having density around it and our key activity centres being filled with people. Imagine Armadale, Midland, Joondalup and Fremantle being vibrant centres because thousands of people have been incentivised by the state government to live in and around them. Imagine that we were not clearing up and down our urban fringe in an uncontrolled, unplanned and, it seems, unending manner. Is it only when we reach Bunbury that we will stop? I do not know, because there does not seem to be a plan. Imagine a planning amendment bill that incentivised transport options so that people could move around on trackless trams or light rail or on a properly finished connected network of protected bike lanes and walking paths. Imagine that we had a planning amendment bill that encouraged diverse dwellings, instead of, on average, the biggest houses on the planet with the fewest number of people in them. And we wonder why we have an affordability crisis! Imagine that we incentivised diverse housing types and sizes to meet the requirements of our current times. Instead, we have a planning amendment bill that will, frankly, do none of that. All it will do is try to fast-track the poor planning decisions that have blighted this city for the last decade.

I will be moving amendments during the Committee of the Whole stage. I think we should all be disappointed with this bill. It is not one that is particularly good or that we should be proud of.

HON WILSON TUCKER (Mining and Pastoral) [4.24 pm]: I felt compelled to weigh in on the housing debate and share my experience as a renter and someone who is trying to enter the property market for the first time and become a first home owner. If we look at all the disclosures of members in this chamber, I think we will find that I am the only renter in this space. I would not say that it gives me moral authority to speak on the situation, but it is certainly a lot of applicable on-the-ground experience given the situation facing a lot of people who are trying to break out of the rental market and become first home owners. I can confirm that it is a terrible situation right now and one that is hard to navigate.

When I first came back to Perth, one of the advantages that I thought I would have as part of that move was access to the relatively affordable houses here. With the relaxed lifestyle we have here, I thought I would come back, buy a surfboard and get into the property market. It is certainly affordable relative to the markets in Melbourne and Sydney. I left in late 2016 or early 2017. I think the slowest growth we have had in about a decade was in 2018. That is when we bottomed out and it was certainly a buyer’s market. That is what I was indexing it on when I thought I would just swan back in and buy a house. Of course, the reality in 2021 was certainly a lot different. When I first landed here, I went to the pub with my old man and one of the first things he said to me was: “Wilson, there are three things that don’t exist in WA right now: caravans—you can’t find them; four-wheel drives—you can’t get one for love or money; and houses—there are no houses in WA.” I think he was being a little facetious, but I do not think he was too far off the mark. I was not in the market at the time for a four-wheel drive or a caravan, but I certainly was in the market for a house. Given the exchange rate and the increase in house prices that we were

experiencing, I put my dream of home ownership on hold for a while and looked at the immediate concern, which was navigating the rental market. That was hard enough in and of itself, but, obviously, I used being a member of this place as a bit of a background check. People would see that I was a member of the Legislative Council and assume that I was an upstanding citizen, so it helped me secure a rental. Obviously, I also had a decent income.

Hon Stephen Dawson: Little did they know!

Hon WILSON TUCKER: Exactly, minister—little did they know! As bad as that sounds, having a decent income allows people to, in a sense, outcompete or outbid other people. We know that rent bidding was happening at the time, and it is still happening now. It was difficult finding a rental. It took a number of weeks. An article was published around that time in 2021 and the title was quite facetious. It said that it was easier for Wilson Tucker to pick up a seat in the Legislative Council than it was to find a rental. I can confirm that both were extremely difficult, but I think that picking up a seat edged it out. Finding a rental was certainly very difficult as well.

Hon Darren West: Better housemates in a rental!

Hon WILSON TUCKER: Yes, exactly!

It was not an easy experience at all, but I managed to navigate it and I put the dream of home ownership on the backburner for a number of years. We know that the situation facing renters in 2021 has only gotten worse in 2023. WA has one of the tightest rental markets in the country right now. According to a recent Anglicare report, there are zero rentals in WA available for people on government subsidies or with low incomes. Recently, I have given up on the hope that housing prices are going to go backwards anytime soon. I would not say that the situation we are facing in Western Australia is irreversible, but the supply and demand equation is certainly entrenched in the short-term, so I have decided to try to navigate the situation and become a first home owner.

Debate interrupted, pursuant to standing orders.

[Continued on page 6598.]

QUESTIONS WITHOUT NOTICE

GRIFFIN COAL — GRANTS

1500. **Hon Dr STEVE THOMAS to the minister representing the Minister for State and Industry Development, Jobs and Trade:**

I refer to the Cook Labor government's inexplicable provision of uncapped taxpayer-funded grants to the receivers and managers of the insolvent and foreign-owned Griffin Coal.

- (1) As at 27 November 2023, what was the total of the taxpayer-funded grants that have been directed to the receivers and managers of Griffin Coal under financial assistance agreements, process agreements or any additional funding mechanism or channel?
- (2) On what dates were the individual FAAs, process agreements or additional funding channels or mechanisms executed for the transfer of taxpayer-funded grants to the receivers and managers of Griffin Coal?
- (3) Will the minister detail the acquittal process that the receivers and managers adhere to in the spending of these grants and the scope of works that are deemed eligible to receive grant funding?
- (4) If no to (3), why not?

Hon STEPHEN DAWSON replied:

I thank the Leader of the Opposition for some notice of the question. Honourable member, I have seen the answer. It is not in the correct area in the files, so if it comes in, I will provide it later in question time.

GRIFFIN COAL — AD ASTRA CORPORATE ADVISORY

1501. **Hon Dr STEVE THOMAS to the minister representing the Treasurer:**

Hopefully, this one is in there. I refer to my question without notice 1472 of 16 November 2023 on the Ad Astra tender awarded to conduct negotiations with the insolvent and foreign-owned Griffin Coal.

- (1) Has advice been sought and received by government regarding the information requested in question without notice 1472?
- (2) If no to (1), why not?
- (3) If yes to (1), what advice has been received and from whom?
- (4) Will the Treasurer table the advice to the house; and, if not, why not?

Hon STEPHEN DAWSON replied:

I thank the Leader of the Opposition for some notice of the question. The following answer has been provided to me by the Treasurer.

- (1)–(4) Yes. The Department of Treasury has advised the hourly rate is commercial-in-confidence. Ad Astra has engaged with Ashurst or the State Solicitor's Office with regard to Griffin Coal.

SOUTH COAST MARINE PARK — INDICATIVE MANAGEMENT PLANS

1502. Hon COLIN de GRUSSA to the parliamentary secretary representing the Minister for Fisheries:

I refer to the minister's response to question without notice 1006 regarding input provided by the Department of Primary Industries and Regional Development into the development of the draft indicative management plans for the Wagyl Kaip, Wudjari, Ngadju and Mirning as proposed for the south coast marine park.

- (1) Has DPIRD provided any further input to the draft IMPs since 7 June 2023?
- (2) If yes to (1), please provide the dates and the form in which the input was provided.

Hon KYLE McGINN replied:

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

- (1) Yes.
- (2) The Department of Primary Industries and Regional Development provided input at an officer-to-officer level over October and November 2023, including one face-to-face meeting.

PUBLIC TRANSPORT — TWO-ZONE FARE CAP POLICY

1503. Hon TJORN SIBMA to the minister representing the Minister for Transport:

I refer to the state government's earlier decision to consolidate public transport fares via the two-zone fare cap policy.

- (1) Can the minister please provide data from the last 12 months on the take-up of this policy for patrons travelling distances equivalent to three to nine zones inclusive?
- (2) What has been the additional cost to government of implementing the policy over this period?
- (3) How is the financial impact of the policy recorded for accounting purposes; for example, is it recorded against the public transport operating subsidy?

Hon STEPHEN DAWSON replied:

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

The information requested cannot be provided in the required time frame. I ask that the member please place this question on notice.

EMPOWERING COMMUNITIES PROGRAM — FUNDING

1504. Hon DONNA FARAGHER to the minister representing the Minister for Community Services:

It is good to be back. I refer to the Empowering Communities program delivered through the Department of Communities.

- (1) For each community centre that receives funding as part of this program, can the minister provide a breakdown of the total amount of funding allocated to each centre in 2023–24?
- (2) For each community centre referred to in (1), will the minister provide a breakdown of the total amount of funding to be allocated in the following financial out years —
 - (a) 2024–25; and
 - (b) 2025–26?

Hon JACKIE JARVIS replied:

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

- (1) As this response is in tabular form, I seek leave to have it incorporated into *Hansard*.

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

LC QWN C1648 Tabled Paper Empowering Communities Program	Est 2023-24 Funding Excl GST
Organisation Name	Allocation Amount
Armadale Community Family Centre Inc	\$233,771.67
Bayswater Child Care Association (Incorporated)	\$149,254.
Befriend Inc.	\$79,461.69
	\$79,461.69
	\$121,904.5
	\$150,299.93

Blue Sky Community Group Inc	\$172,449.37
Bridgetown Family and Community Centre Inc	\$106,627.32
Brockman House Inc	\$247,375.38
Broome Community Information Resource Centre and Learning Exchange Incorporated	\$112,736.09
City of Melville	\$110,116.94
CLAN Midland Inc	\$125,044.77
Collie Family Centre Incorporated	\$107,236.37
Doubleview House	\$116,320.72
Eaton Combined Playgroup Association Inc	\$80,842.79
Escare Inc	\$122,136.74
Forest Lakes/Thornlie Family Centre Inc.	\$80,668.72
Frank Konecny Community Ccentre Inc	\$188,730.36
Gowrie Community Services (WA) Incorporated	\$150,575.21
Greenfields Family & Community Centre Inc	\$111,070.18
Hudson Road Family Centre Incorporated	\$106,234.71
Inclusion Solutions Limited	\$61,071.44
	\$76,339.29
Jerramungup Community Resource Centre Inc	\$72,429.03
Joondalup Family Centre Inc	\$141,122.23
Karingal Neighbourhood Centre (Inc)	\$96,914.54
Karratha Family Centre Inc	\$101,991.78
Kulungah Myah Family Centre Inc	\$80,668.72
Kununurra Neighbourhood House Inc	\$172,063.53
Manjimup Family Centre Inc	\$225,518.49
Marangaroo Family Centre Inc.	\$133,284.15
Meerilinga Children and Community Services Incorporated	\$82,490.77
	\$322,674.95
	\$81,715.3
Milligan Community Learning and Resource Centre Inc	\$220,718.55
Newman Neighbourhood Centre Inc	\$95,341.72
Northcliffe Family Centre Inc	\$83,809.07
Rainbow Coast Neighbourhood Centre Incorporated	\$150,247.58
Roberta Jull Community Care Association Inc	\$178,494.13
Roleystone Neighbourhood Family Centre Inc	\$127,952.78
Rostrata Family Centre Inc	\$103,816.23
Sandalwood Family Centre Inc	\$108,338.8
South Lake Ottey Family and Neighbourhood Centre	\$217,383.94
St Patrick's Community Support Centre Limited	\$77,707.08
Sudbury Community House Association Incorporated	\$183,166.33
The Nintirri Centre Incorporated	\$106,627.32
The People Place Busselton Inc	\$121,513.84
The Spiers Centre Inc	\$168,961.64
Victoria Park Centre for the Arts Inc	\$90,850.79
Victoria Park Community Centre Inc	\$80,668.72
Warnbro Community & Family Centre Inc	\$80,668.72
Westerly Family Centre Inc	\$81,909.16
Whitford Family Centre Inc	\$80,668.72
William Langford Community House Incorporated	\$249,502.4
Woodlupine Family Centre Inc	\$80,668.72
Yangebup Family Centre Inc	\$120,198.07

(2) The Department of Communities advises that out years funding has not yet been allocated.

PAINTBALL MARKERS — LICENCES

1505. Hon PETER COLLIER to the minister representing the Minister for Police:

- (1) How many paintball markers are licensed in Western Australia?
- (2) How many paintball markers referred to in (1) are licensed to an individual on an individual licence?
- (3) How many paintball markers referred to in (1) are licensed to a commercial operator under a corporate licence?
- (4) Are the paintball markers referred to in (1) included in the 360 000 total number of firearms in Western Australia?

Hon STEPHEN DAWSON replied:

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

The Western Australia Police Force advises that due to the resourcing required, it is not possible to provide an answer within this parliamentary sitting period and it is requested that the honourable member place the question on notice.

WASTE AVOIDANCE AND RESOURCE RECOVERY REGULATIONS — WASTE RECOVERY RATES

1506. Hon NEIL THOMSON to the parliamentary secretary representing the Minister for Environment:

I refer to the Waste Authority's data collected under regulation 18C of the Waste Avoidance and Resource Recovery Regulations.

- (1) Will the minister please provide an update for each of the financial years 2021–22 and 2022–23 on the percentage of waste recovery for —
 - (a) metropolitan solid waste;
 - (b) major regional centres waste;
 - (c) commercial and industrial waste;
 - (d) construction and demolition waste;
 - (e) statewide recovery rate; and
 - (f) per capita generation in kilograms per person?

Hon DARREN WEST replied:

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

- (1) Waste and recycling data collected under regulation 18C of the WARR regulations is published in the *Waste and recycling in Western Australia* report series on the Waste Authority website. The latest report available provides data for the 2021–22 financial year. Data for the 2022–23 financial year was collected from liable persons on 1 October 2023 and is currently being validated and is unavailable. This data will be published in 2024.

Data for 2021–22 is provided as follows.

- (a) The municipal solid waste material recovery rate for Perth and Peel was 36 per cent.
- (b) The municipal solid waste material recovery rate for major regional centres was 30 per cent.
- (c) The commercial and industrial material recovery rate was 45 per cent.
- (d) The construction and demolition material recovery rate was 85 per cent.
- (e) The statewide overall material recovery rate was 62 per cent.
- (f) The overall waste generation per capita was 2 415 kilograms.

SECTORAL EMISSIONS REDUCTION STRATEGIES

1507. Hon Dr BRAD PETTITT to the parliamentary secretary representing the Minister for Climate Action:

I refer to the fact that the Cook government will soon launch its sectoral emissions reduction strategies document and this government's commitment to whole-of-economy emissions projections and modelling as part of the SERS process. I also refer to the Cook government's recent change of stance on emissions reduction due to Western Australia's unique role.

- (1) What are Western Australia's whole-of-economy emissions expected to be by 2030, according to SERS projections and modelling?
- (2) Were those modelling results a reason the Cook government no longer aspires to substantially reduce WA's whole-of-economy emissions by 2030?
- (3) Have these modelling results been formally communicated to the commonwealth government?

(4) If no to (3), will they be?

(5) Will the government commit to release the modelling and projections for the SERS; and, if so, when?

Hon DARREN WEST replied:

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

(1)–(5) The policy development for the sectoral emissions reduction strategies has been informed by projections of Western Australia’s greenhouse gas emissions, as well as energy systems modelling of least-cost pathways for emissions reduction to ensure that the SERS is robust and evidence-based. The SERS is subject to cabinet consideration and modelling is therefore cabinet-in-confidence. Final decisions on the SERS package and analysis undertaken as part of the SERS are subject to further cabinet deliberations. The Western Australian government has worked closely with the commonwealth government to ensure that state-based modelling incorporates the impact of national measures, such as the effect of Rewiring the Nation and the reforms to the Australian government’s safeguard mechanism. The Western Australian government is in regular discussions with commonwealth officials to ensure that the characteristics of the state’s energy sector and emissions-intensive industries are well understood and national measures respond to the unique needs of Western Australia.

The Cook government is acting now to reduce emissions to 2030 and beyond. The government is taking steps to substantially decarbonise the state’s main electricity grid through additional funding for Western Power to start delivery of the first stage of network investments identified in the *SWIS demand assessment*. The SERS will include additional commitments to reduce emissions across all sectors of the economy.

RETAIL TRADING HOURS

1508. Hon WILSON TUCKER to the Minister for Commerce:

I refer to the current practice of ministers for commerce to issue variation orders each year to extend retail trading over the Christmas holiday period. As the routine extension of retail trading hours is a clear acknowledgement that both shoppers and retailers want more choice about when shops are open, will the minister consider modernising the state’s retail trading hours to do away with these antiquated restrictions? I note that there is already a bill on the notice paper in my name that would achieve such a result.

Hon SUE ELLERY replied:

I thank the member for his kind offer. I thank the member for some notice of the question. During the last 2021 state election, the Labor government made an election commitment to not make any changes to current Perth metropolitan retail trading hours. Notwithstanding that commitment, under the Retail Trading Hours Act 1987, general retail shops in the Perth metropolitan area are able to trade from 8.00 am to 9.00 pm on Mondays to Fridays, from 8.00 am to 5.00 pm on Saturdays, and from 11.00 am to 5.00 pm on Sundays and public holidays. Small retail shops and filling stations are able to trade 24 hours on any day of the year, and special retail shops are able to trade between 6.00 am and 11.30 pm daily. Many small and special retail shops within the Perth metropolitan area take advantage of these hours to meet the needs of both local consumers and visitors to the city.

TEACHERS — STAFF

1509. Hon SOPHIA MOERMOND to the Leader of the House representing the Minister for Education:

I refer to the finding of the review commissioned by the State School Teachers’ Union of WA that the WA schoolteacher shortage will worsen unless urgent steps are taken to reduce workloads.

(1) How is the government responding to the review?

(2) How is the government addressing the teacher shortage?

(3) How does the government plan to reduce the burden on teachers?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. On behalf of the minister, a response to this question will be provided on Thursday, 30 November.

FIRE AND EMERGENCY SERVICES — VOLUNTEERS — PTSD PRESUMPTION

1510. Hon MARTIN ALDRIDGE to the Leader of the House representing the Premier:

I refer to the Premier’s commitment yesterday to extend presumptive post-traumatic stress disorder protections to Western Australian police officers.

(1) Noting that career firefighters and paramedics are also now covered by presumptive PTSD protection, when will the Premier extend this same level of protection to WA’s 26 000 fire and emergency service volunteers?

(2) Do fire and emergency service volunteers have a different PTSD risk compared with WA police, career firefighters and paramedics?

- (3) When will the presumptive PTSD protections for WA police come into effect?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question—the National Party’s first question to the Premier in this house since he was elected almost six months ago.

- (1)–(3) This state Labor government has introduced presumptive work-related post-traumatic stress disorder protections to ambulance officers and career firefighters—something the former Liberal–National government never did. I have asked the Minister for Police to work with the Western Australia Police Force and the Western Australian Police Union to extend the presumption of work-related PTSD to WA police officers.

FOREST PRODUCTS COMMISSION

1511. Hon LOUISE KINGSTON to the Minister for Forestry:

I refer to the Forest Products Commission’s *Statement of corporate intent 2023–2024*, which forecasts an operating loss of \$17.6 million.

- (1) Will the FPC receive a cash injection this year?
 (2) What is the minister doing to ensure that the FPC is a commercially viable entity in future years?

Hon JACKIE JARVIS replied:

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

- (1)–(2) Commercial logging of our native forests is no longer economically, socially or environmentally sustainable. The Cook Labor government made the historic decision to end native logging in our unique forests. The Forest Products Commission operations will focus on forest health rather than resource production under the new forest management plan and will be adequately resourced to undertake these activities.

CHILDREN IN CARE — WHEREABOUTS UNKNOWN

1512. Hon NICK GOIRAN to the minister representing the Minister for Child Protection:

I refer to the answer on 16 November 2023 to my question without notice 1481.

- (1) Has the child recorded in the placement type “missing” been found?
 (2) For how many days have they been or were they missing?
 (3) How many children who are in the care of the CEO have their whereabouts currently recorded as —
 (a) unaccounted for—in contact;
 (b) unaccounted for—not in contact; or
 (c) missing?
 (4) In this calendar year, has any child in the care of the CEO been a victim of crime during the period their whereabouts were recorded as unaccounted for or missing?

Hon JACKIE JARVIS replied:

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

As at 28 November 2023, the Department of Communities advises —

- (1) Yes.
 (2) Nine days.
 (3) (a) Four children;
 (b) Nil; and
 (c) One child.
 (4) The data requested is not captured by the Communities internal reporting system and would require manual review of individual files. This would be considered an unreasonable diversion of resources.

HOMELESSNESS — LOCAL GOVERNMENT PARTNERSHIP FUND

1513. Hon STEVE MARTIN to the minister representing the Minister for Housing:

I refer to the \$6 million local government partnership fund for homelessness announced by the government in 2021.

- (1) Noting that the program was announced as operating through four annual funding rounds, how many applications have been received in the following financial years —
 (a) 2021–22;
 (b) 2022–23; and
 (c) 2023–24 to date?

- (2) For each of the years listed in (1), how many applications were successful?
- (3) For each of the years listed in (1), what was the total amount of funding awarded each year?
- (4) Will the minister please provide a list identifying successful local government applicants, including the amount of funding received and for which projects?

Hon JACKIE JARVIS replied:

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

- (1)–(4) As the minister announced to the Parliament on 1 December 2022, the funding from the local government partnership fund has been reallocated to deliver homelessness reforms aligned with the Housing First approach. The fund attracted limited proposals that were aligned with *All paths lead to a home: Western Australia's 10-year strategy on homelessness 2020–2030*, which were funded. Local governments continue to be able to lodge proposals with the Department of Communities for initiatives that demonstrate a Housing First approach. Eleven applications were received for the fund, with two successful applicants demonstrating an alignment with the strategy and the Housing First approach. As announced on 29 June 2022, the City of Fremantle was awarded \$96 934 and the City of Stirling was awarded \$181 484.

ENERGY — POWERINGWA

1514. Hon Dr STEVE THOMAS to the parliamentary secretary representing the Minister for Energy:

I refer to the joint media release of 17 November 2023 from the Minister for State and Industry Development, Jobs and Trade and the Minister for Energy trumpeting the establishment of PoweringWA to coordinate the delivery of new electricity infrastructure with responsibility for planning, community consultation, industry liaison and project management.

- (1) Before the announced establishment of PoweringWA, who or whom was responsible for coordinating the delivery of new electricity infrastructure, planning, community consultation, industry liaison and project management?
- (2) With the removal of the above duties to PoweringWA, what role does the previous provider now deliver in energy projects in Western Australia?
- (3) How will the establishment of PoweringWA rectify the government's tacit admission of nearly seven years of neglect in futureproofing the state's power grid?

Hon DARREN WEST replied:

I thank the member for some notice of the question. On behalf of the parliamentary secretary representing the Minister for Energy, I provide the following answer on behalf of the Minister for Energy.

- (1)–(3) It is over 15 years since load growth required significant new transmission infrastructure in the south west of Western Australia. The Cook Labor government commissioned the *Whole of system plan* and the *SWIS demand assessment* and has been planning for new transmission infrastructure. This transformation is large and complex and needs to be delivered at pace to meet decarbonisation ambitions. The scope of this electricity infrastructure build, which includes transmission, general and storage, reaches outside of Western Power and beyond the responsibilities of any one existing agency. The Cook government is creating PoweringWA as a new specialised entity to coordinate the actions required and to ensure that the WA community is engaged during the process. PoweringWA has been supported by all major users of the south west interconnected system.

FIREARMS ACT — REFORM — CONSULTATION

1515. Hon COLIN de GRUSSA to the minister representing the Minister for Police:

I refer to the minister's response to my question without notice 1483 regarding the research used by the state government to correlate public safety and a reduction in crime to the number of firearms held by licence holders.

- (1) Can the minister please detail the specific recommendation within the Law Reform Commission of Western Australia's report of October 2016, *Review of the Firearms Act 1973 (WA)*, which relates to placing a cap on the number of firearms held by licence holders?
- (2) Can the minister detail the research within the report on which that recommendation is based?
- (3) Can the minister table any subsequent or additional research that the government has relied on in respect to its proposal to cap the number of firearms held by licence holders?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. I have an answer here. I see an error in it, so I am not going to give the member an answer today; I will check this error and give the member an answer tomorrow.

LOCAL GOVERNMENT — ELECTIONS

1516. Hon TJORN SIBMA to the parliamentary secretary representing the Minister for Electoral Affairs:

I refer to the recent local government elections.

- (1) What was the cost to the state government and the Western Australian Electoral Commission for conducting the elections?
- (2) How many WAEC staff were employed during the election period?
- (3) What specific training and preparation did the WAEC undertake to implement the state government's tranche of legislative changes?
- (4) Were any problems encountered during the vote-tallying process, and were there any delays to the timely declaration of results?
- (5) What would these problems be attributed to?

Hon DARREN WEST replied:

I thank the honourable member for some notice of the question. On behalf of the Minister for Electoral Affairs, I have the following answer, which I provide on behalf of the Parliamentary Secretary to the Minister for Electoral Affairs.

- (1) The Western Australian Electoral Commission has not yet finalised reconciliation of all invoices incurred for the 2023 ordinary local government elections held on 21 October 2023.
- (2) The commission engaged approximately 1 435 staff for the local government elections. As with all elections, the commission's permanent workforce of around 45 staff was supplemented by contract and temporary personnel staff.
- (3) The commission undertook its usual planning processes for the 2023 local government ordinary elections as well as training for returning officer liaison officers and returning officers, including a two-day face-to-face workshop. An online learning management system, manuals and video instructions were also available to returning officers. Returning officers were provided with materials for training count staff for their local government election. Additional online training was provided closer to the election for the count and results.
- (4)–(5) The commission always applies the principle of accuracy over speed to the counting of votes, and took a cautious approach to the results phase of the 2023 ordinary local government elections, noting the introduction of new voting and counting methods. The Electoral Commission provided advice to local governments and candidates in the lead-up to the elections that results might not be available until the Monday or Tuesday. This advice was also published on the WAEC website. The majority of local government election results were declared by close of business on Monday, 23 October 2023. It is acknowledged that the commission's cautious approach contributed to some delays in communication with returning officers, to allow them to finalise counts. This has been identified in debrief workshops and will be addressed for future local government elections.

ELECTIVE SURGERY — CHILDREN — WAIT TIMES

1517. Hon DONNA FARAGHER to the Leader of the House representing the Minister for Health:

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

For each clinical category of surgery, can the minister please provide the total number of children on the waitlist to access ENT elective surgery at —

- (a) Perth Children's Hospital; and
- (b) Fiona Stanley Hospital?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. The answer is provided in a table, by category and hospital, so I seek leave to have that incorporated into *Hansard*.

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

(a)–(b)

	Perth Children's Hospital	Fiona Stanley Hospital
Category 1	4	0
Category 2	325	34
Category 3	1103	229

FIREARMS — LICENSING AND REGISTRATION

1518. Hon PETER COLLIER to the minister representing the Minister for Police:

I refer to the current firearms licensing and registration system.

- (1) How many firearms licence holders are currently registered on the licensing and registration system?
- (2) Of those registered on the licensing and registration system, how many firearms licence holders have more than —
 - (a) five firearms on the licence condition “recreational hunting shooting”;
 - (b) 10 firearms on the licence condition “club use”;
 - (c) 10 firearms on the licence condition “occupational use, primary producer”; and
 - (d) 10 firearms on the licence condition “occupational use, professional shooter”?

Hon STEPHEN DAWSON replied:

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

The Western Australia Police Force advises that due to the resourcing required, it is not possible to provide an answer within this parliamentary sitting period. It is requested that the honourable member place the question on notice.

ENVIRONMENTAL PROTECTION (RENEWABLE ENERGY PROPOSALS) EXEMPTION ORDER 2023

1519. Hon NEIL THOMSON to the parliamentary secretary representing the Minister for Environment:

I refer to the recent decision to introduce the Environmental Protection (Renewable Energy Proposals) Exemption Order 2023, which exempts the Minister for Lands under section 41 of the Environmental Protection Act 1986 when granting an option to lease or fixing related matters to that option.

- (1) Under what circumstances, if any, will renewable energy projects still be required to be referred to the Environmental Protection Authority under part IV of the Environmental Protection Act?
- (2) Given that part IV, division 1 of the EP act provides for the referral and assessment of significant and strategic proposals, and proposals of a prescribed class, does the minister consider the provisions under section 88 of the Land Administration Act 1997 to be unnecessary?
- (3) If yes to (2), why will the minister not apply the order to all projects in which an option to lease is being sought under the LA act?

Hon DARREN WEST replied:

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

- (1) Referral to the Environmental Protection Authority under part IV of the Environmental Protection Act 1986 has not changed.
- (2) Section 88 of the Land Administration Act 1997 is a matter for the Minister for Lands.
- (3) This new class exemption is just one of many initiatives being driven by the green energy approvals initiative as part of the WA government’s commitment to decarbonise Western Australia. The class exemption clearly sets out that the exemption applies only to renewable energy proposals.

SAFE NIGHT SPACE FOR WOMEN — CLOSURE

1520. Hon Dr BRAD PETTITT to the minister representing the Minister for Homelessness:

I refer to the ongoing disagreement between the state government and the City of Perth over the future of the Safe Night Space for Women run out of the Rod Evans Centre in East Perth, which is due to close its doors next Friday.

- (1) How much money has the state government made available to keep the Safe Night Space open?
- (2) Will the state government commit to providing the same level of funding to incentivise other local governments that might be willing to take over the service if the City of Perth option is not available?
- (3) If no to (2), why not?
- (4) Why is the state government relying on local government and the community sector to provide a safe night space for women in the Perth CBD?

Hon JACKIE JARVIS replied:

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

- (1)–(4) The state government has made an offer of \$3.1 million in funding over two years for the continuance of the Safe Night Space service, contingent on utilising the existing facility. This is the only way to keep the service open in the short to medium term. The Office of Homelessness has been working with Ruah Community Services to find an alternative location for the better part of the year; however, all other considered locations would require either significant refurbishment or planning approvals, which would see the service close for a significant period of time.

CANNABIS USE DISORDER — RESEARCH

1521. Hon WILSON TUCKER to the Leader of the House representing the Minister for Health:

I ask this question on behalf of Hon Dr Brian Walker, who is away on urgent parliamentary business with COVID.

I refer the minister to the breaking news that scientists at Yale University in the United States believe they have identified a gene that predisposes some individuals to cannabis use disorder.

Given that this research would potentially allow us to better inform the public of any risks associated with cannabis use, will the minister encourage her colleagues in the Department of Health to give it serious consideration going forward; and, if not, why not?

Hon SUE ELLERY replied:

I thank Hon Dr Brian Walker for some notice of the question and Hon Wilson Tucker for asking it on his behalf. On behalf of the house, I wish Hon Dr Brian Walker all the best. I am sure he could find a piece of research that shows that cannabis oil would assist with the symptoms of COVID!

In response to the member's question, as with other areas of emerging evidence, the Department of Health will monitor future developments based on these new data and, in turn, review their potential use in public health approaches.

SAFE NIGHT SPACE FOR WOMEN — CLOSURE

1522. Hon SOPHIA MOERMOND to the minister representing the Minister for Homelessness:

Terpenes in cannabis have been found to specifically help with COVID, just so members know!

I refer to the imminent closure of the Safe Night Space for Women at the Ruah Community Services centre in East Perth and to the fact that in September 2023, 520 women were sleeping rough in Perth according to the WA Alliance to End Homelessness by-name list.

- (1) Will the Cook government negotiate with the City of Perth to ensure that the Ruah Community Services centre stays open, as requested by 16 000 people in a petition on change.org?
- (2) If no to (1), how will the government ensure that there are enough beds in the inner city to provide a safe space for women over the coming holiday period, a time when domestic violence levels usually spike?

Hon JACKIE JARVIS replied:

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

- (1)–(2) The state government has made an offer of \$3.1 million in funding over two years for the continuance of the Safe Night Space, contingent on the City of Perth continuing to provide access to the existing suitable facility. The Safe Night Space is not a crisis or transitional accommodation facility; it is a drop-in space that provides temporary shelter on an overnight basis, with access to support services. Several inner-city domestic violence refuges are funded by the state government. Women requiring crisis accommodation due to reasons of family and domestic violence can access referral to refuges by calling the Women's Domestic Violence Helpline, which is a free, 24-hour service.

MARIGINIUP BUSHFIRE

1523. Hon MARTIN ALDRIDGE to the Minister for Emergency Services:

I refer to recovery funding and support in the aftermath of the Mariginiup bushfire.

- (1) Can the minister please identify the recovery funding and support measures that have been made available to impacted residents to date?
- (2) Where can people access the information about this recovery support?
- (3) What category of disaster recovery funding arrangements assistance has been made available for this event?
- (4) Can the minister please table the DRFA activation for the Mariginiup bushfire and any request from the state government to the commonwealth in respect of this activation?

Hon STEPHEN DAWSON replied:

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

- (1) The Premier's relief payments and the Lord Mayor's distress relief fund have been activated for impacted households.

(2) The information is in tabular form. I seek leave to have it incorporated into *Hansard*.

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

Department of Fire and Emergency Services State Recovery	1800 490 678 recoverygrants@dfes.wa.gov.au
Department of Fire and Emergency Services Recovery Funding	1800 920 659
Premier's Relief Payment	Application Portal: dfes.smartygrants.com.au/premiersreliefM
Department of Communities	1800 032 965

(3) Category A and B assistance measures have been made available under the DRFA activation.

(4) I table the document. This activation can also be found on the DFES website.

[See paper [2852](#).]

FOREST PRODUCTS COMMISSION — SUPPLY CONTRACTS

1524. Hon LOUISE KINGSTON to the Minister for Forestry:

I refer to the *Forest Products Commission annual report 2022–23* and its KPI results regarding “Log deliveries meet customer orders”, noting the 18.34 per cent variation, which is well above the FPC’s target of only a 10 per cent variation.

- (1) What was the volume of native timber that was delivered to customers versus the volume ordered?
- (2) Does the minister stand by her comment that the Forest Products Commission continues to work with customers who have supply agreements to meet their needs?
- (3) How does the Forest Products Commission intend to fulfil its contractual obligations with customers?

Hon JACKIE JARVIS replied:

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

- (1) The percentage of ordered native timber that was delivered was 81.66 per cent. The volume delivered to customers was impacted over the last two years due to issues maintaining contract capacity in a highly competitive labour market.
- (2) Yes.
- (3) The Forest Products Commission continues to deliver timber to customers with whom it has contractual obligations.

VIOLENT SEX OFFENDERS — PAROLE

1525. Hon NICK GOIRAN to the minister representing the Minister for Police:

I refer to the minister’s answer on 15 November 2023 to my question without notice 1467 that revealed that one of the three return to prison warrants was executed for an offender who was known to be in custody in another jurisdiction.

- (1) For how long had that warrant been outstanding prior to its execution?
- (2) Was this one and the same fugitive who was the subject of question without notice 1083?
- (3) If no to (2) —
 - (a) what were the circumstances that gave rise to this offender escaping custody or monitoring;
 - (b) what is the number and nature of this offender’s crimes;
 - (c) what is that age and sex of the offender;
 - (d) when did WA Police first become aware that this offender was in custody elsewhere; and
 - (e) in which jurisdiction was this offender being held in custody?

Hon STEPHEN DAWSON replied:

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

The following information has been provided to me by the Minister for Police. The Western Australia Police Force provided the following advice.

- (1) It was 2 198 days.
- (2) Yes.
- (3) Not applicable.

WESTERN POWER — SINGLE RESIDENTIAL CONNECTION APPLICATIONS

1526. Hon STEVE MARTIN to the parliamentary secretary representing the Minister for Energy:

I refer to single residential connection applications lodged with Western Power to connect new single homes to power.

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

Hon DARREN WEST replied:

I thank the member for some notice of the question. On behalf of the Parliamentary Secretary to the Minister for Energy, I provide the following answer.

Given the information required, it is not possible to provide a thorough response in the time allocated to ensure that an appropriate answer can be provided. The question will be answered on 30 November 2023.

QUESTIONS ON NOTICE 1675, 1676, 1716, 1679 AND 1682*Answer Advice*

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.03 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answers to questions on notice 1675, 1676 and 1716 asked by Hon Steve Martin to me representing the Minister for Health will be provided by 13 February 2024, the answer to question on notice 1679 asked by Hon Donna Faragher to me representing the Minister for Health will be provided by 13 February 2024, and the answer to question on notice 1682 asked by Hon Martin Aldridge to me representing the Minister for Health will be provided by 13 February 2024.

QUESTIONS ON NOTICE 1668, 1722, 1725, 1727 AND 1734*Papers Tabled*

Papers relating to answers to questions on notice were tabled by **Hon Stephen Dawson (Minister for Emergency Services)**, **Hon Jackie Jarvis (Minister for Agriculture and Food)** and **Hon Darren West (Parliamentary Secretary)**.

GRIFFIN COAL — GRANTS*Question without Notice 1500 — Answer*

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [5.04 pm]: I now have an answer to Hon Dr Steve Thomas's question asked earlier.

I seek leave to have the response incorporated into *Hansard*.

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

-
- (1) As of 27 November 2023, \$39.3 million has been drawn down by the receivers and managers of Griffin Coal.
 - (2) The first financial assistance agreement was executed on 11 January 2023. An amended version of this agreement was executed on 19 May 2023. A further financial assistance agreement, termed the Process Agreement, was executed on 14 August 2023.
 - (3)–(4) Funding is provided for the essential ongoing operation of the mine, including labour, fuel, and maintenance that were not covered by revenue generated, noting that customers do not currently pay a price for coal that supports the stable operation of the mine. There are a number of terms under the Process Agreement that the receivers and managers must adhere to before receiving funding, such as reporting requirements. Details of the Process Agreement are confidential and commercially sensitive.
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QUESTIONS ON NOTICE 1712, 1713 AND 1723*Answer Advice*

HON DARREN WEST (Agricultural — Parliamentary Secretary) [5.05 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 1723 asked by Hon Dr Steve Thomas on 19 October to me as the parliamentary secretary representing the Minister for Environment will be provided by 30 November 2023. The answers to questions on notice 1712 and 1713 asked by Hon Dr Brad Pettitt on 18 October to me as the parliamentary secretary representing the Minister for Racing and Gaming will be provided by 30 November 2023.

WATER — MINE WATER CONSUMPTION — PILBARA*Question on Notice 1715 — Answer Advice*

HON SAMANTHA ROWE (East Metropolitan — Parliamentary Secretary) [5.05 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 1715 asked by Hon Dr Brad Pettitt on 18 October to the parliamentary secretary representing the Minister for Water will be provided by 30 November 2023.

QUESTIONS ON NOTICE 1675, 1676, 1716, 1679 AND 1682

Point of Order — Answer Advice

Hon MARTIN ALDRIDGE: The Leader of the House just made a statement pursuant to standing order 108(2) in respect of the inability to answer questions by the required date. In providing a number of notices to the house, the Leader of the House indicated that an answer would be available to the house on 13 February 2024. I do not believe that is possible —

Hon Sue Ellery: No, I didn't. I said "by".

Hon MARTIN ALDRIDGE: By 13 February. If it is not provided in the next two days—obviously we will not be sitting on 13 February—I think the intent of the statement was to provide it on the next sitting day and we are sitting —

Hon Sue Ellery interjected.

The PRESIDENT: Order! Member, please take your seat. Are you seeking a point of clarification on when the answers may be provided? Is that your point of order?

Hon MARTIN ALDRIDGE: No, I think the Leader of the House indicated that an answer would be available on 13 February when it cannot be provided then because the house will not be sitting.

Hon Sue Ellery: I said "by".

The PRESIDENT: I do not see that there is a point of order in relation to that matter. However, I will seek clarification at a later date regarding what was actually said.

PLANNING AND DEVELOPMENT AMENDMENT BILL 2023

Second Reading

Resumed from an earlier stage of the sitting.

HON WILSON TUCKER (Mining and Pastoral) [5.08 pm]: Before the break, I was talking about my experience navigating the housing market and trying to become a home owner. It is one thing to talk about how incredibly tough it is out there and how tight the supply and demand equation in Perth is, but it is another to experience it firsthand. Members who look at home opens will be aware that they seem to occur at the same time on Saturdays. People spend their Saturday mornings and afternoons running around quite frantically going to home opens and looking at different properties. I am not exaggerating the number when I say that literally hundreds of people are turning up to home opens. In some cases, I have seen about 200 people show up when going to a good family home that is a reasonable distance to the city. There are a lot of young families in Perth. I think the three-by-twos are probably the most popular format of homes. We see an exponential increase in the number of people. There is a certain urgency, especially among families who go to these home opens because of their situation. They have moved to WA for a job. Potentially, they have sold their house, they are renting and trying to get out of the rental market, or the lease has come to an end on the rental they are in and they find themselves with 30 days' notice to find a place. A lot of people have a real sense of urgency at these home opens. They are the people who are bidding 20, 30 or 40 per cent above the list price because they need to find a place.

At the last home open I went to, there were already offers on the house before people had even seen it. Those sight-unseen offers were coming from east-coast buyers. A lot of investors and buyers' agents representing clients from the east coast are coming to WA because Perth is still relatively affordable, based on the prices in Melbourne and Sydney, although we are closing the gap pretty quickly. We are closing the gap with Adelaide at a very quick pace, but it is still relatively affordable. Prices are going up considerably, especially when we talk about attracting east-coast buyers. People are coming here, putting bids on houses and outcompeting people in the WA market without even looking at the house. The job of the seller's agent is really to get numbers through the door and make it seem like a very popular listing, but they are not concerned about individuals showing up; they already have very attractive and very competitive offers, sometimes from east-coast buyers, within the first 24 hours of the listing going up.

The property market is incredibly tight and extremely competitive if trying to outcompete people with families and investors from other jurisdictions. It is also extremely disheartening. I think it really comes down to who is the most frustrated on the day, who has the greatest need and who is willing to pay the most to secure that property. That is what it comes down to at the moment. For someone trying to navigate that, especially for the first time, it can be incredibly confronting and frustrating.

As a renter and a prospective first home buyer, I have the view that the government is failing both of these cohorts right now. Renters account for about 30 per cent of the population. It is a big cohort; it is not a majority, but one-third of the population is renting. A lot of renters are trying to navigate out of the rental market and are finding it incredibly tough. We know that rental reform is coming for renters. The last indication was that it was potentially coming this year, but we are in the dying embers of the 2023 sitting weeks, so rental reform will not come this year. Renters will be waiting until March before they see any rental reform.

There have been two recent announcements in this space about subsidies for people to take their properties off the short-term rental market, which was only going to target about 300 properties, and about some rental relief that was available for people. These are bandaid solutions and short-term fixes. The government needs to dig itself out of the hole it finds itself in now and give us medium-term to long-term assurance that it has a strategy in place, but I do not think that this bill is the strategy, fix or assurance for renters or prospective first home buyers. It is really more of the same. Given the situation we find ourselves in is one of the government's own making, with a very untargeted suite of building grants—state and federal governments are guilty of this—the government should be trying to offer some assurance to both of those cohorts and think boldly to reverse the sins of the past. I do not think this bill is it.

I will offer two suggestions. The first is density. A few members have spoken about the need for housing density. In WA, we have some of the largest homes on the planet, and Perth is one of the most sprawled-out cities on the planet. Last year, I spoke at the Kimberley Economic Forum in Broome, and a former Lord Mayor of Adelaide, who considers himself a futurist, spoke and shared his two cents' worth on WA. He offered some suggestions about how to improve the vibrancy of the state.

Hon Darren West: From Adelaide!

Hon WILSON TUCKER: He was from Adelaide, member. Have you got a problem with Adelaide? Would you like to share it?

Hon Darren West: It is not very vibrant.

Hon WILSON TUCKER: No. It could be better, and I think that was part of his challenge. One of his thoughts was that one thing the government and people in WA who want to achieve a sense of vibrancy in our community and in our suburbs are competing against is the allure of the pool, the large backyard and the very comfortable homes we have. We drive home—sometimes a considerable distance because we all love commuting in Perth—we get home, sit in a comfortable living room or a big backyard and are quite comfortable. People do not feel the need, desire or want to leave again. Basically, they stay home. If we look at other places around the world, people who live in smaller apartments, say, in South-East Asia, do not have the comfort of their house and so they probably feel the need to leave. Maybe they walk down to a bodega or restaurant and have a meal with friends. People leave their house, spend money and interact with people outside their homes. The former mayor and futurist spoke about how density is a relative term. People living in Europe and South-East Asia have a different perception of density. I am not here advocating that we should all adopt the lifestyle of South-East Asia and live in massive skyscrapers, but density has become a dirty word in Western Australia.

Part of what the state government should be doing and part of the state government's responsibility is to try to change the narrative about and acceptance of density. Rather than just overriding local governments that are not fulfilling their quotas because they have listened to their residents who have an entrenched nimbyism ideal, the state government should invest in trying to change the mindset in WA to adopt a more comfortable level of density, I guess, or break out of the mould of what we deem to be comfortable and accepted density. Obviously, it is easier said than done, but I will be asking some questions about this point. One of the responsibilities of government is to shift the mindset from the Western Australian dream of a five-by-three or a six-by-four, or even a four-bedroom, two-bathroom home. If people do not need those four bedrooms, why are we investing in and building them? Let us try to adopt a more modern or realistic style of living, one for which we do not have to keep sprawling out for all eternity. As we have heard from a few members, it is really not achievable in the long term. That is one suggestion.

The other suggestion—it is not really touching on the bill, but I think that we are having quite a wideranging debate on housing at the moment—is stamp duty. Stamp duty is a big contributor to the bottom line of the budget, but we have an ageing population in Western Australia. The number of millennials equals the number of baby boomers. This is a global trend of an older, ageing population. Certainly, when we look at the large houses we have in WA, the two are not compatible in the long term. How do we encourage people to resize or downsize into appropriate styles of living in the long term? One suggestion is the targeted removal of stamp duty. It means that the state government would take a bit of a hit in the short term, but it would be investing in the long term and re-using its housing stock in a more intelligent way. We have a lot of rooms and space, but a person would not think that if they looked on REIWA or Domain right now. There is basically nothing there, and a lot of people want houses. When talking about the number of available rooms in Western Australia, there are a number available. Some people in the federal sphere spoke around mum-and-dad landlords. That is okay for a young student or someone who has the advantage of leaning on their parents and potentially staying at home longer, but it is not a reality for a lot of people. The reality is a lot of available rooms and spaces are not being re-used in a very intelligent way. How do we capitalise on resizing?

The conversation around density and building up as opposed to out is good, but how do we use our existing space in an intelligent way? I offer those two suggestions as part of this debate. I am very interested in hearing contributions from other members about the bill, and I will ask questions about density and resizing as we progress through the stages of the bill.

HON STEVE MARTIN (Agricultural) [5.21 pm]: I rise to make a contribution on the Planning and Development Amendment Bill 2023. I will comment on some of the remarks from Hon Wilson Tucker. One of the reasons we build three-bedroom and four-bedroom homes is that when our children reach their 20s, they can move back in! This recently happened to me, so those extra bedrooms are extremely handy. I sympathise with the member. I missed the start of his speech, but I believe he has been in the rental market trying to find some rental accommodation. I have been doing that as well on behalf of a family member, attending home opens in the suburbs. My 86-year-old father decided his time on the farm is up and he wants to live in the city. The member is right: most of those home opens are swamped with dozens of people. I attended one at which I was the only attendee. The real estate agent was very confused and thought she had a dud apartment on her hands, until I informed her that it was the AFL grand final afternoon and that was why a crowd did not turn up. We did not get that apartment, by the way, and we have not got one yet, so the rental market is indeed very tight.

I will spend a little bit of time responding to the minister's second reading speech. It referred, obviously, to the bill, but also to the government's housing achievements. I will spend a little bit of time discussing those issues. I have to say that the minister must be exhausted. When it comes to housing, he has been pulling every lever available now for—I do not know—20 or 30 media releases. We get that line over and over again and the media releases keep coming, but Western Australia's housing crisis continues to worsen. One point raised by the minister in the second reading speech was that \$2.6 billion has been a record investment. It has not been delivered yet, but it is a very large number. It outlines the delivery of 4 000 homes. Again, that is a great number, but it does not outline the net number of homes owned by the state. In 2017, 2018, 2019, 2020 and 2021, that number of homes went down. It is creeping back to where we were in 2017. I do not know, but as of today we may have passed that number by a handful of homes. After six and a half years and a bit, the number of social homes is about back to where we were in 2017, which is very disappointing.

One way homes are provided to the state is through the spot purchasing program. In fact, I encouraged the minister to investigate that program and it has been a success. A number of homes have been rolled out through the spot purchasing program, but the obvious response to that is that it does not add any homes to the number of homes in Western Australia; it just shifts them from the private market, rental or owned, to the social market. That is a good way to try to keep the social housing waitlist under control. It has not been very effective in that task, but that is what it is designed to do. The minister spent a good proportion of the \$2.6 billion on the spot purchasing program because the government cannot build houses fast enough. Social housing numbers have gone up a little bit through the spot purchasing program, but the net number of homes in Western Australia through that spend has not moved at all.

The modular housing program gets a run in the minister's second reading speech. I have not asked in the last week or two, but I think the number I got recently was that 61 homes have been delivered. That is not one for every shire in the agricultural region. Again, it does not make much of a dent in housing numbers.

The government recently took up all sorts of other initiatives, such as the housing supply unit. There was a rapturous crowd in front of the Treasurer when that announcement was made. Of course, the unit will not meet until next year, which sums up the government's urgency on this. When I asked for some details about when it would meet, the response was, "We have to hire the people first of all, and then we have to find them some accommodation. We have to find them a desk to sit at in the Department of Treasury." Therefore, the housing supply unit will leap into action early next year to start to address Western Australia's housing crisis.

I know other members mentioned the \$80 million infrastructure development fund, which is a really solid idea but, honestly, \$80 million will not get anywhere near to making a dent. It is split, with a \$40 million metropolitan spend and a \$40 million regional spend. I could find two or three regional shires that would lap up that \$40 million almost straightaway due to the exorbitant costs of headworks in the regions. The infrastructure development fund is much needed, but unfortunately, it is way too small.

I mentioned Hon Wilson Tucker's plight. I think he came to the same conclusion I did, sadly, that I do not think these reforms will make much of a difference at all in delivering housing to Western Australians. That is unfortunate. We know what the rental market is at the moment. Quite recently, the vacancy rate was under 1.7 per cent. In the last 18 months or so, in parts of regional Western Australia, it has hit zero, so nothing at all. It is very tough finding a rental property.

The problems of rising interest rates around home ownership are obvious, but there is also the problem of getting a home built. Build times have blown out. In the building sector, the COVID-19 pandemic gets a lot of blame for some of this stuff, and there is obviously a COVID impact, but I have a feeling it is a bit more systemic than that across the building sector to get a home built in Western Australia. What used to be a 12-month-ish task has blown out to 18 months or two years. In fact, I have met people who started their builds in the middle of 2020 and those homes have still not been completed. They may have been renting another property for that entire time while paying for building a new home. Home ownership through getting something built is extremely difficult.

I touched on social housing. We know the numbers. A very large number of Western Australians are on that waitlist. Not everyone on the waitlist is homeless, but it certainly indicates the need for appropriate housing for the tens of thousands of people on that list. The list has steadily increased over the last number of years.

I think the sad news with the level of approvals we see in the market at the moment is that what is coming down the track is not particularly good news for people seeking either a rental or a home to own. The number of approvals has dropped. The level of capability in the residential building sector is definitely down. The percentage is a bit rubbery, but with the number of small builders that have gone broke, it has to be around 20 or 30 per cent. In some circumstances, the larger builders have exited that market or cut back. Getting people to build these homes is absolutely an issue. We also have the post-COVID growth in population that is happening in Western Australia. It is a very popular destination and we all know why, but that is certainly adding to housing stress for many people in the state.

Before I get to the bill, I want to briefly talk about my views on housing. To be honest, I am agnostic about where it goes. I do not necessarily care, but I do know that supply is the issue. If we are going to be anywhere near meeting the targets that the federal government has set for the number of homes that we need in this state, we need density, medium and high-rise developments, greenfield developments and all those things. Unlike Hon Dr Brad Pettitt, I do not care much where they go, but we need them badly and soon.

I will look back 10 or 12 years ago to the performance of the Barnett government when there was an enormous growth in the state's population. I think that response was a good one. Liberal governments do support building things and allowing people to build them. That has been a hallmark of Liberal governments for decades, particularly in Western Australia. That is something I am very proud of and will continue to support.

I will get to the bill. It has four key components. The first will streamline existing planning processes, and I will talk a little bit about that. The second component deals with the permanent development assessment pathway for significant development. The third component has the reforms to local government decision-making for single homes and the fourth component has the Western Australian Planning Commission reform. I want to talk about the first component, which deals with streamlining the development assessment panel system. Other members have spoken about the proposed changes to reduce the number of DAPs and appoint full-time professionals to be the expert members along with two local government members to make a five-person DAP.

One of the reasons given in the explanatory memorandum, the second reading speech and the debate in the other place for streamlining the number of members and making them full-time was a conflict of interest. I received a very good briefing from the advisers and the minister's staff. I asked the advisers about the conflict of interest, because I would assume that under good governance practices, someone with even the slightest conflict of interest would not go anywhere near a DAP process. They assured me that that was probably the case, but apparently there was a perception that people would sit on a DAP and would jump off for the next item for which they might be a proponent and then jump back on. I think that for those sorts of reasons, tidying up that perceived conflict of interest is a good thing for the integrity of the process.

The bill will shrink the DAPs to three—a north metropolitan one, a south metropolitan one and a regional one. I have a concern or two about the regional DAP. If there is an application from a developer in Eneabba, Lake Grace or Kununurra, I hope the DAP will actually travel to Eneabba, Lake Grace or Kununurra. In recent practice, people have Zoomed in to 140 William Street—I think that is where the DAP meetings are held. I hope that streamlining that process and making the members full-time will not preclude the DAP process from taking place where the development is proposed to be. It would also be nice if there was a regional expert or two on the panel—not someone from West Perth or Subiaco giving advice to regional people, which is something I am a little touchy about. I hope that streamlining the DAP process has a good outcome.

I want to talk about the third component, which deals with the single home application process and local governments. I am sure that most members would know that I was a shire councillor for 20 years and a shire president for 10 years. It would be fair to say that we did not do much planning stuff at the Shire of Wickiepin. If someone wanted to build anything at all, we had open arms and told them to knock themselves out as fast as they could. However, it did not happen often, so planning was not my strong point as a local government person. Local governments get kicked a little bit in the planning process by all sorts of people. I am not here to defend local government. I am much more interested in people who live in the local government areas than I am in the local councils and organisations. However, I think there is a risk of not getting a good result from this if the government does not take the people with it in the planning process.

Again, in the briefing from the advisers, I was informed that taking away sitting councillors' ability to have some sort of impact at all in the planning process would somehow speed up the delivery of housing in Western Australia. I think that is complete nonsense. I think there was reference to a Liam Bartlett clause in the second reading debate and it was one of the reasons that this has to happen. I think Hon Dr Brad Pettitt mentioned it. The state government wants local councillors to concentrate on strategic things such as their planning schemes. I agree with him. The planning schemes are a bit like painting the Sydney Harbour Bridge. The process would just be finished after seven, eight, nine or 10 years and then it would have to be started again. Local governments spend their entire lives looking at, reviewing and changing planning schemes. It is a never-ending task that takes years and years. However, the state government wants local councillors to concentrate on that stuff and get away from "debating the specifics of proposed setbacks, glazing or balcony treatments". We all know what the reference to balcony treatments is aimed at—the Liam Bartlett issue in one of the western suburbs.

What happens with local governments and single house developments? As we have heard, almost none of them come up for planning approval, and local governments get them done in a very timely fashion. I asked the advisers about that at the briefing. I mentioned the Western Australian Local Government Association number, which gets trotted out often and changes from year to year. North of 85 per cent of development applications are done in a timely fashion. Of course, almost all of them do not need planning approval. The advisers said, “But, hang on, WALGA refers to only 36 local governments!” I was not aware of that. I thought: “Hang on.” The advisers did not care to tell me that that accounts for 85 per cent of the state’s population, so it is a very representative sample of what happens with local government land. Local governments do a really good job on this single home stuff. However, I thought I would check in case I missed something or in case WALGA was leading me astray. I asked the advisers what their data tells them and whether this issue is significantly holding up the delivery of housing in Western Australia. They said, “We don’t have any data on that. We don’t collect that data.” I would be very keen to hear during the Committee of the Whole process some evidence of what the department sees as a constraint on the speedy delivery of housing, if it can be found.

Will this piece of legislation speed up the delivery of housing in Western Australia? Maybe it will around the margins. I think it is missing some of the real constraints that are preventing the delivery of housing—that is, the supply of available land. The department could have a chat to Western Power and the Water Corporation, by the way. I keep hearing, over and over again, about significant delays with turning the power on in developments, or even getting a quote. I met a builder in Geraldton recently who told me that it is not unusual to wait three months to receive a quote for a job from Western Power, and that is if the job goes smoothly. There are some things there that the government could certainly look at.

While I am talking particularly about planning, I want to mention an issue that has come to light that is not touched upon in this bill. There is another planning gap in regional areas that needs some attention from the government: the provision of renewable energy projects. Regional members know that that is certainly happening a lot, particularly in the north of the Agricultural Region, but also everywhere else in the Agricultural Region and across Western Australia. We are seeing the development of a number of wind farms in particular. There are a number of developments close to where I live that have caused enormous angst between neighbours, residents and local authorities. Having spoken to a number of shire presidents, shire councillors and shire planning staff, I have heard that the guidelines they have at their disposal for this sort of work are nowhere near appropriate. I am still trying to work this out, but I believe the planning approval process for a wind tower, which can be up to hundreds of metres high, is the same as that for a garage or a shed. There is a requirement for it to be set back a certain number of metres from a boundary with a farm; that is how it can be. If that is the case, it is clearly not appropriate. There are other non-planning issues—for example, to do with distance from homes in respect of noise—that can come into play, but the people who have spoken to me feel that they do not have the necessary toolbox to deal with these issues around planning.

I look forward to a lengthy discussion in Committee of the Whole. These are modest changes, I would submit. We know that there are many pressures driving the housing crisis—such as pressures in the small home construction sector, land availability and supply, and skills shortages in the regions—that are not being adequately addressed by this government. We need serious effort, concentration and focus if this issue is going to be resolved even in the medium term, let alone the short term. I conclude my remarks and I look forward to the Committee of the Whole.

HON JACKIE JARVIS (South West — Minister for Agriculture and Food) [5.42 pm] — in reply: I think it is worth reminding members of the intention and purpose of the Planning and Development Amendment Bill 2023. This has been a wideranging debate that has touched on many, many issues, some of which did not relate to the bill. As a reminder, the purpose of this bill is to amend the Planning and Development Act in order to accelerate housing supply, to cut unnecessary red tape, to bring more consistency to urban and regional planning in WA, and to promote a more consistent and efficient planning process.

These aims align with the national planning reform blueprint, which was endorsed by national cabinet in August 2023 and set a policy approach and measures to accelerate housing supply around the nation. The desired outcomes of the national planning reform blueprint included in this bill broadly comprise streamlining approval pathways; prioritising planning amendments to ensure that we support a diverse range of housing across a diverse range of areas; promoting medium and high-density housing in well-located areas, close to existing public transport connections; reforms to support the rapid delivery of social and affordable housing; and reforms to address barriers to the timely issuing of development approvals.

There seems to be some misunderstanding that this bill will somehow be all things to all people, and there has been commentary that the bill does not engage in strategic planning. The Planning and Development Act is not where strategic planning occurs; it provides a framework to enable strategic planning. A significant amount of strategic planning has already been carried out. As Hon Neil Thomson noted, the role of executive government is to set the rules and the strategic framework. This bill emphasises the role of elected officials at both state and local government levels to set rules and strategic planning and not to get involved with individual applications. Local government councils do not need to be involved with single houses, and ministers do not need to be involved

with overriding the Western Australian Planning Commission. The Western Australian Planning Commission's independence is emphasised in this bill under clauses 13 and 17. Reforms to the Western Australian Planning Commission, such as removing directors general as voting members, are also included.

The claim was made that this bill proposes reforms around the margins—moving the deckchairs and simply reforming the development assessment pathways. These reforms will actually provide proponents with flexibility to choose the most appropriate development assessment pathway for their project. By scrapping the mandatory DAP threshold, a proponent can go either to their local government or via the DAP system. If the project is significant, they can go via the significant development pathway. Ultimately, by streamlining the existing development assessment pathways, these reforms will provide greater consistency, which will boost the delivery of housing in WA, and let us remember that that is the goal of this legislation.

Hon Neil Thomson raised the lack of land supply; he seems concerned about the lack of land supply in greenfield locations. I was a bit confused, because at one point we were discussing not wanting more urban sprawl, but I think Hon Neil Thomson wants more land supply in the east. I can confirm that the Urban Development Institute of Australia WA Division released a summary report outlining the findings from its national housing pipeline pilot project. Although that report was focused on impediments to development, it also classified approximately 18 000 hectares of land that had been identified for urban development as being “unconstrained”. Responses to the national housing pipeline developers' intention survey identified 4 500 hectares of land expected to be build-ready over the next two years, if required. This represents upwards of five years' supply of land. The government initiated a housing diversity pipeline program to respond to the current critical shortage of social housing and housing availability through the de-constraining and release of surplus government landholdings.

A number of issues were raised in respect of structure plans; structure plans are not addressed in this bill. Hon Neil Thomson expressed some concern that the government will undermine the WAPC's ability to be strategic. The state government's 2019 *Action plan for planning reform* outlined a series of initiatives to achieve an efficient, effective, contemporary planning system that will promote well-designed land use and development solutions that respond to changing needs. A review of the WAPC to increase its efficiency and focus on strategic planning was included in the recommendations of the action plan. That review was conducted in 2022 and sought to build on previous feedback received about the WAPC and the direction of the action plan. Specifically, the intention of clause 10 of the bill is to capture a focus on the strategic planning and impartiality of the board, and to clarify the functions of the WAPC.

Hon Neil Thomson claimed that amendments relating to local government single house delegation are a distraction. I again remind members of the intention behind this bill. These reforms to local government decision-making are aimed at ensuring that there is a consistent best-practice approach to decision-making whereby planning professionals within local governments will be empowered to make decisions on single houses and ancillary structures. A number of local governments are already implementing a best-practice approach. For individual proponents, such as a mum and dad who are trying to build a house, referral to a full council can add up to two months to the process.

Hon Neil Thomson spoke about there being some sort of delay in the approval of local planning schemes. I am advised that in 2015–16, 14 per cent of schemes were processed within the statutory time frame. That percentage jumped to 85 per cent of schemes processed within the statutory time frame in 2022–23. This was a direct result of our government's ongoing planning reform program over the last six years to streamline and reduce unnecessary red tape.

Hon Neil Thomson also had some concerns about urban infill and the use of apartments. He claimed they were not suitable for the market or for families. This government has done a lot to improve design in Western Australia. In 2019, *State planning policy 7.0: Design of the built environment* became operational. It is a lead policy that elevates the importance of design quality across the whole built environment. There is also a state design review panel, which was operational from April 2019—a multidisciplinary panel of highly experienced built environment professionals to provide independent advice—and a design review guide. There is *State planning policy 7.2: Precinct design* to provide guidance and *State planning policy 7.3: Residential design codes* for apartments, which has improved the design of apartments and multi-residential buildings.

Hon Dr Brad Pettitt raised a number of matters about planning excluding local communities. He spoke for some time about the lack of consultation. This bill will not remove opportunities for members of the community to have their say on proposals. Consultation remains a key component of the planning system. Improvements have been made by this government. We have already made improvements to community consultation requirements through our previous legislative reforms, such as mandating a minimum advertising period of 28 days for complex applications, requiring a sign to be erected on site and the radius model requiring letters be sent to all landowners and occupiers within 200 metres of the site. Our reforms to date have also increased the minimum public advertising period for structure plans from 28 to 42 days to allow for more consultation. Hon Dr Brad Pettitt also spoke about best-practice consultation led by the state government. I would like to draw members' attention to the Future of Fremantle project as an example. The project, which provides a model, has included significant community engagement to date, undertaken by the Western Australian Planning Commission. Place design forums were held over six days during

August and September with more than 300 participants. There were themed focus group sessions to discuss specific project issues such as jobs and the economy; place, identity and culture; and health and wellbeing. There was a community visioning day at Fremantle Town Hall—how very Fremantle! Does the member have community visioning days in Wyalkatchem?

Hon Steve Martin: No, never!

Hon JACKIE JARVIS: It was attended by approximately 400 people. There were youth “Shaping the Future” focus group sessions, which were well attended by between 40 and 50 young people from local schools and universities. I can go on. There is a more extensive list of these types of community consultation processes.

Hon Dr Brad Pettitt also raised concern about the centralisation of planning processes. These reforms will provide proponents with the flexibility to choose the most appropriate development application, as I have said before. The removal of mandatory thresholds for the DAP pathway make it an entirely opt-in pathway. In regional areas, proponents often have the support of the local government given the nature of their projects, and going through the council pathway may seem the most appropriate and streamlined option. The significant development pathway is entirely an opt-in pathway. The member was also concerned that the role of local councils will be diminished. I am not sure that anyone thinks it is a good use of council’s time to be involved in development applications for single houses. Councillors’ role is to act in the interests of the city or local government area as a whole, rather than for individual interests. This reform will allow councils to have greater focus on strategic planning and shaping the future growth and development of their local areas, which is where they should and will have the most meaningful impact.

Hon Wilson Tucker raised a number of issues. I am assured by this side of the house that he is not the only renter in the chamber. The issues of housing and rental affordability go to the heart of this bill. Hon Wilson Tucker spoke for a long time about the challenges in the Perth housing market. We are indeed using every lever available, honourable members, to support national cabinet’s blueprint, including the implementation of a targeted planning reform program to facilitate the more efficient delivery of housing by streamlining the planning processes. The bill presents many great proposals to reset our planning system.

Hon Neil Thomson spoke a lot about cost and taxation reforms. He apparently even introduced us to our new Treasurer! I may disagree that he will be Treasurer post-2025.

Hon Dr Steve Thomas: You can only hope!

Hon JACKIE JARVIS: Be careful what you wish for!

This government has also introduced a range of tax reforms and incentives to boost housing and land supply, unashamedly encourage urban infill, encourage innovation in new housing types such as build-to-rent, and improve housing affordability across the state. The current off-the-plan transfer duty rebate has been increased to 100 per cent for residential apartments in multistorey developments valued below \$650 000 from 1 June 2022, tapering to the existing 50 per cent rebate for apartments valued at \$750 000 and above. We have also extended concessions to those apartments already under construction. Large-scale build-to-rent developments are a relatively new model of urban housing in Western Australia whereby apartments are developed for the purpose of renting rather than being on-sold. A new 50 per cent land tax concession for eligible build-to-rent developments commenced on 1 July 2023. This tax relief is aimed squarely at developing the build-to-rent industry in Western Australia by reducing barriers to investment and thereby increasing the future supply of rental properties.

To boost the broader housing and land supply, we have launched the pilot housing diversity pipeline to review existing government landholdings. This is what we call “lazy land”, which can be repurposed for social and affordable housing. Our \$80 million infrastructure development fund is another key part of our government’s efforts to help industry with the up-front costs involved in establishing essential infrastructure for housing developments, which we know is impacting projects throughout the state. The fund has the potential to de-constrain projects by facilitating water, wastewater and electricity network upgrades to accommodate new development. Additionally—there are so many levers, honourable member!—through the 2023–24 state budget, the government invested \$55 million in water and wastewater infrastructure, which will support the development of more than 15 000 homes across Perth.

Our government is releasing land through our \$166 million regional land booster program. This program has already seen 626 lots released to the market and subsequently sold or under contract across 89 projects in 78 regional towns. We recognise the importance of regional centres and the program is helping to unlock more residential and commercial land in regional communities. Through DevelopmentWA, there is currently an inventory of approximately 782 residential lots across regional Western Australia.

In August this year, the Minister for Planning announced the resolution of the last two planning investigation areas, which will open a further 835 hectares for future urban development in the Perth region, which is expected to deliver approximately 9 000 dwellings—a major boost to Western Australia’s housing supply. Importantly, across the 15 planning investigation areas now resolved, approximately 6 400 hectares of land will be made available to deliver around 85 000 additional dwellings to plan for future growth across the Perth and Peel regions. That should be enough to accommodate the population of 3.5 million people by 2050.

Hon Steve Martin raised some concerns about the reduction to three development assessment panels, particularly the regional DAP, hoping it would be able to travel to regional areas. The review demonstrated that in many cases, people preferred meetings to be via Zoom but there is absolutely no legal prohibition to having DAP meetings in regional areas. I am advised that they have done so historically and that they can continue to do so. Certainly, they are open to having meetings in regional areas where there is clear community interest to do so. I have some notes here about the single homes process. The advice we have is that going to council adds approximately two months to the decision time, which costs time and money to get houses started. This bill will enshrine best practices for decision-making, empowering the planning experts within local governments to make decisions on single homes and single structures such as patios and pergolas. On the gap in planning for regional areas on the provision of renewable energy projects, as the member mentioned, it not addressed in the bill.

As I said at the start, the aim of this bill is to accelerate housing supply. It is to cut unnecessary red tape and help promote a more consistent and efficient planning system. The remarks by those opposite were very wideranging and I am certainly not going to address them all but I acknowledge that we will have a number of questions through the Committee of the Whole stage. With that, I commend the bill to the house.

Question put and passed.

Bill read a second time.

Sitting suspended from 6.00 to 7.00 pm

Committee

The Chair of Committees (Hon Martin Aldridge) in the chair; Hon Jackie Jarvis, (Minister for Agriculture and Food) in charge of the bill.

Clause 1: Short title —

Hon NEIL THOMSON: I would like to start by touching on a few matters that were raised in the second reading reply by the minister representing the Minister for Planning. I will then move on to issues by way of navigation including the national planning reform blueprint and some of the other strategic planning instruments that were referred to in the minister's second reading speech or in the preamble. We made a few notes as the minister was making comments and noted that the minister's second reading speech started with a very bold statement —

Our state government's message is very clear: we are driven to boost housing supply across the continuum, and we will use every policy lever we possibly can to deliver on this commitment.

Notwithstanding some of the minister's comments about the rather broad-ranging commentary of the second reading contributions of the opposition and crossbench members, the invitation was there from the rather broad-ranging commentary of the Minister for Planning in the prepared second reading speech.

The minister mentioned the off-the-plan rebate of \$650 000. I note the announcement and I saw advertisements on Facebook from some of the apartment builders about that—they were pushing along. Does the minister have any idea on the size and scale of that program, how much it is likely to cost the state and how many apartment dwellings it is likely to result in?

Hon JACKIE JARVIS: The member is asking about the off-the-plan tax concessions that are not covered by this bill. Whilst I was providing some general commentary in response to the members second reading contribution, that is not covered by this bill.

Hon NEIL THOMSON: As I said, I was taking a cue from the second reading speech of the minister in terms of some of the things that this bill plans to do. The minister made commentary around some of the "lazy land" programs that have also been developed. Is the minister able to provide any commentary on that at all?

Hon JACKIE JARVIS: Member, some of what I provided in both my second reading speech and second reading speech in reply was general commentary about the current housing market. It was not specifically related to this bill. Although I accept that clause 1 is a wideranging debate, those programs are not related to the bill in any way.

Hon NEIL THOMSON: It would appear that although we can present on this particular lever, we are not really in a position to provide any metrics on that. Therefore, I will not ask about the \$55 million that I think the minister mentioned for the wastewater acceleration program, but I want to reflect on the national planning reform blueprint because that surely is part of this bill, as it was used as a rationale for the bill. I want to go through some of the elements within the national planning reform blueprint. My first set of questions is around this aspect, which I hope the minister can answer, because it underpins and is one of the rationales for this bill. The national planning reform blueprint refers to updating the state, regional and local strategic plans to reflect their share of housing supply targets. I think there was some possible misrepresentation, to an extent, in the minister's response—maybe it is a matter of judgement on whether we think it was—on the opposition's position on some of those issues. I will start with the state's planning framework because it is important and ties in with the *Perth and Peel@3.5 million*. Is the minister satisfied that our current state planning framework conforms with the national planning reform blueprint?

Hon JACKIE JARVIS: Yes, member. I am advised that the state planning framework broadly aligns with the national planning reform blueprint.

Hon NEIL THOMSON: One of the things in the foreword of the state planning framework—if we could call it that because I assume the *Perth and Peel@3.5 million* certainly would be for the metropolitan region, so maybe it is a regional framework; it probably does not matter which one it is, but I want to step into a particular comment in here—states —

The frameworks are a first step in the ongoing process of refining and detailing planning proposals for Perth and Peel. They will be reviewed after three years and ongoing refinement will continue through local planning schemes and strategies, structure planning, subdivision and development.

The challenge now is to implement the frameworks effectively.

That is the quote from the former chairman, Eric Lumsden, and was prepared in March 2018. Has there been a review of the *Perth and Peel@3.5 million* at the three-year mark?

Hon JACKIE JARVIS: I am advised that the state planning policy to which the member referred has not been reviewed as a whole document. However, the planning investigation areas have been reviewed and achievement is measured within local planning schemes. As I mentioned, the bill relates to the national planning reform blueprint. The member is drawing a line between that and the state planning framework, which is not covered in this bill. I have answered that question. I am the representative minister. I can answer broad-ranging questions on this bill. However, the state planning framework is a different document. I can confirm that this bill relates specifically to the national planning reform blueprint as outlined in the explanatory memorandum and at the briefing the member received.

Hon NEIL THOMSON: I am trying to keep to the national planning reform blueprint. I understand that Hon Jackie Jarvis is the representative minister; the information the minister has provided is useful. The minister mentioned the planning investigation areas in her second reading response and in her reply now. I was taking notes at the time the minister gave her second reading response but, in the process of time, I missed the numbers on that. The minister mentioned that 15 planning investigation areas have been completed, which ties in with the response the minister has just given about 6 400 hectares of land. I was trying to work out the additional dwellings. The minister gave me the impression that the 15 investigation areas would cover all the growth requirements for *Perth and Peel@3.5 million*. Is that correct? While the minister is searching for the bit of paper she had from the briefing, can she find the figure that relates to the number of additional dwellings that were proposed?

Hon JACKIE JARVIS: The figures I read out are in the notes I handed over to Hansard. I spoke broadly about the 15 planned investigation areas and the number of hectares available, and how that equated to around five years of land supply. It is not the same figures I quoted, but I can tell the minister that at the end of 2022, there was approximately 117 140 hectares of urban and urban-deferred zone land in the Perth metropolitan, Peel and greater Bunbury regions. In addition, 350 hectares of land intended for urban development within DevelpmentWA areas are currently not urban or urban-deferred zone land, and this is included in the tiered land supply assessment. As I said, I do not have to hand the actual figure I quoted from my second reading reply, but I was broadly speaking about how the 15 developed and planned investigation areas have been completed and there was sufficient land, just from that process, for at least five years of supply. The advisers at the table tell me that via the calculations of the broader range of urban hectares of land available, there is about 20 years of land supply.

Hon NEIL THOMSON: For the 20 years, I assume that is just urban or urban-deferred zoned land. Is that what the minister is suggesting is currently available?

Hon JACKIE JARVIS: Yes, that is correct.

Hon NEIL THOMSON: I guess that is important from the point of view of this map. I am not proposing to show it, because unfortunately it is a small one I got from the same documentation out of the *Directions 2031: Draft spatial framework for Perth and Peel*. I will keep calling it *Directions 2031*, because that is the previous document I was looking at. In *Perth and Peel@3.5 million*, there is this expectation that more land will have to be zoned in order to achieve that 2050 target if we are talking about the 20 years of supply, given we are at 2022. I guess that is probably an important point.

By way of background for people who are interested in this issue, the *State lot activity report* looks at it from a different direction, and is also a useful document for achieving these blueprint outcomes. In the latest report we have, 2 560 lots in a quarter with final approval were released, and 70 443 lots were stock. This is interesting, because it is either less or the same as the figure in 2017.

I take the minister back to the national planning reform blueprint, which contains about 10 points. We touched on the issue around the strategic planning process. The second point outlines undertaking planning, zoning and land release, and other reforms such as increasing density, which is a very generic way to meet the share of housing supply targets. That is picked up to some extent through the existing documents. The third point states —

- Streamlining approval pathways, including strengthened ‘call in powers’, and prioritising planning amendments to support diverse housing across a range of areas ...

In broad terms, I suspect probably the most relevant aspect to the bill is what I will refer to as call-in powers, in which there seems to be some streamlining, and is said we supported in some elements of this bill. We will get into it when we get to the clause but, for example, the development assessment panel process, in which the option is to go either to the DAP or local government.

I think that is probably something we could say strengthens it. However, we do not actually specifically refer to call-ins. It seems to be that call-in powers are not in vogue with this minister, notwithstanding them being a part of the current powers within the Planning and Development Act—they have not been touched at all. The third point states —

- Streamlining approval pathways, including strengthened ‘call in powers’, and prioritising planning amendments to support diverse housing across a range of areas, e.g. by addressing barriers to subdivision for appropriate medium density housing.

There is a fair bit in that. In generic terms, can I take it that the focus of this particular bill was on that particular element of the planning blueprint?

Hon JACKIE JARVIS: As we noted in the explanatory memorandum, this legislation is focusing on four of the national blueprint objectives that are most applicable to Western Australia. As the member said, those are streamlining approval pathways and prioritising planning amendments to support a diverse range of housing, promoting medium and high-density housing in well-located areas close to public transport connections, reforms to support the rapid delivery of social and affordable housing and reforms to address barriers to the timely issuing of development approvals.

It is worth noting that WA is already a national leader in planning reform. Our deemed provisions for local planning schemes mean that critical matters can be put into schemes quickly with no administrative burden on local governments. Our R-codes have provided consistent statewide standards for residential development since the 1980s and our centralised strategic planning system, as overseen by the highly regarded Western Australian Planning Commission, enables our state to benefit through a coordinated long-term approach. Although this bill has definitely been informed by the national planning reform blueprint, WA is taking on those reforms that we feel align with the blueprint whilst noting that we are already ahead of a lot of other states with regard to their planning matters.

Hon NEIL THOMSON: I appreciate that. That is very helpful. I might debate the extent to which those reforms will meet some of the objectives of those four points. I think it is fair to say that some of the reforms are certainly a good attempt at streamlining approvals pathways, particularly when those approvals are defined within the development application process. I think that is probably something that needs to be distinguished between approvals pathways, noting that approvals pathways should probably be considered within the whole continuum of the planning system. That was probably the point of my second reading contribution really, particularly focusing on those first two points. I think it is fair to say as a representative minister that those first two points will probably not be picked up within the scope of this bill because strategic planning work will be required to be undertaken outside the legislative process.

I just want to focus on one of those four points in the first instance: promoting medium and high-density housing in well-located areas close to existing public transport connections, amenities and employment. That is everyone’s goal, I think; certainly that is a hard piece. The minister might recall that I spoke at length about the Kelmscott Precinct Structure Plan, which I thought was a very salutary example for this issue, and some of the challenges that local governments face in getting agencies to assist in delivering those outcomes, the time it takes to deliver them and the difficulties in meeting all the agency objectives. How will this bill address some of the examples I gave of situations in which government agencies are simply unable to approve things that might be in line with those broader planning objectives, and how are they going to do that in a timely manner?

Hon JACKIE JARVIS: A new unit will be created within the Department of Planning, Lands and Heritage—the State Referral Co-ordination Unit—with representatives from Main Roads, the Public Transport Authority, the Department of Education, the Department of Health, Western Power, the Water Corporation and others. That will help to address infrastructure coordination. Agencies will continue to collaborate on strategic plans and policies and continue to provide direct input into planning decision-making on referrals and consultation, enhanced through the new State Referral Co-ordination Unit. Agencies will also be able to send representatives to Western Australian Planning Commission meetings, and WAPC will be able to establish committees that might include agency representatives, to focus on specific areas. Part 11C will include conflict-resolution provisions that specifically help coordinate planning and transport-related matters.

Hon NEIL THOMSON: Thank you; that is very helpful. I want to touch on a specific example to give members the flavour of the sorts of things that a local government—in this case, the City of Armadale—is up against. This is not to pick on Main Roads in any way at all, because I understand why within its policy imperatives it needs to do this. The State Referral Co-ordination Unit may have a role in this. I am interested in a bit more information on that unit and how it will operate. Is that separate from the housing supply unit that will be established?

Hon JACKIE JARVIS: Yes, it is.

Hon NEIL THOMSON: Will that housing supply unit, if that is the right title, be based in the Department of Planning, Lands and Heritage or in Treasury?

Hon JACKIE JARVIS: I understand that it will be based in Treasury. The group I was talking about, the State Referral Co-ordination Unit, will sit within planning.

Hon NEIL THOMSON: That is very useful. I thank the minister for that frank and open information. In my discussion I will address the specific clause, but one of the concerns I had was the removal of the directors general from the Western Australian Planning Commission, and also the irregularity of the meetings of the infrastructure coordinating committee that used to exist as a subcommittee of WAPC. Does the infrastructure coordinating committee still exist?

Hon JACKIE JARVIS: My understanding is that the infrastructure coordination committee was abolished when the Infrastructure Western Australia Act came into effect.

Hon NEIL THOMSON: That makes sense. I am not sure whether or not that is a good idea, although I suppose I can understand the strategic rationale for the abolition of that body. Maybe that is why we will have the State Referral Co-ordination Unit. Maybe that will fill a gap that was created when the strategic role of the ICC was abolished or moved, should I say, to Infrastructure WA, because obviously the dual role of the ICC was to deal with those statutory referral elements as well. That may be a better response. It possibly should have happened earlier, but the State Referral Co-ordination Unit is important. I can give the minister a better example of the sorts of things and shorter questions about that. The development services committee was doing the work on the proposed precinct structure plan for the Kelmscott district centre. The minister said that this bill does not touch on structure plans, but it touches on the national planning reform blueprint insofar as it is vital to get the promotion of medium and high-density housing. We can give it any title we like, but at the end of the day, we may get this coordination. I will read to members an extract from the summary of submissions from Main Roads —

Based on review of the Movement, Transport & Car Park Strategy Report prepared by Flyt, it is uncertain how development within the structure plan area will impact upon the state road network. A revised report is requested to address the following:

- a. Further details and justification are requested for the traffic generation assumptions adopted for food and non-food land uses, including the use of ‘single retail trip rate based on recalibrated 2019 model’. The source/s should be referenced and quoted for the types of land uses.
- b. The Volume to Capacity Ratio ... for the analysis of peak hour flows appears to be underestimated. Information on how the capacity of each section was calculated is requested to confirm the adopted VCR is appropriate.
- c. Provide Mesoscopic Modelling files for review and consideration. This information forms part of the submitted Movement, Transport & Car Park Strategy Report.
- d. While the structure plan proposes a framework for increased residential density, further consideration to reduce household car ownership is necessary. Without reduced residential car ownership and usage, increased density is likely to result in a significant increase in peak traffic on the road network as identified ...

It goes on to mention how it was identified.

I am sorry. I know the minister is the representing minister and I do not mean to throw extreme detail at her, but what I think non-experts, as we are here today, can see is that an incredibly detailed point was raised by Main Roads in a piece of work that was done to achieve exactly the sorts of medium and high-density housing that we want to occur around our Metronet stations. I understand the frustration that comes out of this. We have very detailed challenges because we have policies that have to be maintained, in this case with traffic. I could have referred to any matters from state agencies and they would have been equally complex. We will not go into all of them because they all provide their own perspective. What I do note is that the response from the local agency was not supported in this case. It says —

Refer to report regarding State Government agency involvement in modelling preparation, including engagement of Flyt, the same consultancy that has prepared the City’s Movement, Transport and Car Parking Strategy.

Apparently, the same consultant was working for Main Roads—maybe, or maybe not. Anyhow, they were referred back to the consultant in the car parking strategy. The challenge here is the reality that there will still be increased traffic demands in this case. Yes, I think the whole objective of developing these high-density developments in and around our train stations is critical, but we seem to be creating barriers to get to that outcome, whether it be the Planning Commission or the local government, but ultimately the commission will be the one that signs off on this.

I suppose my point is: how do you reform that? We are now saying we will set up a State Referral Co-ordination unit. I think that can work only if it has suitable senior members of the public sector on it, and it takes an approach to solve problems. My question on that coordination unit is whether that will be the sort of issue that will be addressed. The very complex issue I have just given by way of example was by way of example only. Will the State Referral Co-ordination Unit be dealing with those sorts of issues, and what level of seniority will be within that unit in order to address that so that we can achieve the national planning reform blueprint outcomes?

Hon JACKIE JARVIS: The member spent about seven minutes reading out a very technical submission. I think he said it was from Main Roads. It is a submission that I have not seen. It was very detailed and very technical, and the member said that it was in a submission to a structure plan. Again, I do not have that before me, and it is not dealt with in this bill. I cannot provide comment on whether this bill will have an impact on that because, quite frankly, it was a very detailed question about two documents that I do not have line of sight of.

The member asked about the State Referral Co-ordination Unit. I think that was the question. Referral coordination is undertaken within the planning system for all planning assessments. Coordination of state responses to provide a single sector is new to WA and it is the primary function of the State Referral Co-ordination Unit. The coordination unit will provide advice to the Western Australian Planning Commission, which will be the determining authority. Other jurisdictions already have some form of referral coordination, including New South Wales, Queensland and South Australia.

Hon NEIL THOMSON: The minister is unable to advise on the level of seniority in that group?

Hon Jackie Jarvis: Is that your question?

Hon NEIL THOMSON: Yes, please.

Hon JACKIE JARVIS: I am advised that the relevant agency's director general nominates the particular staff who have the relevant technical expertise and skill.

Hon NEIL THOMSON: Thanks for that; I think that is a positive thing. We will be watching closely when that unit is operational. If it operates well and has that direct line of sight from those directors general, it will probably go a bit of the way to addressing my concerns around the changes to the commission. I still cannot say I am in support of the changes to the commission. I am not going to say that, but I think the jury remains out on that. By way of commentary, the detail on that technical matter was just by way of example. These are the sorts of conflicts that happen on a very regular basis throughout the planning system. I will not do it, but I could repeat those extremely detailed matters. A massive body of work was done by this committee in order to try to move forward some of these state objectives on state infrastructure—namely, the Metronet infrastructure.

Before I move on from this, the national planning reform blueprint is the driver for this bill. It was certainly a major part of the second reading speech of the minister. Will there be any sort of accountability back to national cabinet in relation to progress against the national planning reform blueprint and the sorts of reforms that we are putting through today?

Hon JACKIE JARVIS: It is not clear from the advice at the table what the report-back processes are, but I can certainly take that on notice and follow that up for the member.

Hon NEIL THOMSON: We are working our way through. There was a matter that my colleague Hon Steve Martin may want to ask further questions on. One of those four priority areas that the minister raised in relation to those points within the national planning reform blueprint was “reforms to support the rapid delivery of social and affordable housing”. How will this bill achieve that outcome?

Hon JACKIE JARVIS: It is my understanding that community housing providers have expressed an interest in going directly to the development assessment panel or through the significant development pathway, and it was felt that that will expedite the process for them.

Hon NEIL THOMSON: I take it from the minister's response that the government has had feedback from those community housing providers?

Hon Jackie Jarvis: Yes.

Hon NEIL THOMSON: Hence the changes in the design. Was that in relation to the option to go to the DAP, or was that a specific one?

Hon JACKIE JARVIS: If a community housing provider does not meet the financial development threshold, it can opt into the DAP system.

Hon NEIL THOMSON: That is good. I noted that there was a housing target in that national cabinet outcome to be supported with a \$500 million competitive funding program for state governments to kickstart housing supply. I know that is a slight digression from the bill, but it ties in with all this blueprint work. Will any of the work that the minister is doing on the reforms have any bearing on the availability of and our access to that \$500 million fund that has been established by the federal government?

Hon JACKIE JARVIS: I do not have that information to hand.

Hon NEIL THOMSON: It was stated in the media, and national cabinet also agreed to a national planning reform blueprint, which included promoting medium and high-density housing in well-located areas close to existing public transport. Hopefully, we can achieve those outcomes. The point will be whether we can make a case to the federal government to gain access to that funding. The Minister for Housing might be able to tell us in due course whether our state will be able to access 10 per cent or more of that money, which is not a lot, but it is something that we might be able to access.

I want to consider a little more the overall targets in our strategic plan, *Perth and Peel@3.5 million*, before we close out on that. We mentioned this and touched on it a bit when we looked at those planning investigation areas, but that strategy contains a goal of 800 000 new dwellings, of which 360 000 would be new infill dwellings. There are a number of measures in here. The minister mentioned the feedback the agency has had from not-for-profit housing providers, and no doubt it has also spoken to other people in the industry.

Does the agency have any idea of the impact this legislation will have on achieving those targets, particularly the 800 000 new dwellings? Has any assessment been done on what might be blocked within the pipeline of approvals and what sort of percentage might be held up by the approvals process?

Hon JACKIE JARVIS: Obviously, this is a broadbrush bill that looks to streamline the process. No; at this point in time, modelling has not been done on the number of applications that might be held up.

Hon NEIL THOMSON: The minister does not have to respond to this, because it is really directed to the Minister for Planning. I am sure that someone from his office is watching. Is this a case in which the minister is desperately pulling every lever possible, as he said in his second reading speech, almost in blind hope? It is surprising that there has not been some sort of assessment of the number of projects. The minister said there has been no analysis.

Hon Jackie Jarvis: Not that I am aware of.

Hon NEIL THOMSON: Okay. It would have been good to think about the time lines of specific projects—I am sure that could have been done easily—and what projects may have been rejected under a different regime but now may not be rejected. We can go into that in more detail when we get there. Otherwise, it looks like the desperation of someone who is just grabbing levers and pulling those levers without much thought.

Given that no priority assessment was done on the potential benefits of this reform, how are we going to measure the success of the reform?

Hon JACKIE JARVIS: We are pulling every lever. The member can make fun of us for using the word “lever”, but people need houses. We unashamedly introduced this bill to accelerate housing supply. The member can mock the idea of the bill, but it has been strongly supported by housing providers and industry, and I understand parts of the opposition strongly support it.

I do not have the data on hand about what developments may or may not be stuck in the planning system that may come into force when this bill comes into force. I am telling the member that this bill aims to accelerate housing supply. I do not have the data before me that the member is seeking.

Hon NEIL THOMSON: I do not doubt the minister’s sincerity in relation to pulling levers and I do not doubt that she is having a go. This bill includes a reasonable suite of measures and a number of proposed reforms. I wish to clarify something. The minister paraphrased that many opposition members strongly support the bill. Actually, the opposition supports many of the reforms. That is the correct point to make. We probably support a number of the reforms, and there are some that we doubt.

Finally, there are a number of things that we do not think the government is doing to reach the important goal of housing supply. We can agree to disagree on that.

What is the government doing to measure even a scintilla of objectivity with respect to this bill? We are seeking a tiny amount of objectivity. What will be done to assess how these reforms will improve that goal of boosting housing supply?

Hon JACKIE JARVIS: This bill is not designed to fix all the ills around housing. The department routinely monitors housing and land supply over a period of time. It will be able to monitor the number of houses or dwellings that will be approved under this process. The idea of this bill was always to create multiple pathways for people to get approval and to streamline that process because obviously the less time in the planning process, the quicker we can provide houses. The bill aims to give maximum options to a broad range of developers of housing stock.

Hon STEVE MARTIN: I will ask a couple of reasonably specific questions now, as opposed to doing it clause by clause. I have a couple of questions on part 2 and the permanent assessment pathway for significant developments. The second reading speech states —

The permanent pathway is proposed to remain an opt-in system, providing eligible proponents with a streamlined, efficient and coordinated assessment process for complex proposals.

Is that just some words or will a proposal need to be complex to be considered for this pathway?

Hon JACKIE JARVIS: The criteria will be determined by a financial threshold—that is, developments valued at \$20 million in Perth or Peel, or \$5 million in regional areas. When developments are state or regionally significant, the Premier will also be able to call them into the complex proposals pathway.

Hon STEVE MARTIN: Without labouring the point, a very simple proposal could actually be covered by this pathway.

Hon JACKIE JARVIS: Yes. I guess we are using the term “complex” in the sense that if a development is worth \$20 million, it might be deemed to be complex. However, this will be an opt-in process. No-one will be made to go through this process. If someone determines that a complex development might be better served by going to a DAP, that will be the criteria.

Hon STEVE MARTIN: Also on the significant development pathway, the second reading speech talks about statutory time frames, proposed to be 120 days. As the minister said, we are talking about a project worth \$5 million outside the Perth and Peel region. That will be a very small project. Was any consideration given to a range of time frames? For instance, was consideration given to 60 days or 30 days if it is a \$5 million project in the regions?

Hon JACKIE JARVIS: I am advised that 120 days will be the maximum. We certainly do not expect that to be the norm. That will be for the very complex cases. The idea is that that will be the absolute maximum.

Hon STEVE MARTIN: The Premier, on the advice of the Minister for Planning, will be able to authorise the lodgement of an application when a development raises issues of state or regional importance. Can the minister outline, perhaps with some examples, what state or regional importance might be, or are there guidelines for determining what is of regional importance?

Hon JACKIE JARVIS: The bill includes a deliberately broad meaning. Examination of some other jurisdictions provided guidance, but it is not closed. It is likely to include matters of social, economic and environmental importance. Factors are likely to include, but are not limited to, the nature, scale and/or geographical area of influence; potential contribution to the delivery of physical community or other infrastructure; and potential contribution to the economic wellbeing of the state or the region, such as facilitating local employment opportunities. Examples of projects likely to be given the status of regional significance could include a children’s hospice, community housing or a childcare centre in a regional area that lacks such facilities.

Hon STEVE MARTIN: The second reading speech mentions that the Premier’s call-in powers will be modified to better suit the permanent nature of the new provisions in proposed part 11B. What are those modifications?

Hon JACKIE JARVIS: I have been advised that there is no change to the Premier’s call-in powers. The minor tweak was that Peel was originally in the \$5 million threshold but it has now been brought into the \$20 million threshold with Perth. That was mentioned in the second reading speech. I am advised that the Premier’s call-in powers have not changed.

Hon STEVE MARTIN: The minister referred to comparing the minister’s powers in this jurisdiction and other comparable jurisdictions, and this was also referred to in the second reading speech. What are the dollar amounts in those other jurisdictions, roughly? Are they similar to the \$5 million and \$20 million amounts for regional and metropolitan areas?

Hon JACKIE JARVIS: I am advised that we cannot give the member figures. All the states are very different. Some have a value, some are determined by type and some just have a ministerial call-in option for a range of additional reasons. We cannot really compare on a state-by-state basis because they are all very different.

Hon NEIL THOMSON: I go back to the second reading speech. There was something stated under the heading of other policy measures. The second reading speech states —

This government has made a record investment of \$2.6 billion into social housing and homelessness measures, which will see the delivery of 4 000 homes.

We heard some very good commentary from my colleague Hon Steve Martin about the state of social housing in Western Australia. I note that in the second reading speech the minister said —

We are on track to deliver 4 000 homes, with more than 1 600 already delivered and a further 1 000 under contract or construction.

I assume that some of those homes have been delivered through the not-for-profit sector. As we discussed earlier, the government got some feedback from the not-for-profit non-government agencies that provide social housing. I assume that some of that number is there. I take it that the state has a lot of interaction with the planning system, particularly with what might be characterised as the development application system. Is there any information on the feedback within the Department of Communities? For example, did the minister receive any feedback from the Department of Communities about the necessity for these changes? What was the feedback, given the significant construction piece that seems to be on at the present time to make up the massive shortfall that has accumulated over the last seven years?

Hon JACKIE JARVIS: I cannot advise whether the Department of Communities provided input on this. I am not even sure whether the Department of Communities delivers housing or whether it is the Department of Finance. I will take the member’s word for it that it is the Department of Communities. The community housing sector more broadly supports these amendments.

Hon NEIL THOMSON: My understanding—I am sure that someone might be watching—is that up to a certain number of dwellings in a group dwelling development are constructed by the Department of Communities. My

understanding is that in the land space, DevelopmentWA has taken over the aspect that used to be the joint ventures undertaken by the Housing Authority. I think that the Department of Communities is still involved in the direct delivery of social housing. These numbers are significant. I assume that those 1 600 homes all had to get planning approval at some point, or maybe not planning approval because many suburbs would not require planning approval; simply building approval would be required. Of those further 1 000 homes under contract, that is a lot of homes that could have motivated the state towards some of these changes. Does the minister have anything on that particular aspect?

Hon JACKIE JARVIS: The other policy measures refer more broadly to social housing being delivered. I do not have advisers here from the Department of Communities. The member could quite rightly ask whether this bill has been informed by the hundreds of private residents who have built houses. I can tell the member that the department spoke to community housing providers and others to get input on this bill. I will not provide commentary on individual cases and whether individual planning cases would have been more streamlined under this bill.

Hon NEIL THOMSON: Another part of the speech—this may be a risk of putting too much in the speech without providing appropriate briefings from the advisers—says that we have sped up the delivery of social housing through a diversified range of innovative programs. That piqued my interest a little. We talk about the timber-frame build program and the modular house program. I will ignore the spot-purchase program because they have already been approved. I am thinking in particular about the delegations to the CEO of a local government not going through the council that might have been related to some of these innovative building methodologies or materials. Although I think most councils would probably be quite supportive of innovation, some might have some questions. Was any experience driving that motivation?

Hon JACKIE JARVIS: The range of innovative programs—I quote this every week when I am answering questions without notice on behalf of the Minister for Housing—just lists the types of ways in which houses are built across Western Australia. Although the programs are innovative for government, building houses with timber frames is not new. Modular housing is not new, specifically in regional areas. I am not sure what the member’s question is. Is he asking whether the way we build houses in Western Australia has an influence on the bill?

Hon Neil Thomson: Yes, sometimes. I can jump up and talk about it, if you like.

The DEPUTY CHAIR (Hon Sandra Carr): Hon Neil Thomson.

Hon NEIL THOMSON: My understanding is that some local governments may have some requirements. My knowledge of this is probably a little dated, but a few local governments had quite stringent design requirements about materials, and that potentially had an impact. Given the state is driving this diverse range of innovative programs, I wonder whether the state had come up against that, as the minister often seems to talk about these programs. I am probably verballing the minister when I say “recalcitrant” because I do not think that he has used that word, but he has made less than favourable commentary about the approach of some local governments. I wonder whether within those programs there were any specific examples of the state having come up against a block from a local government.

Hon JACKIE JARVIS: Not that we are aware of—no.

Hon NEIL THOMSON: Again, this is by way of commentary on this specific matter and the issue of those delegations. Let us put it this way: the planning system does not always afford protection towards some arbitrary decisions of decision-makers.

I refer to a very large timber construction proposal in South Perth, which I commented on recently. That went to the south metropolitan joint development assessment panel and was approved in contravention to the scheme requirements. It was voted on 3–0, just before the local government elections. It was proposed as a 51-storey development in timber. The scheme required the matter to go to the State Design Review Panel. The commentary made earlier was that some people do not like the State Design Review Panel and other people do. Certainly, some developers think that it should not be interfering, but that scheme required those sorts of things to be considered and that design excellence to be met. Whether we agree with that or not, at the end of the day, the development assessment panel’s decision was to approve it, even though it did not meet the design review panel’s requirement for design excellence. It was an innovative process, so that was why I picked up on that. I will leave that point as a comment.

Before we move on from clause 1, I go back to the issue of infrastructure because it was again referred to in the second reading speech, which referred somewhat to the Kelmscott example. I am not trying to pick on Kelmscott; it is just an excellent example, given a whole range of factors. The second reading speech mentioned —

Our \$80 million infrastructure development fund is another key part of our government’s efforts to help industry with the up-front costs involved in establishing essential infrastructure for housing developments, which we know is impacting projects throughout the state.

I agree with all of that statement, except for the \$80 million. As my colleague Hon Steve Martin outlined, it is just a drop in the ocean for the need. I want to talk about the desire to boost the broader housing supply pipeline. I know

the minister is representing the Minister for Planning, but does the minister have any “read” on the infrastructure shortfall we have, in order to achieve these new approvals, potentially help streamline things and get things going? Has any assessment been done of the infrastructure shortfall across metropolitan Perth?

Hon JACKIE JARVIS: Member, the advisers at the table cannot provide that advice. The advice that I have at the table relates to this specific bill. I note that the member was quoting things from the second reading speech, but the words were “other policy measures to date”. That part was to provide some background and some colour on why this bill is important.

Hon NEIL THOMSON: I appreciate that. I guess we have thrown a bit of colour on the other side as well in relation to these claims by the minister. It is a pity that the minister is in the other place. I would have been able to ask more directly on these matters otherwise.

Hon Jackie Jarvis: By interjection, your colleagues had that opportunity.

Hon NEIL THOMSON: They did, and I am shadow Minister for Planning, so that is also by way of response. The matter, I guess, is part of this process. My final question on clause 1 is: given this massive \$13 million infrastructure investment—\$13 billion, sorry; it is easy to get the wrong letter in front of that number because it is such a big number—to move people from one point to the other, and a very small investment that has been done so far for investment infrastructure development, noting the key issue, I feel this whole reform program has a disjunction in that we do not yet have an alignment of those investment levels to deliver the sort of infill targets that we have. The minister can take it as a comment if she likes, but I think it is a major shortcoming. I do not know whether the state is planning to do anything about that. I would like to see more legislative focus on providing a greater head of power for the Western Australian Planning Commission to provide some intervention on some of those infrastructure matters; I am thinking of water, sewerage and power. I know we are dealing with government trading enterprises. It is a challenge, but I think that ultimately we require a certain level of authority on these matters and investment coming down from the commission if we are going to get anywhere near the outcome of getting anything like the full utilisation of the \$13 billion Metronet investment, given the challenges we have going forward. The minister can respond to that if she likes, but, by way of comment, I believe that is the case.

Hon STEVE MARTIN: I will go back to the significant development again. I do not think I raised this a minute ago. The WAPC will also remain as the decision-maker with provision to consider matters broader than planning in certain circumstances. What are those matters that are “broader than planning” and in which circumstances?

Hon JACKIE JARVIS: This is covered in proposed section 171R. It states that the commission may determine a significant development application when it is of the opinion that the application raises issues of state or regional importance and the determination is in the public interest. The concept of public interest is deliberately broad, but not unlimited. Further factors from case law in which public interest is likely to arise include when an application will benefit the broader public and not merely private interests and will promote the objectives of the enabling act, which include providing an efficient and effective land-use planning system for the state and to promote the sustainable use and development of land. It will go beyond ordinary planning considerations, promote negotiated planning solutions and promptly and efficiently resolve a planning issue.

Some examples of factors in which public interest is not likely to arise is when there are benefits to a private person only, when it is inconsistent with the objects of an act, if it is such a significant change from an existing planning framework that it would result in the loss of public confidence in the planning system or if it would involve the approval of a development otherwise criminally illegal. That is not in the public interest—who knew?

I have just been told that an example of something that could be in the public interest would perhaps be a homelessness shelter.

Hon STEVE MARTIN: I know I am probably labouring the point, but can public interest somehow override the planning framework?

Hon JACKIE JARVIS: The Western Australian Planning Commission cannot ignore a planning instrument. Discretion has been part of the planning system. The only way the WAPC could be justified in departing from the approved planning framework would require the weighting of multiple considerations to establish the preferred decision with reference to broad objectives. Discretion permits always have to justify why they are departing from the established rules. The onus is on the proponent to show the WAPC why the ordinary planning requirements should not apply. This is different from a situation in which planning rules did not apply in the first place.

Although the WAPC has broad powers of discretion, they are not unlimited or to be used flippantly. Discretion can be used only when the Western Australian Planning Commission has had due regard to the orderly and proper planning and preservation of amenity. I note that discretion is a long-established part of the planning system.

Hon STEVE MARTIN: While we are on clause 1, I will spend a bit of time on the local government decision-making reform for single houses. In my contribution to the second reading debate, I spoke about the few very high-profile examples amongst the tens or probably hundreds of thousands of applications that either do not need planning approval or will get planning approval very quickly. The minister mentioned that it can take up to two months. Is

there any data to show how many take longer than they should? I am comparing that with the Western Australian Local Government Association data, which apparently covers 36 councils and up to 85 per cent of the Western Australian population. If the justification is that we have a problem and we need to fix it, I am wondering how the scale of the problem was determined, if the government is not according the WALGA data much credibility.

Hon JACKIE JARVIS: I am advised that the WALGA data was looked at, but the WALGA data does not break down the types of development applications. It is not just houses; apparently, the WALGA data could include sheds, shops, businesses or patios. It looked at development applications across the board. The two-month figure was based on looking at a normal local government calendar. It goes to local government, which then has to prepare a report and brief councillors and then it goes to a council meeting. The two months was based on the normal process for when houses go to local government for approval.

Hon STEVE MARTIN: I have sat through that normal process, and it can take two months of shire council meetings to get there. I am trying to ascertain how many applications take two months, whether it is a patio with a bad setback or a home. Is there a number? Does the department or the Western Australian Planning Commission know how many applications out of tens of thousands actually take the full two months?

Hon JACKIE JARVIS: The department does not have that specific data; it was more about getting consistency. It was just making sure that there was a consistent approach across the state.

Clause put and passed.

Clause 2: Commencement —

Hon NEIL THOMSON: Clause 2 makes provision for the schedule of commencement of a range of activities. It outlines the different parts that will come into operation and a fairly complex set of changes. For example, it will remove the current exclusions for 10 grouped dwellings and 10 multiple dwellings, warehouses and applications by responsible authorities. There is an opt-in pathway and mandatory thresholds for the DAPs. There will be a transition to specialist ones, which is probably the main one, and a fixed term of full-time members, together with a pool of technical experts. Are these commencement time frames legal time frames? I assume, for example, specialist development assessment panel members will have to transition; we will have to recruit them and make sure they are on board. There will be work to be done, other than getting this bill through to royal assent. Can the minister give me a bit of a summary of those rollout matters outlined in those various parts?

Hon JACKIE JARVIS: I am advised that most parts are tied to new regulations. For example, part 11B is tied to new 11B regulations and changes to the development assessment panel regulations. My understanding is that staged information and implementation is due to the requirement for the development of new regulations.

Hon NEIL THOMSON: Clause 2(c) has some exceptions of parts as well. When are we likely to see the full application of these measures into the planning system?

Hon JACKIE JARVIS: The expected commencement is in early to mid-2024.

Hon NEIL THOMSON: Will the government have these full-time members and everything in place early next year?

Hon Jackie Jarvis: Yes.

Clause put and passed.

Clause 3 put and passed.

Clauses 4 and 5 put and passed.

Clause 6: Section 289 amended —

Hon NEIL THOMSON: We could probably cover this in clause 11 as well, though we may not spend too much time on this. This is the introduction of the permanent pathway for approval of significant development by the commission and conflict resolution process for certain planning approvals. We just had a discussion in relation to —

Hon Jackie Jarvis: Clause 6 deals with DAPs.

Hon NEIL THOMSON: I refer to “Section 289 amended” and part 3. I have both the bill and the explanatory memorandum open.

Hon Jackie Jarvis: Is the member referring to clause 6 or part 6?

Hon NEIL THOMSON: Clause 6. Am I correct?

Hon Jackie Jarvis: I think so. My advisers are confusing me. Go on, and we will muddle through it.

Hon NEIL THOMSON: I think I am. I am not always right, I know. I quite often am, more so than others might assume. Anyhow, the explanatory memorandum is referring to it and the minister might have been fooled by the fact that the clause refers to the DAP established under section 171C(1). It is to do with that significant development pathway. That is why it is always handy to have both the explanatory memorandum and the bill open at the same

time because the good staff down there at the legal unit of the Department of Planning, Lands and Heritage, some of whom might be here at the table today, are always very thorough in their explanation of these bills in the explanatory memorandum so we can thank them for that.

On this pathway, is it correct that we already have this pathway in place?

Hon JACKIE JARVIS: Member, we are not clear whether you are referring to the pathway for DAPs or the significant development pathway. Clause 6 deletes “district DAP establishment” and inserts “DAP established under section 171C(1)”. We are not sure what the question is, if truth be told.

Hon NEIL THOMSON: Unless there has been an error in transcription, this is your document and I am sure there is not an error because I have tried that one before and I have always found that these documents are very thorough, as I say. I am looking at the explanatory memorandum on page 9 if the officers can go to that. Part 3 under clause 6 talks about the development approval for significant developments and avoiding conflicts with approvals. It reads —

This Part introduces a permanent pathway for approval of significant development by the Commission and a conflict-resolution process for certain planning approvals. This Part deals with two key reforms:

- A new significant development pathway under Part 11B; and
- An expanded conflict resolution process under Part 11C.

That is what it says in my document but if we need to talk about that at a different clause, I am very happy to defer to the advisers on that.

Hon JACKIE JARVIS: The section the member is reading from, “This Part introduces a permanent pathway”, relates to clause 7, but I will see whether I can answer it. The explanatory memorandum reads —

This Part introduces a permanent pathway for approval of significant development by the Commission and a conflict-resolution process for certain planning approvals. This Part deals with two key reforms:

- A new significant development pathway under Part 11B; and
- An expanded conflict resolution process under Part 11C.

If that is what the member is referring to —

Hon NEIL THOMSON: We will go to clause 7.

Clause put and passed.

Clause 7: Act amended —

Hon NEIL THOMSON: It may have been an editorial error on my part through these documents; I go through these documents and make them in a way so I can follow them through, so my apologies. I may have made a mistake and put that part in the wrong clause. If we could just focus on this issue that —

Hon Jackie Jarvis: Just checking, member—are we referring to part 3 on development approvals?

Hon NEIL THOMSON: That is right—if we can talk about that, please.

Hon Jackie Jarvis: I am happy to take all questions on part 3 at this clause if that makes it easier.

Hon NEIL THOMSON: Thank you. We can deal with that. The question relates to the significant development pathway. We have one in place. My understanding is that the state development assessment unit provides the advice. The Planning Commission is the decision-maker. We are talking about the same thing here; is that correct?

Hon JACKIE JARVIS: Member, there are parts of it that are similar and there are parts of it that are different. New part 11B is similar to part 17. Essentially, there will be the same threshold, so \$20 million in Perth and Peel and \$5 million in the regions. There will be a role for the Premier to enable an application to be lodged. There will be the same public consultation requirements—local government, public advertising, minister, Heritage Council. There will be the same decision-maker, as in the Western Australian Planning Commission. There will be the same process for pre-lodge and design review, state agency referral coordination and public meetings. There will be a similar discretion and same oversight mechanisms, being the State Administrative Tribunal and government and/or Parliament.

In some ways it is different from part 17. It will remove the COVID-related provisions. Obviously, a criteria regarding economic recovery as a response to the pandemic is no longer relevant for a permanent system. The limit of a one-off extension will be removed. The need to encourage shovel-ready proposals is no longer relevant. Best practices from part 17 are now enshrined in law: pre-lodgement advice, design review and public meetings. Decisions will be made under the existing planning framework but with a new added discretion. It is different in that included is the Peel region scheme area with Perth to align with the government’s strategic planning. It is different in that it enshrines a 120-day limit. The default period for the substantial commencement of a period is now four years, rather than two years. Hopefully, that assists.

Hon NEIL THOMSON: It does very much; thank you. That was very comprehensive. I appreciate that. Will those matters that are currently within the part 17 system be auspiced across to this new system or do they remain?

Hon Jackie Jarvis: They remain under the current system.

Hon NEIL THOMSON: Thank you. Is there an expiry time for those matters that have been lodged in the part 17 system? I know some of those matters have been there for a long time. I am thinking particularly about the Fini coastal development in Capel. I think it has been referred to the Environmental Protection Authority. It is probably on a stop-the-clock provision, I would have thought. What happens to those sorts of applications that are sitting within that part 17 process as to we transition to this part 11 process?

Hon JACKIE JARVIS: Member, I am advised that part 17 is not being repealed. Those applications would stay in there. The new applications would be under the new system.

Hon NEIL THOMSON: Is there going to be a point at which those applications will have to be decided upon? By what methodology will those applications cease to be? Notwithstanding part 17 is not being repealed, there will be a time when the government will not want to have any applications afoot within that system, only because it would be an administrative burden. I know the challenges in relation to the stop-the-clock provisions.

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

ELECTORAL AMENDMENT (FINANCE AND OTHER MATTERS) BILL 2023

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

HEALTH PRACTITIONER REGULATION NATIONAL LAW APPLICATION BILL 2023

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Sue Ellery (Leader of the House)**, read a first time.

Second Reading

HON SUE ELLERY (South Metropolitan — Leader of the House) [8.47 pm]: I move —

That the bill be now read a second time.

Since 2010, Western Australia has participated in the National Registration and Accreditation Scheme for the health professions by adopting the Health Practitioner Regulation National Law. The national law protects the public and provides certainty to health professionals by providing a uniform national framework for the regulation of a suite of health professions. The bill before us today, the Health Practitioner Regulation National Law Application Bill 2023, will apply the Health Practitioner National Law, with modifications, as a law of Western Australia and repeal the Health Practitioner Regulation National Law (WA) Act 2010. The bill will update the Health Practitioner Regulation National Law in Western Australia to incorporate amendments made to the national law between 2019 and 2023. The bill also supports the timely application of future national law amendments in Western Australia, ensuring consistent regulation of health practitioners across Australia. Essentially, WA will align with the other jurisdictions by moving away from a corresponding laws model to an applied laws model, while still retaining the ability to make amendments unique to WA's specific needs.

This approach of moving from corresponding law to applied law is consistent with the recommendations of the Legislative Council's Standing Committee on Uniform Legislation and Statutes Review for other national scheme laws operating in Western Australia, including the Legal Profession Uniform Law Application Act 2022, the Fair Trading Amendment Act 2022 and the Marine Safety (Domestic Commercial Vessel National Law Application) Bill 2023.

The national law regulates a suite of health professions—16 classes, being chiropractors, dental practitioners, medical practitioners, nurses, midwives, optometrists, osteopaths, pharmacists, physiotherapists, podiatrists, psychologists, Aboriginal and Torres Strait Islander health practitioners, Chinese medicine practitioners, medical radiation practitioners, occupational therapists and paramedics. Members would be aware that since its inception, the national law has enabled a significant improvement to Australia's healthcare system.

The national law boosts public safety protection by ensuring health practitioners are suitably trained and qualified to practise in a competent and ethical manner. It cuts red tape to allow health professionals to work anywhere in Australia without requiring additional registration; it simplifies registration processes by establishing a single national register with nationally consistent standards for each profession; it requires all registrants to have suitable professional indemnity insurance; and it requires mandatory reporting of professional misconduct across all professions, criminal history checking of all new applicants for registration and auditing of criminal histories of existing registrants.

The national law, and all reforms to the national law, are the product of a coordinated effort across all Australian participating jurisdictions, including WA. Extensive consultation with stakeholders in all jurisdictions informs the

development of policy and drafting instructions, led by Victoria. Health ministers from all jurisdictions agree on proposed drafting instructions, and Queensland, with the support of the Australasian Parliamentary Counsel's Committee, drafts and enacts the national law. All participating jurisdictions then adopt the national law.

Unlike other participating jurisdictions that adopted the national law as a law of their jurisdiction as it existed from time to time, Western Australia chose to adopt the national law using corresponding legislation enacted in 2010. The corresponding laws mechanism requires the Parliament of Western Australia to pass laws that correspond to the national law and has proven to be ineffective in maintaining a seamless national registration and accreditation scheme. The delays arising from the process of drafting and passing corresponding legislation have resulted in WA being three stages of reform behind the national law that is in force in all other jurisdictions. It is imperative that WA implements the reforms in place in the other jurisdictions so that the national law can achieve its purpose of the safe and effective regulation of Australia's health professional workforce. This will ensure interjurisdictional consistency, which is fundamental to the original intent of this national scheme. WA has contributed to the consultation, policy development and drafting of each stage of reform of the national law and we will continue to do so for all future amendments to the national law. The bill will eradicate the delays and additional red tape that come with a corresponding laws mechanism of adopting uniform national laws.

Over the past decade, the national scheme has grown and matured. At its commencement, 10 national boards were established to regulate approximately 500 000 health practitioners in 10 health professions. Today, 15 national boards regulate over 850 000 registered health practitioners across 16 professions. The scheme's governance and administration has also evolved under the stewardship of the Australian Health Practitioner Regulation Agency, which is responsible for the overall management and administration of the national scheme under the national law. When the national scheme came into effect, Australian health ministers committed to continually reviewing and updating it to ensure that it continues to protect the public and meet future workforce needs. In 2014, health ministers commissioned an independent review of the national scheme. That review made 33 recommendations and led to additional reviews into specific aspects of the national scheme and the national law. In 2017, the first stage of reforms of the national law was passed by the Queensland Parliament, supported by all Australian states and territories. This included amendments to provide for the national regulation of paramedics. WA has passed corresponding amending legislation adopting these reforms, and the bill includes these reforms in WA's adoption of the national law.

I will discuss the next three stages of reform after providing an overview of the bill. Part 1 of the bill contains preliminary provisions, including the commencement of the act and definitions of terms used in the act.

Part 2 of the bill applies the national law, with modifications, as a law of WA as it exists on a specified date, rather than as amended from time to time. This safeguards WA parliamentary sovereignty, as amendments to the national law after this date will only be applied in Western Australia if they are tabled and not disallowed by the WA Parliament. Under WA's present corresponding law, regulations made under the national law are adopted by an applied laws mechanism. The bill maintains this method of adopting the national regulations. National regulations will continue to be subject to publication and tabling requirements, and a process of disallowance through the WA Parliament is available to ensure Western Australian parliamentary sovereignty.

Part 3 of the bill will modify the national law as it applies in WA. These modifications represent the unique needs of the health industry and community in Western Australia. This is an important mechanism to allow flexibility for accommodating WA-specific requirements. Many of the part 3 modifications replicate departures from the national law that WA enacted in its corresponding legislation. These departures have already been through the process of consultation, review and parliamentary scrutiny, and the bill seeks to retain WA's position in this regard. For example, following a coronial inquiry into the death of a baby in WA as a result of the care provided by an individual who was not a midwife or a medical practitioner, the WA national law was amended to clarify that only a medical practitioner or midwife; a medical or midwifery student; a person acting under the supervision of a medical practitioner or midwife; or a person acting in an emergency can care for a person in labour. WA's national law will retain this modification.

Another existing departure from the national law that the bill will maintain is the deletion of the national law mechanism for adopting national regulations. The bill will continue to provide a mechanism for the adoption of national regulations in part 2, which is in line with a standardised approach in WA and upholds WA's parliamentary sovereignty. WA has also maintained the protected title of "physician" for the medical profession. This demonstrates WA's continued commitment to the highest standards of public safety and professional integrity. Continuing to protect the title "physician" ensures that the public can have confidence that standards of professional practice in medicine are maintained, and that the title is not applicable to other clinical groups. I will elaborate shortly regarding further modifications in part 3 that relate to reforms to the national law passed in 2019.

Part 4 of the bill contains provisions necessary for the adoption of the national law in Western Australia, including powers for the WA Commissioner of Police to share information with a national board and for the Governor to make regulations in relation to WA's application of the national law.

Part 5 of the bill will repeal the Health Practitioner Regulation National Law (WA) Act 2010 and provide for the transition between the national law in that corresponding act and the national law as applied under this bill.

Part 6 of the bill contains minor consequential amendments required to other acts.

I turn now to the specifics of the national law reforms that WA will adopt through the bill. As stated earlier, the national law in WA is currently three stages of reform behind the national law that is applied in other participating jurisdictions. Bringing WA up to date with the current national law will mean that the following reforms will be adopted in WA. In 2019, the national law was amended to implement three reforms that strengthened the protection of patients' health and safety whilst also ensuring that health practitioners can seek help when needed. These reforms included clarifying the mandatory reporting obligations of treating practitioners; increasing penalties and introducing a maximum imprisonment term of three years for certain offences; and making those offences indictable.

The bill will exclude the mandatory reporting reform through part 3 modifications to the national law. This will maintain WA's position, since the scheme was introduced in 2010, in support of health practitioners and students seeking the treatment they require without fear of being the subject of a mandatory report to AHPRA. Importantly, however, treating practitioners in WA will remain free to make, and have made, voluntary notifications based on ethical or moral concerns, or in the public interest. The 2019 reforms were introduced following two rounds of national consultation, the first of which saw around 50 per cent of respondents propose that WA's exemption should be the national model. In the end, health ministers agreed to introduce higher thresholds for reporting conduct in situations in which impairment, intoxication or departure from professional standards places the public at substantial risk of harm. This requires the treating practitioner to exercise their professional judgement. Health ministers, considering in part the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, determined that there should be no thresholds for reporting sexual misconduct. It is important to note that other legislation makes it mandatory for health and other professionals to report child sexual abuse, and as mentioned earlier, there are no restrictions on treating practitioners in WA from making voluntary notifications. I should stress that these circumstances apply only to registered health practitioners in a treating relationship. In any other situation in which a registered health practitioner observes or becomes aware of notifiable conduct, it is mandatory that they report.

The bill includes a reform to increase penalties and introduce a maximum three-year prison term for certain offences in WA's adoption of the national law. Increased penalties and the option to seek a prison term for the most serious cases will strengthen patient and consumer protections under the national law and will more adequately reflect the significant breach of trust and the significant harm that may result from the conduct to which the offences apply.

The bill also excludes the indictable offences reform through part 3 modifications of the national law. Section 241A of the national law provides that the offences for which a maximum three-year imprisonment term can be imposed are indictable offences, and that jurisdictions may decide whether to proceed summarily or on indictment. The Australian Health Practitioner Regulation Agency prosecutes summary offences under the national law, and if WA were to adopt the indictable offences reform, the WA Director of Public Prosecutions would be tasked with the prosecution of indictable offences. Following consultation with the WA DPP, and consideration of the specialised knowledge of the concepts and regulatory arrangements required to successfully prosecute an offence under the national law, as well as the disparity in prosecution costs, disclosure obligations and procedural evidence requirements, it was decided to not adopt this reform.

In South Australia recently, AHPRA's capability and expertise in prosecuting resulted in a term of imprisonment for an individual who was holding themselves out as a nurse. This is the same approach that will apply in WA and will provide confidence that the model chosen and the increased penalties will be effective and deliver sufficient deterrence, even without the offences being indictable.

The bill will also modify the national law to remove the limitation period for certain serious offences—namely, the offences of holding out to be registered when not actually registered, using a protected title, undertaking restricted practices and contravening a prohibition order. These types of offences may take some time to come to light due to their deceptive nature, and are not subject to a limitation period in the other jurisdictions. This modification will bring WA in line with the position in the other jurisdictions regarding prosecution for these serious offences and, more importantly, will provide better protection for the WA public.

2022 reforms: On 21 October 2022, after extensive interjurisdictional collaboration and stakeholder consultation, the final and most extensive stage of reforms of the national law was passed by the Queensland Parliament. A major focus of these reforms is to strengthen public safety and increase public confidence in the health services provided by registered health practitioners. The guiding principles and objectives of the national law were amended to make protection of the public and public confidence the paramount consideration in administering the law, and to promote culturally safe health services for Aboriginal and Torres Strait Islander peoples. A range of measures were introduced to increase and improve the tools available to regulators to respond to public health and safety risks, including powers to issue interim prohibition orders in certain limited circumstances, to issue public statements about a person if there is a risk to public health and safety, and to share information with a practitioner's former employer

if the practitioner may have posed a risk to persons or the public. A range of measures were also introduced to improve governance and operation of the national scheme, including improving the process of registration and clarifying the AHPRA's functions and powers. The bill includes all these reforms in WA's adoption of the national law. WA has been involved in every stage of consultation on and development of these reforms, and these reforms reflect the needs of the WA health industry and community.

2023 reforms: In September 2023, in response to recognised confusion around use of the title "surgeon", particularly in the cosmetic surgery sector, the national law was amended to protect the title "surgeon", making it an offence for a medical practitioner who is not a member of an approved surgical class to knowingly or recklessly use the title "surgeon" or otherwise hold themselves out as being a surgeon. It has been a matter of concern for health ministers across the country that any medical professional performing cosmetic surgery could refer to themselves as a surgeon. Concerns were held that the use of the term "surgeon" could provide false confidence to members of the public as to the experience and competency of professionals performing medical procedures. This reform will provide an important additional safeguard to consumers so they can be confident that any medical practitioner using the title "surgeon" has the appropriate level of surgical training to safely perform surgical procedures. The bill includes all these reforms in WA's adoption of the national law.

The reforms to the Health Practitioner Regulation National Law over the past five years are supported by all Australian health ministers. They reflect the policy positions approved by governments in each state and territory. Achieving policy agreement across the nation was a big task, requiring a comprehensive program of engagement and scrutiny, dedication, leadership and a commitment to collaboration across all levels of the government with the health sector and the broader community.

When Western Australia first adopted the national law through the passage of corresponding legislation in 2010, the WA government stated that it was fully committed to the implementation of the national scheme for health practitioners. This bill embodies that commitment by ensuring WA's adoption of remaining reforms to the national law. The WA government is committed to protecting the public and its access to qualified health practitioners. We are committed to facilitating greater health workforce flexibility and mobility. Finally, we are committed to supporting the highest standards of excellence in the delivery of services in the WA healthcare system to our community members.

I commend the bill to the house and table the explanatory memorandum. I also table a package of explanatory materials relevant to the reforms to the national law that WA will be adopting for the first time through this bill.

Pursuant to standing order 126(1), I advise that this is a uniform legislation bill, as it gives effect to an intergovernmental agreement to which the government is a party.

[See papers [2858](#) and [2859](#).]

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

House adjourned at 9.06 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

CHILD PROTECTION — STAFF VACANCIES

1668. Hon Dr Brad Pettitt to the minister representing the Minister for Child Protection:

- (1) For each of the Department of Communities Child protection offices in Metropolitan Perth, please provide to the end of each month, or nearest reporting date, between December 2022 and August 2023:
 - (a) the vacancy data, in FTE and as a percentage of total allocation, for all roles; and
 - (b) the vacancy data, in FTE and as a percentage of total allocation, for case carrying roles?
- (2) For each of the Department of Communities Child protection offices in regional Western Australia, please provide to the end of each month, or nearest reporting date, between December 2022 and August 2023:
 - (a) the vacancy data, in FTE and as a percentage of total allocation, for all roles; and
 - (b) the vacancy data, in FTE and as a percentage of total allocation, for case carrying roles?

Hon Jackie Jarvis replied:

[See tabled paper no [2855](#).]

The Department of Communities advises the child protection FTE has increased since 2017. Workforce challenges in the Child Protection profession are experienced across Australia, with workforce a national priority area in Safe and Supported; The National Framework for Protecting Australia's Children (2021–2031). Communities is also progressing a range of initiatives to attract and retain staff. These include \$3.7 million to attract child protection workers to targeted regional locations, under the Commissioner's Instruction 38 – Temporary Regional Attraction and Retention Incentive (RARI) scheme; and recruitment strategies including targeted recruitment campaigns, social work placements and regional talent registers.

GRIFFIN COAL — LIQUIDATOR

1710. Hon Dr Steve Thomas to the minister representing the Minister for State and Industry Development, Jobs and Trade:

I refer to question without notice 1044 on the 14 September 2023 regarding consultants engaged by and paid by Government in relation to the insolvent Griffin Coal, and I ask:

- (a) will the Minister table the contract between Preston Consulting and the Government to the House; and
- (b) if no to (a), why not?

Hon Stephen Dawson replied:

- (a) No.
- (b) The Government's contract with Preston Consulting is commercial in confidence.

TREASURY AND FINANCE — CLAIM FOR PAYMENT

1711. Hon Dr Steve Thomas to the minister representing the Treasurer:

I refer to the claim for payment of unclaimed monies by Mr Trevor Schut of 21/46 Ipsen Street Manjimup based on a deregistered vehicle in 2005, and I ask, can you confirm if and when Mr Schut will receive the funds?

Hon Stephen Dawson replied:

Mr Schut provided the required documentation on 31 October 2023. The claim has been approved and the funds were paid to Mr Schut on 7 November 2023.

MINES AND PETROLEUM — WATER CONSUMPTION — PILBARA

1714. Hon Dr Brad Pettitt to the parliamentary secretary to the Minister for Mines and Petroleum:

I refer to the issue of water consumption in the Pilbara, and I ask:

- (a) for each mine in the Pilbara, by company and location, for 2018, would the Minister please table:
 - (i) the licensed water abstraction amounts, inclusive of mine dewatering;
 - (ii) the licensed aquifer reinjection rates;
 - (iii) the actual extraction rates; and
 - (iv) the actual reinjection rates;

- (b) what is the total water consumption of the Pilbara region, inclusive of mine dewatering but exclusive of aquifer reinjection and residential consumption for 2018;
- (c) for each mine in the Pilbara, by company and location, for 2020, would the Minister please table:
 - (i) the licensed water abstraction amounts, inclusive of mine dewatering;
 - (ii) the licensed aquifer reinjection rates;
 - (iii) the actual extraction rates; and
 - (iv) the actual reinjection rates;
- (d) what is the total water consumption of the Pilbara region, inclusive of mine dewatering but exclusive of aquifer reinjection and residential consumption for 2020;
- (e) for each mine in the Pilbara, by company and location, for 2021, would the Minister please table:
 - (i) the licensed water abstraction amounts, inclusive of mine dewatering;
 - (ii) the licensed aquifer reinjection rates;
 - (iii) the actual extraction rates; and
 - (iv) the actual reinjection rates;
- (f) what is the total water consumption of the Pilbara region, inclusive of mine dewatering but exclusive of aquifer reinjection and residential consumption for 2021;
- (g) for each mine in the Pilbara, by company and location, for 2022, would the Minister please table:
 - (i) the licensed water abstraction amounts, inclusive of mine dewatering;
 - (ii) the licensed aquifer reinjection rates;
 - (iii) the actual extraction rates; and
 - (iv) the actual reinjection rates; and
- (h) what is the total water consumption of the Pilbara region, inclusive of mine dewatering but exclusive of aquifer reinjection and residential consumption for 2022?

Hon Matthew Swinbourn replied:

- (a)–(h) Refer to Legislative Council Question on Notice 1715.

FIREARMS ACT — REFORM

1717. Hon Colin de Grussa to the minister representing the Minister for Police:

I refer to the gun ownership reforms released for public consultation, as proposed under the *Firearm Act* review, and I ask:

- (a) will the Minister please provide the modelling (and estimates based on that modelling) which has been undertaken to determine the addition number of FTE's required within the Western Australia Police Service to do the following:
 - (i) implement the new arrangements; and
 - (ii) administer the new arrangements on a recurrent basis; and
- (b) will the Minister please provide the analysis and estimates of the additional capacity required within the Western Australian health system to implement and manage the mental health elements of the proposed reforms?

Hon Stephen Dawson replied:

- (a) (i)–(ii) Western Australia Police Force will be resourced as necessary to implement the firearms reform.
- (b) The Health Assessment working group is undertaking consultation with professionals within the medical profession and other key stakeholders.

FIREARMS — STOLEN

1718. Hon Peter Collier to the minister representing the Minister for Police:

I refer the Minister to question on notice 878 answered on Tuesday 11, October 2022, and I ask:

- (a) will the Minister provide updated figures for questions (1) and (2) for 2022 and 2023 to date; and
- (b) if no to (a), why not?

Hon Stephen Dawson replied:

The Western Australia Police Force advise:

- (a) (1) The WA Police Force can provide the number of firearms stolen, from residential homes in 2022 and 2023 to date, however cannot identify the registration status

Table 1

Number of firearms reported stolen from residential homes in calendar years 2022 and 2023 Year To Date*.		
Year	2022	2023 YTD*
Number of Stolen Firearms	163	128

*2023 YTD is between 01 January 2023 and 01 November 2023 inclusive.

- (2) Table 2

Number of incidents where one or more firearms were reported stolen from a residential home in calendar years 2022 and 2023 YTD*, by number of firearms stolen per incident.		
Number of Firearms Stolen per Incident	Year	
	2022	2023 YTD*
1	30	30
2 or more	36	31
2	12	14
3	10	7
4	3	4
5	4	3
6	4	3
7	2	-
8	-	-
9	1	-
Total	66	61

*2023 YTD is between 01 January 2023 and 01 November 2023 inclusive.

FIREARMS ACT — REFORM

1719. Hon Peter Collier to the minister representing the Minister for Police:

I refer the Minister to the *Firearms Act Reform (FAR) Numerical Limits Additional Information Sheet* provided by Western Australia Police, and I ask:

- (a) how many registered firearms owners have more firearms than the proposed limits across each of the identified categories:
- (i) individual club/competition;
 - (ii) individual target;
 - (iii) individual hunt individual with multiple sub-types; and
 - (iv) primary producers?

Hon Stephen Dawson replied:

The Western Australia Police Force advise:

- (a) (i) 507
- (ii) This data is unable to be provided as these are not distinctly identifiable in the current IT system.
- (iii) 2575
- (iv) 229

GOVERNMENT REGIONAL OFFICERS' HOUSING

1720. Hon Wilson Tucker to the minister representing the Minister for Planning; Lands; Housing; Homelessness:

I refer to my question on notice 447 dated 15 February 2022 regarding Government Regional Officer Housing (GROH) vacancies, and I ask:

- (a) can the Minister please provide updated figures for allocated and unallocated GROH property stock in the following regions:
- (i) Kimberley;
 - (ii) Pilbara;
 - (iii) Midwest/Gascoyne; and
 - (iv) Goldfields;
- (b) can the Minister please provide the number of vacant properties per region; and
- (c) can the Minister please provide the length of time each property has been vacant for, categorised by 3–6 months, 6–12 months, and 12+ months?

Hon Jackie Jarvis replied:

- (a) (i)–(iv) The table below provides a breakdown of allocated and unallocated GROH properties as at 30 September 2023. The below are point-in-time figures and it must be noted that properties are constantly moving in and out of the portfolio.

Total Allocated and Unallocated properties by Region as at 30 September 2023		
Region	Allocated to a client agency	Unallocated (ie Not allocated to a client agency)
Goldfields	783	21
Midwest/Gascoyne	556	31
Pilbara	1340	70
West Kimberley	795	32
East Kimberley	402	18

- (b)–(c) The utilisation of GROH properties allocated to client agencies is determined by the agency, including who will tenant the property and when they will start their tenancy. Communities facilitates this by undertaking incoming property inspections and working with tenants as required by the client agency.

As at 30 September 2023, 97% of the State Government's GROH properties are currently occupied or allocated to a client agency for their use. The remaining three percent of properties may be undergoing maintenance or refurbishment or being considered for redevelopment potential based on factors such as age, location and land size.

Over an average 12-month period, up to one third of all GROH portfolio tenancies may turnover due to normal rotation of staff in regional locations, agencies rotating staff on fixed tenure arrangements, and staff leave, for example maternity leave for regional teachers or police. When the properties are vacated they undergo varying degrees of maintenance or refurbishment works before the next tenant moves into the property.

Communities routinely assesses its housing stock, including vacant GROH properties. The number of unallocated properties i.e. those that are not allocated to a client agency does not necessarily equate to the number of vacant properties as GROH properties may be privately leased to non-government organisations, not for profits or members of the public to ensure utilisation. Where appropriate, GROH properties that no longer have client agency demand are considered for use as public housing.

The table below provides a breakdown of vacant GROH properties. Allocated GROH properties may be vacant at a point in time for a number of operational reasons, including the recruitment and deployment of new employees and the need for availability for employees providing relief work. Unallocated vacant properties may be new to the portfolio, undergoing major works or being considered for future use.

Total GROH Stock as at 30 September 2023					
	Goldfields	Midwest/ Gascoyne	Pilbara	West Kimberley	East Kimberley
Total GROH Stock	804	587	1,410	827	420

Allocated to a Client Agency as at 30 September 2023					
Time Vacant	Goldfields	Midwest/ Gascoyne	Pilbara	West Kimberley	East Kimberley
0–3 months	29	29	69	49	30
3–6 months	8	13	25	10	7
6–12 months	16	18	15	6	10
12+ months	22	9	11	6	4
Unallocated to a Client Agency as at 30 September 2023					
Time Vacant	Goldfields	Midwest/ Gascoyne	Pilbara	West Kimberley	East Kimberley
0–3 months	3	1	13	3	-
3–6 months	-	2	1	-	1
6–12 months	2	-	4	1	5
12+ months	10	7	25	8	7

YOUTH DETENTION — INFRASTRUCTURE REVIEW

1721. Hon Dr Brad Pettitt to the minister representing the Minister for Police; Corrective Services; Defence Industry; Veterans Issues:

- (1) I refer to the Infrastructure Review to determine the State’s long-term youth detention needs, announced on 22 June 2023, and ask:
- (a) is the Department of Justice conducting the review internally or has input been sought from external stakeholders;
 - (b) if yes to (a), please list the stakeholders involved and the capacity they are involved in the infrastructure review;
 - (c) has the infrastructure review started;
 - (d) if yes to (c), what is the anticipated time frame for the infrastructure review;
 - (e) when will a report be finalised;
 - (f) will a report or presentation of results be made public;
 - (g) if yes to (f), when;
 - (h) on Monday 16 October 2023, the Minister stated in an article in the *West Australian* he expected infrastructure review would likely recommend “a purpose-designed and built facility...”:
 - (i) does the Minister anticipate the infrastructure review will recommend building a new youth detention facility; and
 - (ii) if no to (i), what did the Minister mean by these comments; and
 - (i) will the infrastructure review consider youth bail houses?
- (2) has the Department of Justice engaged an individual/s to lead the implementation of the new operating philosophy and service model now that Tim Marney is not in that role?
- (3) has the Minister considered the establishment of a separate Office for Youth Justice, similar to the Offices for Homelessness or Prevention of Family and Domestic Violence within the Department of Communities:
- (a) if no to (3), will the Minister request a business case be developed for this as part of ongoing reforms; and
 - (b) if no to (3), what is the rationale for not considering the establishment of a separate office for youth justice?

Hon Stephen Dawson replied:

The Department of Justice advises:

- (1) (a)–(b) The review is being undertaken internally by the Department of Premier and Cabinet, WA Treasury and the Department of Justice.
- (c) (i) The infrastructure review is well-advanced and is expected to be complete in the near term. The document will be Cabinet in Confidence. The review is considering current, planned and potential youth custodial and diversionary infrastructure.

- (2) Yes.
- (3) The Department is establishing a new Deputy Commissioner position to focus solely on young people, including directing and controlling the State's juvenile justice facilities.

FIRE AND EMERGENCY SERVICES — 000 CALLS — DATA SECURITY

1722. Hon Martin Aldridge to the Minister for Emergency Services:

I refer to the Office of the Auditor General's Report titled *Information Systems Application Audit: Triple Zero* which identified several vulnerabilities in the Department of Fire and Emergency Service (DFES) access to the Triple Zero system, and I ask:

- (a) in respect to the case study which outlines that DFES suffered a data breach in November 2021 which saw sensitive information about a Triple Zero incident being shared on social media, and that DFES was unable to identify who was responsible for the unauthorised disclosure due to the use of a generic account:
- (i) when was the Minister first made aware of this incident;
 - (ii) has DFES undertaken an investigation into this incident;
 - (iii) if yes to (ii), what was the outcome of the investigation;
 - (iv) was a report or review prepared in relation to this incident;
 - (v) if yes to (iv), please table the report;
 - (vi) please identify the incident associated with the data breach; and
 - (vii) please identify the nature of the information that was publicly released from the triple zero system;
- (b) has DFES now ceased the use of generic accounts and shared passwords to access the Triple Zero system;
- (c) if yes to (b), on what date did this occur;
- (d) if no to (b), what is the time frame for this vulnerability to be rectified;
- (e) what are the specific interim mitigation protocols DFES will implement to ensure access to the Triple Zero system is authorised and appropriate;
- (f) have all DFES internal policies relating to the Triple Zero system been finalised and approved;
- (g) if no to (f), please identify the policies which remain in draft of unapproved form;
- (h) what is the time frame to finalise and approve any draft policies identified in (f);
- (i) on what date was the Memorandum of Understanding between DFES and WA Police for the use of the Triple Zero system last updated and on what date will the memorandum of understanding next be reviewed;
- (j) please outline the role of DFES representatives on any steering committee relating to the Triple Zero system;
- (k) for any steering committee identified in (i), please identify:
- (i) when each committee was formed;
 - (ii) the terms of reference of the committee; and
 - (iii) whether the terms of reference have been approved;
- (l) since becoming aware of the Auditor General's findings, has the Minister written to the Auditor General in relation to the Triple Zero audit; and
- (m) if yes to (l), please table any correspondence to the Auditor General?

Hon Stephen Dawson replied:

The Department of Fire and Emergency Services (DFES) advises:

- (a) (i) On the eve of the OAG's Report being tabled. Noting I was not the Minister for Emergency Services in November 2021.
- (ii) Yes.
- (iii) In December 2021 DFES published a General Circular reminding staff and volunteers of their obligation not to unlawfully disclose official information, in accordance with the *Criminal Code Act Compilation Act 1913* and the DFES Code of Conduct. The investigation recommended the implementation of operationally appropriate user auditing controls within relevant systems.
- (iv) Yes.
- (v)–(vii) [See tabled paper no [2853](#).]
- (b)–(d) As per the recommendations in the Auditor General's Report, DFES has commenced improvement protocols for access management. These mitigations will be in place by the middle of 2024.

- (e) As per the recommendations in the Auditor General's Report, DFES has agreed to improve screening protocols where required by December 2023.
- (f)–(h) As part of the ongoing actions to implement recommendations aligned to the dates in the Auditor General's report, DFES and WA Police continue to work on finalising all outstanding requirements regarding policies and procedures for the Triple Zero System.
- (i) The Memorandum of Understanding (MoU) between WA Police and DFES was last updated on 20 July 2018 and signed on 6 August 2018. As per the recommendations in the Auditor General's Report, DFES has agreed to review the MoU by December 2023.
- (j) [See tabled paper no [2853](#).]
- (k)
 - (i) Each Committee was established in the second half of 2018 as part of the Interagency CAD Project.
 - (ii) [See tabled paper no [2853](#).]
 - (iii) All Interagency Committees' Terms of Reference were reviewed and approved during the last Interagency CAD upgrade project on 13 October 2022.
- (l) Yes.
- (m) [See tabled paper no [2853](#).]

PORTS — LIVE EXPORT SHIPS

1724. Hon Ben Dawkins to the Leader of the House representing the Minister for Ports:

I refer to the total number of times live export ships that have arrived at Western Australian ports, and I ask:

- (a) what was the total number of live export ships that arrived in:
 - (i) 2017;
 - (ii) 2018;
 - (iii) 2019;
 - (iv) 2020;
 - (v) 2021;
 - (vi) 2022; and
 - (vii) 2023 year to date?

Hon Sue Ellery replied:

- (a)
 - (i) 102
 - (ii) 95
 - (iii) 102
 - (iv) 96
 - (v) 81
 - (vi) 65
 - (vii) 55

EMERGENCY SERVICES — FIRE DANGER RATING SYSTEM

1725. Hon Martin Aldridge to the Minister for Emergency Services:

I refer to question without notice 1028 asked on 13 September 2023 regarding the national Australian Fire Danger Rating System (AFDRS) review, to which the Minister stated no formal submissions were available to be tabled, and I ask:

- (a) is it still the case that the Department of Fire and Emergency Services (DFES) did not make any formal submission to the national AFDRS review;
- (b) has DFES undertaken a system evaluation report into the AFDRS;
- (c) if yes to (b), please table this document;
- (d) has DFES undertaken a community stakeholder survey into the AFDRS;
- (e) if yes to (d), please table the results of this study;
- (f) has DFES compiled a range of case studies regarding the AFDRS; and
- (g) if yes to (f), please table these case studies?

Hon Stephen Dawson replied:

- (a) The Department of Fire and Emergency Services (DFES) contributed to the national review by providing: 13 case studies investigating the performance of the AFDRS across the state; system observation records detailing feedback on system performance; issues and opportunities for improvements; and results from stakeholder and community communications surveys.
- (b)–(c) No formal system evaluation report has been developed. DFES continues to monitor and evaluate AFDRS effectiveness and performance across Western Australia as part of AFDRS continuous improvement.
- (d) Yes.
- (e) [See tabled paper no [2854](#).]
- (f) Yes.
- (g) The case studies were considered as part of the national review and contain confidential, identifiable personal, and sensitive incident information relating to operational matters. I intend to provide the redacted case studies to the Member once this work is done.

PUBLIC HOUSING — WAITLISTS

1726. Hon Dr Brad Pettitt to the minister representing the Minister for Housing:

I refer to the wait-turn and priority public housing wait lists, and ask, as of the end of September 2023, on what date did the applicant who has been waiting the longest on each wait list initially join the wait list?

Hon Jackie Jarvis replied:

This information is not reported as a matter of course and requires a significant amount of frontline resources, including a manual review of individual files.

It should be noted that most applicants have access to some form of accommodation. Those with longer than average wait times generally reflect their individual circumstances rather than the experience of the wider population. Various factors may contribute to longer wait times for applicants such as where applicants have sourced appropriate accommodation yet remain eligible for public housing, where applicants have declined offered properties (which can occur multiple times), applicants who require specific housing features, applicants who spend periods incarcerated, and changes in preference zone, family composition or housing need. Additional considerations include medical needs, proximity to support networks, and cultural sensitivities.

Where such factors affect an applicant and they are unable to accept a property, the property will be offered to the next eligible applicant.

The earliest registration date for an applicant on the public housing wait list state-wide was in January 2005 and is currently situated in private rental accommodation, having rejected multiple offers of public housing. They remain eligible for public housing and have changed their preference zone several times.

The earliest registration date for an applicant on the priority wait list state-wide was in May 2014. Despite a lack of engagement with the Department over some years, a discretionary decision has been made to retain the listing. They remain eligible for public housing and have changed their preference zone several times.

CLIMATE ACTION — LEGISLATION — STAKEHOLDERS

1727. Hon Dr Brad Pettitt to the parliamentary secretary to the Minister for Climate Action:

I refer to the list of stakeholders “approached to be briefed” on this Government’s climate change legislation, as identified in the answer provided to my question without notice no 1248 on Tuesday, 17 October 2023, and I ask, will the Minister identify:

- (a) the stakeholders that were actually briefed; and
- (b) the date(s) each briefing occurred and the stakeholders present?

Hon Darren West replied:

- (a) [See tabled paper no 2857], a list of stakeholders that attended an information session on the legislation, noting others were invited but did not attend. This list includes 56 stakeholder groups. Some stakeholder groups had more than one individual who attended the information session. A total of 89 stakeholders attended an information session.

Separate briefings were provided to stakeholders who were unable to attend the scheduled information sessions, or who specifically requested a briefing. These stakeholders included: Department of Water and Environmental Regulation’s Aboriginal Water and Environmental Advisory Group; Water Corporation; Waste Authority; Southwest Regional Corporations of the South West Native Title Settlement; Environmental Protection Authority; Department of Treasury; Infrastructure WA; Southern Ports; Energy Policy WA; Western Australian Local Government Association; Chamber of Minerals and Energy; Urban Bushland Council; Agrifood WA CEO Network; and AgZero 2030.

- (b) The government held four information sessions on the Climate Change Bill – Explanatory Paper.
1. Government and government trading enterprises held online 26th September 2023
 2. Peak Body – Industry & Agriculture held online 27th September 2023
 3. Conservation & Research held online 3 October 2023
 4. First Nations held online 4 October 2023

The attendees of these sessions are the same as those tabled in response to Question (a).

FINANCE — LIQUID WASTE ROUTINE MAINTENANCE SERVICE TENDERS

1728. Hon Steve Martin to the Minister for Finance:

I refer to liquid waste routine maintenance services and the practice of placing tenders for this and like work on the Tenders WA website, and I ask:

- (a) why were liquid waste routine maintenance services in Bunbury recently not advertised on the Tenders WA website as per normal;
- (b) has the government's Aboriginal Procurement Policy prevented the listing of this work on Tenders WA for a competitive tenders process as is usually the case;
- (c) are tenders from Aboriginal businesses given preferential treatment over other small contractors because of the procurement policy,;
- (d) if yes to (c), how;
- (e) how are operators which usually get work through the tenders process now able to access work if Tenders WA is now not being used;
- (f) how many routine maintenance contracts are currently in effect across the State:
 - (i) how many of these contribute towards targets in the Aboriginal Procurement Policy; and
- (g) does work contracted out to an Aboriginal business and then subcontracted by them to another business count towards the targets listed in the procurement policy?

Hon Sue Ellery replied:

- (a) The Department of Finance identified an opportunity to procure directly from a registered Aboriginal business, consistent with the State Government's Aboriginal Procurement Policy and Western Australian Procurement Rules.
- (b) No. Where a government agency chooses to engage directly with a business in accordance with the Western Australian Procurement Rules (such as registered Aboriginal businesses), there is no requirement to advertise the procurement on Tenders WA. These businesses can be appointed directly as long as value for money is demonstrated.
- (c) The Aboriginal Procurement Policy mandates targets for government agencies to award contracts to registered Aboriginal businesses, recognising the broader social and economic benefits that can be achieved. This is consistent with the approach taken by other jurisdictions, as well as broader 'closing the gap' measures.
- (d) Not applicable.
- (e)–(f) The Western Australian Procurement Rules require government agencies to advertise all procurements valued over \$250,000 on Tenders WA, with few exceptions. In 2022–23, the Department of Finance awarded 59 routine maintenance contracts. Five contracts were awarded to Aboriginal businesses.
- (g) Reporting under the Aboriginal Procurement Policy reflects the legal entity that enters into the contract with the relevant government agency.

WA HOUSING STRATEGY 2020–2030

1729. Hon Steve Martin to the minister representing the Minister for Housing:

I refer to the WA Housing Strategy 2020–2030, and I ask:

- (a) does the Strategy identify targets or KPIs for the time applicants wait for a house on the public housing wait list;
- (b) if yes to (a), what are they;
- (c) does the Strategy identify targets or KPIs for the time applicants wait for a house on the priority public housing wait list, and if so what are they;
- (d) if yes to (c), what are they;

- (e) do any other State Government documents or commitments identify targets or KPIs for the time applicants wait for a house on the public housing wait list;
- (f) if yes to (e), what are they;
- (g) do any other State Government documents or commitments identify targets or KPIs for the time applicants wait for a house on the priority public housing wait list;
- (h) if yes to (g), what are they;
- (i) as of 30 June 2020, what was the median wait time (in weeks) for:
 - (i) public housing wait list; and
 - (ii) priority public housing wait list;
- (j) as of 30 June 2021, what was the median wait time (in weeks) for the:
 - (i) public housing wait list; and
 - (ii) priority public housing wait list;
- (k) as of 30 June 2022, what was the median wait time (in weeks) for the:
 - (i) public housing wait list; and
 - (ii) priority public housing wait list;
- (l) as of 30 June 2023, what was the median wait time (in weeks) for the:
 - (i) public housing wait list; and
 - (ii) priority public housing wait list;
- (m) as of 19 October 2023, how long had the five longest-waiting applicant(s) been on the wait lists for the:
 - (i) public housing wait list; and
 - (ii) priority public housing wait list;
- (n) does the 2020–2030 Strategy identify targets or KPIs for number of new homes added to the total social housing stock;
- (o) if yes to (n), what are they;
- (p) do any other State Government documents or commitments identify targets or KPIs for adding to the total social housing stock,; and
- (q) if yes to (p), what are they and what is the current level of progress?

Hon Jackie Jarvis replied:

- (a)–(h), (n)–(q) The WA Housing Strategy 2020–2030 was drafted prior to the effects of COVID and is undergoing review in the changed market circumstances, given that there has been a significant change in the housing market.
- (i)–(l) The below data represents wait times for the public and priority housing wait lists.

The Department of Communities provides multiple pathways, including public rental housing, bond assistance loans, and other supports, to those unable to obtain housing through the private sector. It should be noted that the majority of applicants for public housing have access to some form of accommodation. Waitlist numbers are dependent on several macroeconomic factors such as a tight private rental market. This market will reflect an increase in the number of applications for social housing. Many people who may be otherwise housed may seek the safety net of public housing when there is significant pressure in the private rental market.

Public Housing State-wide Average Wait Times – by Financial Year 2010–2023		
Reporting Period	Wait Turn & Priority	Priority ONLY
	Average in Weeks	Average in Weeks
2010–11	113	58
2011–12	131	62
2012–13	132	63
2013–14	146	67
2014–15	158	71
2015–16	153	59

2016–17	139	54
2017–18	113	37
2018–19	95	35
2019–20	94	34
2020–21	102	45
2021–22	116	60
2022–23	133	74

Public Housing State-wide Median Wait Times – as at 30 June 2015–2023		
Reporting Period	Wait Turn & Priority	Priority ONLY
	Median in Weeks	Median in Weeks
30 June 2015	125	48
30 June 2016	118	34
30 June 2017	93	29
30 June 2018	60	13
30 June 2019	45	17
30 June 2020	48	19
30 June 2021	58	28
30 June 2022	81	50
30 June 2023	105	66

- (m) (i)–(ii) This information is not reported as a matter of course and requires a significant amount of frontline resources, including a manual review of individual files.

The earliest registration date for an applicant on the public housing wait list state-wide was in January 2005 and is currently situated in private rental accommodation, having rejected multiple offers of public housing. They remain eligible for public housing and have changed their preference zone several times.

The earliest registration date for an applicant on the priority wait list state-wide was in May 2014. Despite a lack of engagement with the Department over some years, a discretionary decision has been made to retain the listing. They remain eligible for public housing and have changed their preference zone several times.

TREASURY — HOUSING SUPPLY UNIT

1730. Hon Dr Brad Pettitt to the minister representing the Treasurer:

I refer to the creation of a new Housing Supply Unit within the Department of Treasury, announced on 17 October 2023, and I ask:

- (a) will the unit be mandated to explore all areas of housing supply across the housing continuum;
- (b) what will the focus of the new Housing Supply Unit be, and will it include increasing social and affordable rental housing stock:
 - (i) if not, how will the new Housing Supply Unit ensure that new housing supply meets the needs of essential workers and people on low to moderate incomes;
- (c) what metrics will the Unit use to measure success, including metrics to monitor increasing to housing supply and social and affordable housing;
- (d) will the Unit be tasked with implementing effective tools to measure housing need and ensuring WA is building to address that need;
- (e) how will the work of the Housing Supply Unit be tied to outcomes in key Government strategies, including All Paths Lead to Home: WA's 10 Year Strategy on Homelessness, as well as the National Agreement on Closing the Gap;
- (f) in light of the current limitations within the construction industry, will the Housing Supply Unit be exploring innovative construction and housing models, such as prefabricated housing, conversion of existing properties, ancillary dwellings and/or Tiny Homes;

- (g) the Government's media release mentions consultation with the residential building industry and property development sector, as key government stakeholders will the community housing and homelessness sectors, and First Nations representative bodies also be consulted;
- (h) will the Unit explore the introduction of policies such as mandatory inclusionary zoning to increase social and affordable rental housing stock as part of its work; and
- (i) the media release mentions investment from the Federal Government through the HAFF, is there an expectation that there will also be additional investment from the State Government?

Hon Stephen Dawson replied:

- (a)–(i) The Housing Supply Unit will work across Government and with industry on policies to boost housing supply, affordability, and expand workforce capacity across Western Australia.

This will include regular consultation with the residential building industry and the property development sector, to identify specific barriers to increasing supply, as well as community stakeholders.

The Housing Supply Unit will work with responsible Government agencies and Government Trading Enterprises to ensure delivery of the Government's commitments.

AGRICULTURE AND FOOD — WA WILD DOG ACTION PLAN

1731. Hon Steve Martin to the Minister for Agriculture and Food:

I refer to the Western Australia Wild Dog Action Plan 2021–25, and I ask:

- (a) is the plan fully funded until 30 June 2025;
- (b) if no to (a), why not, and to what extent is it currently funded;
- (c) is development of the next plan underway yet;
- (d) will there be a consultation period for the development of the next plan; and
- (e) if yes to (d), when is this scheduled to begin?

Hon Jackie Jarvis replied:

- (a) Yes.
- (b) Not applicable.
- (c)–(e) DPIRD regularly reviews pest management priorities in consultation with stakeholders.

HOUSING — FEDERAL SOCIAL HOUSING ACCELERATOR FUND

1732. Hon Dr Brad Pettitt to the Leader of the House representing the Premier:

I refer to the announcement of the 2 billion Social Housing Accelerator Fund on 17 June 2023 that was subsequently passed as part of the Housing Australia Future Fund package in Federal Parliament on 14 September 2023, and I ask:

- (a) has Western Australia received its distribution from the Social Housing Accelerator Fund and how much was that payment;
- (b) did Western Australia provide a draft Implementation Plan to the Commonwealth for approval by 1 August 2023;
- (c) if not, why not;
- (d) please table the draft implementation plan;
- (e) did Western Australia provide its final Implementation Plan to the Commonwealth for approval by 30 September 2023;
- (f) if no to (e), why not;
- (g) please table the final implementation plan;
- (h) how much of Western Australia's distribution from the Social Housing Accelerator Fund has been allocated in the implementation plan for:
 - (i) direct provision of funding for new social housing, renovations or refurbishments of existing dwellings that are currently uninhabitable or by expanding existing programs by the State;
 - (ii) the purchase of new build properties or the conversion of nonresidential properties where it increases both social housing and total housing stock;
 - (iii) extensions or additions to social housing to expand bedroom capacity in remote and discrete communities;

- (iv) partnering with and/or direct funding to Community Housing Providers; and
- (v) partnering with and/or direct funding to entities whose primary purpose is to improve housing outcomes for Aboriginal and Torres Strait Islander people; and
- (i) how many additional social houses does the government anticipate will be build using federal funding from the Social Housing Accelerator Fund?

Hon Sue Ellery replied:

- (a)–(i) Refer to Legislative Council Question on Notice 1734.

TREASURY — FEDERAL SOCIAL HOUSING ACCELERATOR FUND

1733. Hon Dr Brad Pettitt to the minister representing the Treasurer:

I refer to the announcement of the 2 billion Social Housing Accelerator Fund on 17 June 2023 that was subsequently passed as part of the Housing Australia Future Fund package in Federal Parliament on 14 September 2023, and I ask:

- (a) has Western Australia received its distribution from the Social Housing Accelerator Fund and how much was that payment;
- (b) did Western Australia provide a draft Implementation Plan to the Commonwealth for approval by 1 August 2023;
- (c) if not, why not;
- (d) please table the draft implementation plan;
- (e) did Western Australia provide its final Implementation Plan to the Commonwealth for approval by 30 September 2023;
- (f) if no to (e), why not;
- (g) please table the final implementation plan;
- (h) how much of Western Australia’s distribution from the Social Housing Accelerator Fund has been allocated in the implementation plan for:
 - (i) direct provision of funding for new social housing, renovations or refurbishments of existing dwellings that are currently uninhabitable or by expanding existing programs by the State;
 - (ii) the purchase of new build properties or the conversion of non-residential properties where it increases both social housing and total housing stock;
 - (iii) extensions or additions to social housing to expand bedroom capacity in remote and discrete communities;
 - (iv) partnering with and/or direct funding to Community Housing Providers; and
 - (v) partnering with and/or direct funding to entities whose primary purpose is to improve housing outcomes for Aboriginal and Torres Strait Islander people; and
- (i) how many additional social houses does the government anticipate will be build using federal funding from the Social Housing Accelerator Fund?

Hon Stephen Dawson replied:

Please refer to the answer given to Legislative Council Question on Notice 1734.

FEDERAL SOCIAL HOUSING ACCELERATOR FUND

1734. Hon Dr Brad Pettitt to the minister representing the Minister for Housing:

I refer to the announcement of the 2 billion Social Housing Accelerator Fund on 17 2023 that was subsequently passed as part of the Housing Australia Future Fund package in Federal Parliament on 14 September 2023, and I ask:

- (a) has Western Australia received its distribution from the Social Housing Accelerator Fund and how much was that payment;
- (b) did Western Australia provide a draft Implementation Plan to the Commonwealth for approval by 1 August 2023;
- (c) if not, why not;
- (d) please table the draft implementation plan;
- (e) did Western Australia provide its final Implementation Plan to the Commonwealth for approval by 30 September 2023;

- (f) if no to (e), why not;
- (g) please table the final implementation plan;
- (h) how much of Western Australia's distribution from the Social Housing Accelerator Fund has been allocated in the implementation plan for:
 - (i) direct provision of funding for new social housing, renovations or refurbishments of existing dwellings that are currently uninhabitable or by expanding existing programs by the State;
 - (ii) the purchase of new build properties or the conversion of non-residential properties where it increases both social housing and total housing stock;
 - (iii) extensions or additions to social housing to expand bedroom capacity in remote and discrete communities;
 - (iv) partnering with and/or direct funding to Community Housing Providers; and
 - (v) partnering with and/or direct funding to entities whose primary purpose is to improve housing outcomes for Aboriginal and Torres Strait Islander people; and
- (i) how many additional social houses does the government anticipate will be build using federal funding from the Social Housing Accelerator Fund?

Hon Jackie Jarvis replied:

- (a)–(i) The Social Housing Accelerator Payment Agreement was recently published by the Federal Government.
[See tabled paper no [2856](#).]
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