

HERITAGE BILL 2017

Consideration in Detail

Resumed from 10 May.

Debate was adjourned after clause 14 had been agreed to.

Clauses 15 to 17 put and passed.

Clause 18: Powers of Council —

Mr A. KRSTICEVIC: I thank the minister for bringing this legislation back on again this evening. I am very keen and eager to see this legislation go to the other place.

Mr D.A. Templeman: Particularly before 10 o'clock.

Mr A. KRSTICEVIC: Definitely before 10 o'clock. It is obviously well and truly overdue. While I am on my feet, I officially farewell Dr Harry Phillips and Professor David Black who are no doubt heritage in this place for their wonderful work in Parliament.

Clause 18 is one that the minister, when he was shadow Minister for Local Government, was very concerned about.

Mr D.A. Templeman: Things do change, time does heal.

Mr A. KRSTICEVIC: He raised some very valid points and I know he was looking forward to the then minister going through the consideration in detail stage so that he could get some clarity. I want to take the minister very quickly through the clause. It is on the powers of the Heritage Council of Western Australia. I read with interest some of the comments that the minister made in his contribution to the second reading debate on the 2016 bill when he was the shadow minister.

Mr D.A. Templeman: It was a good speech.

Mr A. KRSTICEVIC: And I am happy to quote something that he said in there. It still holds relevant today. The minister read from a submission by the National Trust of Australia. It states —

... the proposed legislation expands significantly the powers of the Heritage Council, which could create potential conflicts with its core role as a regulatory and advisory body. An example of this is where the Bill proposes the Heritage Council act as manager and developer of heritage places (Section 14(2)(a),(b),(c)) as well as provide 'consultancy, management, advisory or other services for profit' (Section 14(2)(f)). The perceived conflict is that the Bill seemingly allows the Heritage Council to act as a regulator, as well as a manager, developer and consultant.

The combination of these roles represents a potential conflict of interest which is not replicated in any other state or territory Heritage Council in Australia.

In this new bill, that comes in under clause 18(2)(a),(b),(c) and (e). This new bill, as introduced by the minister, does not resolve this conflict. As a matter of fact, it maintains it. Does the minister think it is appropriate for the council to be both the regulator and also look after the management of this role?

Mr D.A. TEMPLEMAN: How time changes people. I certainly accept that during the second reading debate of the previous government's bill I raised some issues including those concerns of the National Trust. It is important to highlight a couple of aspects why I am very supportive of this clause and how it is more a question of intent rather than perception. I have discussed this concern with the National Trust, met with it, and it has raised the issues that it still believes exist. But at the end of the day, the power of the council to own, conserve and redevelop property—one example of course is the warders cottages in the City of Fremantle—while at the same time fulfilling its advisory role to decision-makers, would also allow that process to be carried out in a transparent way. I think that is important; there is an importance for transparency. The regulatory role concern was raised. I want to make it very clear that the Heritage Council has no regulatory role in the formal sense; it essentially does not approve anything but it advises approving authorities on the heritage impacts of proposals affecting registered places.

The other aspect I think is important is that the current act also empowers the Heritage Council to provide technical assistance to owners regarding conservation and management of heritage places. All that is essentially new in this bill in that respect is that the Heritage Council will be able to recover the cost of providing such services, which it cannot do at present. I think that makes sense; I think that is a sensible component. I think, from memory, we also consulted the Public Sector Commission about some of these matters. I am advised that that is correct. The Public Sector Commission recognises that a government agency holding approval power over land owned by an agency such as the Metropolitan Redevelopment Authority, for example, can give rise to an appearance of a conflict of interest; however, the Public Sector Commission provides detailed guidance on how to manage those situations. The legislation is written in a way that allows and provides for, when necessary and appropriate, expanded powers of the Heritage Council. I very much respect the National Trust's role in heritage, but I do not

think it is a conflict of interest. It is a perceived conflict of interest, not a real one. In my discussions with the National Trust—we had a very full discussion over a number of meetings—it had a differing view, and we respectfully accept that differing view. I do not see this as an element that undermines the intent of the new Heritage Act as it is proposed.

Mr A. KRSTICEVIC: Just on that point, can the minister comment on why other states or territories do not have this ability in their acts, as far as I am aware? How are those conflicts avoided? More importantly, regarding the minister's discussions with the National Trust, if there are mechanisms currently in the new legislation, I would be interested to know why the National Trust has not been able to come on board to agree with the minister. What is it specifically concerned about? Why does it see that there is an issue here, even after going through those discussions? Is there a need to do anything to make sure that those issues do not eventuate and the National Trust's concerns do not come to fruition? I would be interested to know the detail of those discussions—why the minister has not been able to convince the National Trust and why its view is different to his when it has such an important role to play in heritage in Australia.

Mr D.A. TEMPLEMAN: Regarding other states, Victoria, through its Heritage Act 1995, empowers that state's Heritage Council to own, manage, lease and sell property, therefore conferring on that entity the implied rights of property ownership. It does exist in other states. Victoria is seen as one of the states that has demonstrated some leadership in the acknowledgement of the importance of heritage. From time to time there are entities that do not agree; that is the reality. I think the National Trust just has a philosophical view that it does not believe the Heritage Council should have the capacity implied in this clause, and indeed in this bill, but I beg to differ. I do not believe that, and I explained this to the National Trust at a full board meeting held earlier this year. The position is that we need a new Heritage Bill and it is important that it is passed by Parliament. I said I respected the National Trust's point of view, but there is an aspect in this bill that is imposed when there is any perceived conflict of interest that requires the guidelines to be reviewed by the Public Sector Commissioner. There is in fact, if you like, a third party or an umpire that has the capacity to review any perceived conflict of interest. I think there is a safeguard there. I respect the Public Sector Commissioner's role in that, and I think it would delay any concern that the National Trust would have. It is a transparent process and the Public Sector Commissioner is independent. The guidelines are reviewed by that entity any time there is a perceived or potential conflict of interest.

Clause put and passed.

Clauses 19 to 36 put and passed.

New Division 1A

Mr V.A. CATANIA: I move —

Page 23, after line 24 — To insert —

Division 1A — Three Jetties

36A. Three Jetties

The Carnarvon One Mile Jetty, Esperance Tanker Jetty and Busselton Jetty (“the Three Jetties”) shall be deemed, for the purposes of this Act —

- (a) to be places of cultural heritage significance that make an important contribution to understanding the heritage of Western Australia and are to be protected and preserved; and
- (b) to be the appropriate recipients of funding granted annually to ensure that they are maintained.

36B. Protecting and Preserving Three Jetties

The Minister and the Council, in protecting and preserving the Three Jetties, may consider the use of modern alternative structural materials for the internal structure of pilings to ensure the long-term sustainability of each of the Three Jetties, but the outwards wooden appearance of each of the Three Jetties must be maintained.

36C. Access to Three Jetties

The Minister and the Council must ensure that:

- (a) the public has access to some areas of each of the Three Jetties free of charge, unless maintenance is being undertaken which would create an unsafe environment for public use or significant damage from natural events has occurred that has caused the entire structure or parts to be closed; and

- (b) each of the Three Jetties are made available to industries such as tourism, commerce and small business on a fair and equitable basis.

As the minister is well aware, the Carnarvon One Mile Jetty and the Esperance tanker jetty, which the member for Roe will speak about, are absolutely crucial to our heritage and tourism, particularly in the Gascoyne and Esperance regions. We believe that this new division goes to the intent of the legislation—that is, to protect the heritage of our state. The One Mile Jetty is really owned by the Department of Transport, so it is a government-owned piece of infrastructure vested in the heritage group in Carnarvon. If this legislation is imposed, the government should really repair and maintain the Carnarvon One Mile Jetty. As the minister is aware, its closure is affecting tourism and the operations of the heritage group due to not being able to get people on the One Mile Jetty. People pay a fee to go on the One Mile Jetty, which helps the heritage group. I do not know whether the minister is aware, but there is a heritage museum there with a cafe.

Mr D.A. Templeman: I have been there.

Mr V.A. CATANIA: The minister has been there.

The museum was paid for by royalties for regions to enhance the One Mile Jetty. Now that the One Mile Jetty has been closed, it is stopping the ability to enhance the infrastructure that taxpayers paid for in Carnarvon. This insertion to the bill really captures something full of heritage. This impacts economically on the town. I would like to see these new clauses 36A, 36B and 36C pass today, because it is absolutely imperative that we look after our heritage in our state. Western Australia has three iconic one-mile jetties—the Carnarvon One Mile Jetty, the Busselton jetty in the member for Vasse's electorate, and the Esperance tanker jetty in the member for Roe's electorate. Busselton jetty was upgraded some years ago and quite a bit of money has been spent on the One Mile Jetty in Carnarvon.

Since it has been closed, it has come into disrepair. Things have started to break off it, as is happening in Esperance with the tanker jetty. Bits start to fall off because no-one is using it or fixing what needs to be fixed to maintain the jetty as operational. Will the minister consider these amendments, which are critical to the heritage of regional Western Australia, critical for tourism, and critical for the economies of these towns? They have been suffering from the downturn and a lack of visitors going to these two regional areas. These iconic pieces of infrastructure play a major role in attracting people. It has been good to see Regional Express Airlines strike a deal with the Shire of Carnarvon and the Shire of Shark Bay. I thank it for its goodwill in seeking to reduce airfares to get more people there, but we need infrastructure once people are there so they can see the important heritage that Carnarvon and the Gascoyne have to offer.

Will the minister consider this vital amendment to what I think is a very important piece of legislation? This amendment captures the spirit of it. Will he entertain supporting this amendment, which is also supported by the member for Roe?

Mr P.J. RUNDLE: I will make a brief contribution. As the member for Roe, the Esperance tanker jetty has been the biggest item on my agenda and my electorate's agenda over the last 15 months.

Mr D.A. Templeman: You spook me every time I come back to Parliament! You chase me down the corridors!

Mr P.J. RUNDLE: I apologise for harassing the minister and his director general at different times.

Mr D.A. Templeman: That's all right. That's your job.

Mr P.J. RUNDLE: To be honest, as soon as I went out doorknocking in the 18 months leading up to the state election, the first thing people asked me was whether I could do something to save the Esperance tanker jetty. That really set in my mind how important it was. It was not just the odd house here and there. It was probably somewhere between eight or nine houses out of every 10 houses. That really brought back to me the significance.

As the minister is aware, over 8 000 people signed a petition for the retention of the Esperance tanker jetty. The shire council and others may argue that not everyone who signed the petition was a member of the Esperance community, but the jetty is also of significance to people of the goldfields as well. Since the gate was put across it in November 2015 we have noticed a lot less interaction from people of the goldfields coming down for holidays and to catch up with friends in the Esperance community. I put that down to the number one attraction in the Esperance region—the tanker jetty—being closed.

I would love the minister's support for our amendment because it fits perfectly into the legislation. The tanker jetty is heritage listed and certainly fits that bill. It is also an example of demolition by neglect. Members are all no doubt well aware that another 10-metre to 20-metre section caved in last week due to lack of maintenance. I am really disappointed that despite having a licence to maintain and operate the jetty, and \$1.8 million in the reserve, the Esperance shire made a conscious decision to stop maintaining the jetty. This is where this legislation can come in. Something like the Heritage Council can use the minister's powers to ensure that one of our most important heritage structures is maintained and, for that matter, refurbished.

Mr Tony Krsticevic; Mr David Templeman; Mr Peter Rundle; Ms Libby Mettam; Mr Vincent Catania

As I said, the jetty was closed in November 2015. It is still closed and, quite frankly, nearly three years down the track, we are no closer to obtaining funding. Some architectural plans are due to potentially come into play somewhere toward the end of this year. A heritage impact statement was prepared by Heritage Intelligence WA in 2016, which identified the significance of the Esperance tanker jetty. It states that the jetty is —

... a rare and good representative example of a substantially intact timber jetty on the coast of Western Australia ... it has aesthetic significance due to its considerable size, scale and construction.

It continues with more information. I reiterate what the member for North West Central said about the Carnarvon jetty. We all know how Busselton jetty has proved to be such an important tourism icon in the member for Vasse's electorate since its resurrection.

Ms L. METTAM: Not only as the member for Vasse, but also as the shadow Minister for Tourism, I also support this amendment that has been moved by members of the National Party. I acknowledge the important role that structures such as these jetties play in visitation and tourism in this state. Just earlier this week a report was handed down by the Bankwest Curtin Economics Centre that underlined the value of Chinese visitors—our most lucrative market—to Western Australia and, in particular, the value of the Busselton jetty as an iconic place to visit as part of the triangle of travel in Western Australia, as it is called.

Busselton jetty is the most popular paid tourist attraction outside Perth. It is second only to Perth Zoo in visitation and is the longest jetty in the southern hemisphere. Shipping ceased in 1972 and further destruction after deterioration happened in 1978 with cyclone Alby. Significant concern was raised by the community about its future. The jetty is 146 years old and the community got together to raise the need to upgrade the jetty. A former Labor government was going to upgrade the jetty by selling off the public open space along Busselton beachfront and Churchill Park on the foreshore of Busselton. Thankfully, after a change in government, a significant investment was instead made in the restoration of this valuable piece of infrastructure, which has well and truly paid dividends, given that it is one of the most popular tourist destinations in the state and attracts over 400 000 visitors every year. Busselton jetty is an example. It was heritage listed in November 2013 and it underlines the value of these important pieces of infrastructure, not only to the communities that surround them but also in the contributions that they can make to tourism and visitation, particularly with visitors from Singapore, Malaysia and China, who are the most frequent international visitors to the Busselton structure.

Again, I underline and support the amendment moved by the member for Roe and the member for North West Central regarding the heritage listing of Carnarvon One Mile Jetty and Esperance tanker jetty because we can see in the example of the upgrade and the heritage listing of Busselton jetty that it has more than paid dividends to the local community and at a state level in its contribution as a valued tourism asset.

Mr D.A. Templeman: Member, could you stay on your feet while I ask a question?

Ms L. METTAM: Yes.

Mr D.A. Templeman: What are the figures of visitation to the underwater activity —

Ms L. METTAM: The underwater observatory?

Mr D.A. Templeman: Yes. Are the figures high?

Ms L. METTAM: Yes, they are high, but the underwater observatory is relatively new. We are seeking funding for the underwater observatory at the moment to develop it further. The underwater observatory is significant, but attracts only a small proportion of the total number of visitors in comparison, which is 400 000 people.

Mr D.A. TEMPLEMAN: I thank the three members for their strong advocacy for the amendments that stand in the member for North West Central's name. I will go into a couple of things. I have visited all three of the jetties that the member's amendments seek to include in this bill. In the case of the jetties in Carnarvon and Esperance, I have walked on both of them previously. I recognise the special significance that they play in the communities of Esperance and Carnarvon. In the case of the jetty in Busselton, I was down there in January this year. Like the 400 000 visitors the member for Vasse mentioned, my family went on the little train out to the end of the jetty and that was very enjoyable. Again, it is an iconic structure. I will address each of the amendments and explain why I will not be supporting them. It is despite the fact that I understand very much the passion for and strong connection that communities have to these structures.

Members for North West Central, Roe and Vasse, the wording of proposed section 36A essentially seeks to include in the legislation a citation of these three structures. This proposed section is essentially redundant because all three jetties are already on the heritage register and that is an important point. Because they are already on the register, in effect, through that, they are already declared to be, and I will quote from the amendment —

... places of cultural heritage significance that make an important contribution to understanding the heritage of Western Australia and are to be protected and preserved;

That is already enshrined in the Heritage Bill because the structures are on the register. Proposed section 36A is, in that respect, then redundant. Proposed section 36B seeks to protect and preserve the three jetties. That is also redundant because the Heritage Council of Western Australia routinely considers the appropriateness of using alternative materials to repair registered places. That is what the wording of the proposed amendment implies in the words “may consider the use of modern alternative structural materials for the internal structure”. That is already implicit in the approach by the Heritage Council now, so proposed section 36B is also redundant. Proposed section 36C regards access to the three jetties. It is effectively beyond the remit of the Heritage Council, this act, and me, as the minister.

Mr V.A. CATANIA: I would like to hear some more from the minister.

Mr D.A. TEMPLEMAN: If we were to look at progressing that aspect of the amendment, it would be more appropriate under the review of the Jetties Act 1926, which is currently taking place by this Parliament in its consideration of the Port Legislation Amendment Bill. That part of the amendment would be more applicable to that bill. Essentially, all three jetties are state property. They are placed under the care, control and management of their respective local governments. Although what is proposed in section 36C is beyond the remit of the Heritage Council and the minister, there is a place where it could be pursued, and that is under the Jetties Act 1926. It would be up to the member, of course, to seek to amend that act when it comes before this place, but it is an option for him to consider.

Ms L. Mettam: Minister, you asked about the underwater observatory earlier. It does contribute and has had a significant boost in numbers to over 260 000 people a year.

Mr D.A. TEMPLEMAN: That is over half the 400 000 people who use the jetty.

Ms L. Mettam: It is quite a lot more than I thought.

Mr D.A. TEMPLEMAN: Yes. I understand the passion of members here and I am not trying to be obstructive, but essentially, proposed section 36A is redundant because the jetties are already on the register. Proposed section 36B seeks to guarantee that the jetties will receive annual funding to provide for their ongoing maintenance; that cannot be enshrined in legislation. That is a funding matter, which does not fit within this legislation. It is certainly laudable as an objective—I understand that—but it is not practice for Parliaments to enshrine funding in legislation. Heritage legislation is not intended to impose use requirements for heritage places. This is more appropriate to be dealt with through legislation that deals with their use; that is, the Jetties Act. I appreciate members’ concern and their intent but the first two proposed sections are redundant because the jetties are already protected by the Heritage Bill and the third proposed section is beyond the remit of the Heritage Council and me as the minister.

Mr V.A. CATANIA: I thank the minister for explaining that. I understand the minister has been to the jetties and knows how important they are to the communities. He says that proposed sections 36A and 36B are redundant and that proposed section 36C should be in another piece of legislation. My argument is that proposed sections 36A and 36B are not redundant, given that these pieces of infrastructure, owned by the state and already on the heritage list, are falling to bits. The proposed sections are not redundant, because if they were redundant, that would mean that the tanker jetty in Esperance and the One Mile Jetty in Carnarvon would be operational. The state has been negligent in not being able to maintain such historic and economically vital pieces of infrastructure for the regional communities. If we were in government, royalties for regions would play a major role. The previous government put \$20 million into the Busselton jetty, and we made a commitment of \$8 million to the Esperance tanker jetty, and \$8 million to the Carnarvon One Mile Jetty before the last election.

Mr M. Hughes interjected.

Mr V.A. CATANIA: Hear me out, member, because you obviously do not know a lot, and you will learn, and you are under that nine per cent, so I would be careful.

We commissioned a report in government to find out exactly what was actually needed to repair the One Mile Jetty. The report showed that the train, called the “Teapot”, could no longer be used because of structural issues with the jetty. That report was commissioned in November 2016, and was handed down in April or May 2017, after the election. It showed that the One Mile Jetty had to close because of various issues. There is a figure attached to that ranging from \$3 million up to \$30 million or \$40 million to bring the jetty back to its original glory. That is not what the community is asking for. The community and the travelling public are asking for the jetty to be opened. It probably needs about \$4 million to get it working. It is not a lot of money. The government needs to look at the type of infrastructure that are needed. Rather than replacing it with a timber jetty, perhaps we could look at concrete or whatever, so that we do not have the same issues of fire, and it would be longer lasting. This has had an effect on the recreational fishing fraternity. With the fascine being closed and the government not doing anything there to allow boats to enter the yacht club, there is a real need to get this One Mile Jetty open. I say that proposed sections 36A and 36B are not redundant. The minister may be correct about proposed section 36C, but

I am asking the minister, as the Minister for Heritage; Local Government; Culture and the Arts; Apart from being a good Socceroos supporter can he come up with the funds needed to reopen the One Mile Jetty? It is owned by the state. It has important heritage and economic value for the community, as does the Esperance tanker jetty. We cannot let these structures fall away. After the by-election in Darling Range, we could find ourselves back in government in two and a half years. We will put royalties for regions funding into it, and make sure that we put \$20 million into reopening the One Mile Jetty, and \$10 million to rebuild the tanker jetty in Esperance. That is how committed we are to this absolutely vital piece of infrastructure. I do not accept the minister's reasoning, and we will divide on this amendment.

Mr D.A. TEMPLEMAN: I thank the member. There are a couple of things. One of the things that I think is important is that the three structures are heritage listed, and therefore protection under the Heritage Act prevails. As the member for North West Central knows, the One Mile Jetty in Carnarvon is under the management of a community organisation of volunteers. I applaud them; when I was up there late last year, I had the opportunity to meet with them, and they are passionate people. The museum and the café are very important interpretive aspects of the role that that jetty played in shipping and transportation of goods and services all those years ago. I acknowledge that. The Esperance tanker jetty is under the management of the shire. As the member for Roe knows, there is an interesting history of the transfer of the licence of that jetty many years ago, in 1990, from the then Department of Transport to the local shire. The Busselton jetty, of course, is currently under the auspices of the City of Busselton.

There can be arguments about who owns the jetties, but at the moment, those are the management arrangements of each jetty. They are essentially still state assets. Funding is a matter ultimately for the agencies that oversee them, such as the local governments and the state—I do not disagree with the member on that—and it is a matter of priorities, as the member knows. Before the March 2017 election there were no commitments from the Labor Party for the jetties. There were commitments from the National Party, but I do not think there was any commitment from the Liberal Party, from my understanding. I might be corrected in the case of the seat of Roe, but my understanding is that there was no commitment from the Liberal Party to the jetties. There is a federal election coming up, and I am sure that all three members, particularly the members for Roe and North West Central, if this is a major project, would be very strongly lobbying the federal candidates, including the incumbents.

In the case of the Esperance jetty, I can understand the despair—I think that is where the member for Roe is coming from—that the community feels when another section of that jetty falls into the ocean, as it did last week. As the member knows, a big span collapsed. One of the challenges for that jetty was that over the years it has been covered by concrete, which added to the weight and the impact on that structure in the longer term. That is probably in many ways hastening the deterioration of that structure. I can understand that the community, particularly those very passionate about protecting that jetty, would have a sense of despair when they see that happen. As the member knows, there is a long history to this, and the community will blame the council or have a go at the council about its lack of provision of maintenance.

I return to the point that I have already made. I understand the intent of the member's passion. I would do the same if I was living down there. For example, in Mandurah, we have just replaced the 60-plus-year-old traffic bridge. Earlier on, when the decision was made to replace that old traffic bridge, which has been there for over 60 years, I was quite surprised —

Mr P.C. TINLEY: I would like to hear more from the minister.

Mr D.A. TEMPLEMAN: I am talking about Mandurah now, which I love!

The old traffic bridge was assessed for its heritage values. Interestingly enough, even in its submission the local historical society acknowledged that although the bridge had significance because of its age and period and had very important cultural heritage values, essentially it did not want it saved. I was surprised that there was not a huge community backlash. I was sad to see —

Mr D.C. Nalder: So was I.

Mr D.A. TEMPLEMAN: The member was the minister at the time. I was expecting a groundswell of wanting to save it, but the reality was there was not.

Mr W.R. Marmion: Do they like the new bridge?

Mr D.A. TEMPLEMAN: They do. The new bridge is magnificent. I remember going to the council and saying that I would buy it building a new bridge, but it had to have a wow factor. There had to be something different about it. We had to convince people that they were getting something better, even though the old traffic bridge had significant cultural and heritage values. Now when people go to Mandurah—we invite everyone to come down as much as they can—they can see the new structure in place with interpretations of the old structure. Some of the old pylons have been left on the western side and a new fishing element allows people to continue to fish, but we

have a new structure. The old traffic bridge in Mandurah was very much replaced by an interpretative element. That is what the council in the member for Roe's jurisdiction is pursuing, as he knows, with the commissioning of HHH Architects, I think, which is doing the scoping. I understand that there is a strong view from the jetty group and others that they want like for like and to utilise what is there and rebuild et cetera, whereas the council, of course, is likely to come up with a proposal that has more of an interpretative element. I understand that essentially the conservation order remains in place and that until a proposal captures the heritage aspects and elements, it will stay in place.

Mr P.J. RUNDLE: I certainly take on board those comments, minister. I am very glad he brought up the Mandurah traffic bridge because it was another good royalties for regions project, if I recall.

Mr D.A. Templeman: I think it was a component; it was Main Roads, royalties for regions and the City of Mandurah.

Mr P.J. RUNDLE: That is right. Further to what the member for North West Central —

Mr D.A. Templeman: It looks brilliant when it is lit up, by the way.

Mr P.J. RUNDLE: Yes, indeed.

Mr D.A. Templeman: And whatever happens with the ultimate structure in Esperance, lighting can be quite spectacular. If you come down to Mandurah now, you will see that the bridge is lit up in different colours every night and is quite remarkable.

Mr P.J. RUNDLE: I will come down and look.

Mr D.A. Templeman: I will walk you along it.

Mr P.J. RUNDLE: I look forward to the minister hosting me there.

The ACTING SPEAKER: Member for Roe, I think if you could just continue on, thanks.

Mr P.J. RUNDLE: The minister said that proposed section 36B is already entrenched, if you like, in legislation. The amendment refers to potentially using modern alternative structural materials for the internal structure but retaining the outward appearance of the wooden jetty. I seek clarity on that point. The other point is that it seems bizarre that we have only three wooden jetties in Western Australia while South Australia has somehow been able to maintain 103 wooden jetties. That is a serious indictment on all previous governments, to be honest. It is quite disappointing, which is why the National Party has moved this amendment. Busselton jetty has been repaired, but we have an opportunity here to retain the other two wooden jetties. I seek clarity from the minister about proposed section 36B and retaining the outward appearance of the wooden jetty but using modern internal materials—a combination of both.

Mr D.A. TEMPLEMAN: I thank the member for the question. As the member would be aware, the Burra Charter principles apply in the approach by this government and generally across Australia. Implicit in that is the issue of materials and the appropriate use of materials. I am reassuring the member that what the National Party is attempting to do with proposed section 36B is already a routinely considered process that the Heritage Council undertakes when it is looking at the appropriateness of using alternative material to repair, rebuild or reinforce existing heritage structures. A really good example is the Busselton jetty, which essentially now comprises a significant amount of new material; however, the integrity of the cultural and heritage values of that structure have been maintained and, in that context, Busselton jetty is a good example of that. Cultural heritage values or places can be preserved in new structures through sensitive design, materials and interpretation. The intention always is to maintain the cultural heritage values of a place through the use of appropriate material. This can be expensive in some respects. I remember the City of Albany mayor highlighting, for example, some recent significant heritage works that the city carried out on some of its iconic heritage buildings in Albany. I think the roof of one of the buildings was returned to slate, which is expensive. Not only can the process be expensive but we also need to make sure that the integrity of the building is maintained and that it is true to its cultural heritage values. As the member may be aware, even in the case of the tanker jetty in Esperance, if material falls into the ocean, as it has, it is retrieved where appropriate, applicable and possible and stored for future use so that it can be used in a future structure. In the case of the old Mandurah traffic bridge, a lot of the wood used there is going to be reused in interpretative ways by the community. Some of it will be used in and around the precinct and some of it will be used by our artisans and craftspeople to ensure that the usable structures, such as the timber, can be repurposed while still reflecting where it came from. I understand where the member is coming from on this, but I assure him that under the Burra Charter and using the approach that we have, the material aspect highlighted in his proposed division is already captured in the work of the Heritage Council of Western Australia.

Division

Mr Tony Krsticevic; Mr David Templeman; Mr Peter Rundle; Ms Libby Mettam; Mr Vincent Catania

New division put and a division taken, the Acting Speaker (Mr R.S. Love) casting his vote with the ayes, with the following result —

Ayes (16)

Mr I.C. Blayney	Mr P. Katsambanis	Mr R.S. Love	Mr K. O'Donnell
Mr V.A. Catania	Mr Z.R.F. Kirkup	Mr W.R. Marmion	Mr D.T. Redman
Ms M.J. Davies	Mr A. Krsticevic	Dr M.D. Nahan	Mr P.J. Rundle
Dr D.J. Honey	Mr S.K. L'Estrange	Mr D.C. Nalder	Ms L. Mettam (<i>Teller</i>)

Noes (30)

Ms L.L. Baker	Mr M. Hughes	Mr P. Papalia	Mr D.A. Templeman
Dr A.D. Buti	Mr W.J. Johnston	Mr S.J. Price	Mr P.C. Tinley
Mr J.N. Carey	Mr F.M. Logan	Mr D.T. Punch	Mr R.R. Whitby
Mr R.H. Cook	Ms S.F. McGurk	Ms M.M. Quirk	Ms S.E. Winton
Mr M.J. Folkard	Mr K.J.J. Michel	Mrs M.H. Roberts	Mr B.S. Wyatt
Ms J.M. Freeman	Mr S.A. Millman	Ms R. Saffioti	Mr D.R. Michael (<i>Teller</i>)
Ms E. Hamilton	Mr M.P. Murray	Ms J.J. Shaw	
Mr T.J. Healy	Mrs L.M. O'Malley	Mr C.J. Tallentire	

Pairs

Mrs L.M. Harvey	Mr J.R. Quigley
Mr J.E. McGrath	Mr M. McGowan

New division thus negatived.

Clauses 37 to 188 put and passed.

Title put and passed.

Leave granted to proceed forthwith to third reading.

Third Reading

MR D.A. TEMPLEMAN (Mandurah — Minister for Heritage) [8.16 pm]: I move —

That the bill be now read a third time.

MR A. KRSTICEVIC (Carine) [8.16 pm]: Once again, I thank the advisers and the minister for bringing the Heritage Bill 2017 back into the Parliament. For those who cannot remember, back in 2016, this bill was sitting before the house, but unfortunately it did not get a chance to progress because of a state election. I know that the minister was impressed by the quality of work that the previous government and the previous minister had done to bring this bill to Parliament in 2016. This was evident when, during the consideration in detail stage, the minister confirmed that the issues he had raised in 2016 were not actually issues in the bill and that he was very supportive of what had been done. The bill goes a long way to modernising heritage and it will allow us to have the best possible legislation to achieve outcomes on maintaining the heritage of this state. From my perspective, the legislation is long overdue. I look forward to this bill moving to the other place, where they will no doubt look at it with great interest, hopefully be as supportive as we have been in this house and give it swift passage through the Parliament. Once again, I thank the minister and the advisers for being so supportive of the previous government's legislation. It is great that we have finally reached this point. It has taken a while—from March 2017 to now—to get this legislation through the Assembly, but there are many different aspects to it that will help to preserve the heritage of this state. I thank everyone for their indulgence.

MR D.A. TEMPLEMAN (Mandurah — Minister for Heritage) [8.18 pm] — in reply: I would like to thank all those members who made a contribution to the debate on the Heritage Bill 2017. This is very significant. This is a momentous time in the history of the Parliament. If this bill passes the upper house in a speedy manner, we will have new legislation for heritage in Western Australia replacing the current act, which dates back to the 1990s. A range of issues were canvassed in members' contributions to the second reading debate and the consideration in detail stage. I appreciate the number of members from both sides of the house who spoke about the importance of heritage in Western Australia; the importance of preserving those culturally significant heritage assets; the importance of ensuring that our communities' living histories in both regional and metropolitan areas are kept alive, which was recognised by a number of members; and the importance of finding new life for many of our heritage assets through adaptive reuse, which is seen as an important modern component to ensure the protection of and new life for a heritage asset. Indeed, we see it throughout the world. We only need to look at places in Europe and America where there is a focus on heritage—on enhancing heritage and the cultural heritage values of a place, a neighbourhood, a section.

The SPEAKER: Just before you go on, minister; members on the left, keep the noise down please. Minister, go on.

Mr D.A. TEMPLEMAN: Thank you for your protection.

By protecting those, we can create and derive a significant economic benefit to the broader community in the area of tourism and attraction. It is important to acknowledge that places that do heritage well are active and reinvigorated and indeed attract people of all ages to enjoy those places and spaces. Last Thursday I launched Brookfield Winter Lights, which is around a historic heritage precinct right here in the middle of the city. I note the member for Perth's contribution and his advocacy for the reinvigoration of the City of Perth into a city of villages—I think that is what the member calls it. One of the key focuses is recognising the inherent heritage values of a neighbourhood, and enhancing and reinvigorating those through adaptive re-use to ensure they breathe new life into that neighbourhood. That has worked. I follow when the member for Perth goes on his fact-finding tours to various places; I think Boston is one of his favourites. He posts photos of some very wonderful places.

Mr J.N. Carey: That was personal. That was not for any analysis; just for the record.

Mr D.A. TEMPLEMAN: Okay. That does create and is creating new places, even when we look at the City of Perth. It is why the Historic Heart of Perth is an important project for the east end of the City of Perth. I applaud Mr Fini and those involved in the reinvigoration of the eastern part of the City of Perth through its historic heart proposal. Some wonderful things are happening there. We look at some of the adaptive re-use of individual contributors, such as the efforts in Katanning with the old mill house being converted into a Dôme and boutique hotel.

Ms M.J. Davies: They are about to do the same with the Shamrock.

Mr D.A. TEMPLEMAN: Yes, in my home town. The Shamrock Hotel is where I drank many a beer when I was not under 18; I was of age. Those initiatives will help create historic trails that people will be able to move through, for example, in the wheatbelt and enjoy the experiences of the heritage trail. Regional Western Australia particularly has huge opportunities for cultural heritage tourism. In fact, some of our best heritage assets are in the regions of Western Australia. We need to enhance those and give local governments and other stakeholders an opportunity to do innovative things through adaptive re-use: to turn disused or little-used structures into something that the community can be proud of and can generate an economic benefit to the wider community to entice tourists into town et cetera.

I was very proud to late last year officially heritage-list the west end of Fremantle in the member for Fremantle's electorate. It was the largest single heritage listing of an area in our state's history, covering 200 000 square metres of a very intact heritage precinct in the west end of Fremantle. It has some magnificent heritage buildings and a magnificent local member; an outstanding local member.

Mr J.N. Carey: She should be heritage listed.

Mr D.A. TEMPLEMAN: She could be. I am sure there will be a bust of her on The Esplanade at some stage in the future commemorating great Fremantle arts; I am sure that will happen. It is not a promise but I am sure the founding mothers and fathers, the leaders of that community, will do that.

I am very interested in the process the City of Swan and the Heritage Council are now partaking in with Guildford. I believe firmly that the town site of Guildford is a significant intact heritage precinct. The work of the Heritage Council and the City of Swan is very important if we are to ultimately ensure that the heritage values of that particular town site are recognised. We only need to go into places like York, Toodyay, my home town of Northam, the Kimberley and further out into the wheatbelt areas, down through the great southern and into the Peel region, where I live, to see some magnificent examples of heritage.

I thank all members for their support of this bill and for their contributions. I encourage all members to continue to advocate for local heritage in their area and to also revere, support, encourage and acknowledge those men and women who volunteer passionately, be they members of historical societies, preservation societies or friends of societies. Continue to support and salute those volunteers who are passionate about making sure our heritage is valued. Finally, I acknowledge my advisers, who have been assisting me tonight: Mr Gammie from the Heritage Council, Julian from my office and, of course, Mr Joel Gilman, who was also assisting when we last debated this bill—he is the solicitor for the Heritage Council—for their work and advocacy to the Heritage Council. I acknowledge the National Trust and other stakeholders who have had input into this long process of incubation and consultation that has seen this bill enter this place and now pass the Legislative Assembly.

Question put and passed.

Bill read a third time and transmitted to the Council.