

HERITAGE BILL 2016

Second Reading

Resumed from 24 August.

MS J. FARRER (Kimberley) [8.32 pm]: I rise to speak on the Heritage Bill 2016. I am not the lead speaker, but I would like to speak on it.

Apparently, the state government's objective is to ensure that heritage legislation is open, transparent, simple to operate and understand, and able to reflect best practice in the recognition and protection of heritage places. I can assure members that that has not been achieved. People in the Kimberley were not properly consulted, and no workshops were held in my electorate regarding the review of the Heritage of Western Australia Act 1990. I still feel that the significance of Aboriginal heritage is being ignored by this government's bureaucracy, given the connection and knowledge Aboriginal people have of country and the plants and animals within. It is not surprising that many commercial opportunities on Aboriginal lands involve natural resources, often in association or in line with cultural heritage values. Money and employment provide opportunities for Aboriginal people to be on their country and to collect bush tucker and undertake cultural activities, as is our spiritual belief and responsibility within our customary practices. It also allows people to work in family groups and to pass on intergenerational understanding and knowledge of country and its significance.

I am concerned about heritage management principles and practices in Western Australia. A number of heritage-listed sites in the Kimberley have become extremely run down. In Broome, numerous old buildings made from steel and sheets of corrugated iron are not structurally secure, are unsafe and do not comply with cyclone safety regulations. The local shires and landowners are powerless to do anything to ensure community safety and the state government provides no funding to fix problem areas. Further, because of heritage listing, local shires and landowners are not able to pull down those structures. Places such as the old Broome pearling sheds and the old Halls Creek post office buildings need urgent attention. The old Halls Creek post office was built around 1900 and the building is slowly eroding. It is now in private hands, and although the person who bought it put a roof on it, she is now too old to do anything more. It needs urgent attention and the government must provide the necessary funds for maintenance and repairs to be carried out.

I now name a few of the significant buildings. The Kimberley is made up of four large shires and there are different aspects of heritage values in it. Buildings that were built around 100 years ago are in need of maintenance and care. Some of these old structures are important in telling the story about the history of the first settlers who came to live in the Kimberley and are an insight into a past that no longer plays a part in today's lifestyle. We talk about education as a means of teaching our young children, who are the future. Surely, it is important to maintain these buildings so we can explain why places like this were built.

Cemeteries come under the local government portfolio and lots of them are now neglected. They also tell a different story—about how people came to the Kimberley and who is buried there. I am sure that the Japanese cemetery in Broome tells a bit about the history of those people. The Afghan cemetery in Wyndham needs lots of care. It holds the history of those people who came to our shores and tells a story and paints a picture of how they ended up so far away from their country. The pioneer cemetery on the banks of the mighty Fitzroy River is a reminder of the graziers and Aboriginal people who lost their lives pioneering the Kimberley and opening up land for pastoralists to develop. Every time the mighty Fitzroy River floods, the pioneer cemetery erodes and the remains of the people who are buried there are exposed. That also needs some attention. The Halls Creek cemetery is dedicated to the gold rush days and the history of that era. The old buildings at Bungarun in Derby cemetery are in need of immediate care. We also need to identify who is buried there and reveal the history of the Bungarun leprosarium and how this country treated those people.

As we look in the Kimberley, we see that these buildings and cemeteries are very much in need of care. I could name lots more that are situated on islands and in places where history is at a standstill. For the benefit of our younger people, this sort of history needs to be recorded, talked about and discussed, even in universities and schools. That is all I have to offer tonight. Thank you very much.

MR D.A. TEMPLEMAN (Mandurah) [8.40 pm]: I want to acknowledge the contribution made by the member for Kimberley on this very issue and this important bill that is before the house. As shadow Minister for Heritage and the lead speaker for the opposition, I am obviously very keen to comment on the Heritage Bill 2016. I also want to acknowledge my colleague the member for Girrawheen, who was previously the shadow Minister for Heritage. She is very experienced and a wonderful vessel of knowledge. She was certainly across the heritage portfolio. I noted her experience in following some of the heritage-related matters concerning Elizabeth Quay that are still unresolved. When the member for Girrawheen has an opportunity to make a contribution—we may not get to that tonight—I will be interested in her comments.

As we know, this bill has had a very long gestation period. We are aware that the bill was essentially born from extensive consultation. At least three documents were part of the consultation process, including discussion papers, consultation papers and exposure drafts, which highlight an extensive process that has fed into the ultimate drafting of this bill. It is important to note that this bill does a number of things. Of course, it repeals the Heritage of Western Australia Act 1990, which has been in place for more than 20 years. I accept that this is an entirely new bill, which understands and reflects a more contemporary approach to addressing modern heritage practices. It also does a range of things. I have a series of questions. I will not raise them during my second reading contribution but, as the minister will see when we get to consideration in detail, we will ask a range of questions and seek clarification on a number of issues during that process. I will touch on the flavour of some of these queries and concerns about some of the clauses as I go through the bill during my second reading contribution.

The bill has obviously also looked at some of the contemporary heritage legislation and heritage acts that exist or which have been amended in other states. We should bear in mind that Western Australia was the last state in Australia to enact heritage legislation. It always disappoints me when I learn those sorts of things because sometimes Western Australia tends to be seen as being dragged, kicking and screaming, to respond to legislation. It seems to be in quite a number of areas one of the last states or territories to legislate, but the fact remains that Western Australia was the last state to enact heritage legislation.

In the last 25 years over 1 300 places have been entered into the state register, and despite numerous attempts and reviews of the Heritage Act over the last 20 or so years—I understand that there were at least three reviews in the last 25 years—we now have a new Heritage Bill for consideration by this Parliament.

One of the other interesting aspects of this bill is specifically in part 3, which relates to the state Register of Heritage Places. This part introduces for the first time national standards of criteria for the assessment of heritage places. It does away with the current act's two-stage registration process and replaces it with a single process of assessment and consultation, and specifically requires consultation with the owner before the Heritage Council can recommend to the minister that a place be entered on the register. I also know that the Heritage Council will have to publish its advice to the minister on whether a place should be entered on the register at the time the advice is rendered. I also recognise, minister, that a ministerial direction to remove a place from the register will be subject to approval of both houses of Parliament. That is a substantial acknowledgement of changes proposed under part 3 of the legislation.

I read a number of the submissions and, of course, various interests made what I think were very good and high quality submissions to this process of developing the final draft of the new Heritage Bill. The process started back in April 2011 with the review of the act initiated in that year. The consultation paper, which for Hansard I am highlighting to the house by gesticulating, received some submissions, and a number of those submissions were both general in nature and also contained specific aspects that those making submissions believed the new legislation needed to address compared with the existing one, which we know is over two decades old. Those submissions elicited a discussion paper that was released in August 2011, and that set out what would be included to improve the operation of the legislation and contemporary practices of modern heritage. From that discussion paper process some 80 submissions were received and we saw the exposure draft released in August last year.

There was a big gap after the discussion paper process. I know that there was an election in that period. Of course, in the minister's election manifesto he again promised that there would be a new heritage act, but it is true to say that there was a significant gap between the first two parts of the process and the final public consultation exposure draft being released in August last year. Subsequently, we saw the Heritage Bill presented to Parliament in August.

Having modern, effective and transparent legislation in the heritage field is really important. A number of opposition members want to make a contribution to the second reading debate on this bill. I am unashamedly telling the minister that a number of opposition members wish to comment. We will find that some of the issues that they raise are sought to be addressed through the processes and practices present in the bill, but it draws into question a range of issues that I think will need to be explored at the consideration in detail stage. I was listening to the member for Kimberley talk about the challenges of the environs heritage buildings and heritage structures face in the Kimberley region. She made a very valid point about the difficulties and the challenges of protecting some very unique heritage structures in the Kimberley when natural phenomena, such as cyclones, remain a threat every cyclone season. In many of the regional communities and metropolitan council areas, a lot of the heritage structures are in the care and maintenance, if you like, of councils. It is costly to maintain them and indeed to ensure that their integrity is maintained. I think her plea tonight was in the case of the Kimberley and Broome in particular, where she highlighted a number of structures that are unique Kimberley structures with wooden frames and tin roofs. That is an important consideration in the context of this bill that has been presented to us and that we are debating tonight. I am telling the minister that after we finalise the second reading contributions by members, there will be a lot of questions and queries at the consideration in detail phase.

I would now like to focus on the features of the bill and in doing so I will flavour my comments with some of the clarifications that I will seek at the consideration in detail stage. I am sure that members on this side of the house and, hopefully, members on the government side, will also seek clarification. One of the important aspects or new features in this bill is the objectives and the need to identify and recognise and encourage the places of conservation that tell a story of Western Australia. As I mentioned to the minister earlier this evening, today I was hosted by Jamie Fini, the manager of the newly renovated and newly enhanced old Treasury building. It is a wonderful piece of preservation and, indeed, interpretation. Indeed, the old Treasury building is something Western Australians can be very proud of. I was very impressed with the benchmark this significant heritage building within the city centre has achieved. I pay tribute to the Fini family and others in the private sector. Certainly, Mr Adrian Fini, for probably nigh on two decades, has been pursuing both parties in government to achieve something special for that building. I think we can acknowledge that it is a very significant example of, and benchmark for, what can be done by the private sector in turning a building that has stood idle for quite a long time into a functioning hotel, restaurant hub and magnificent place to visit. From speaking to the manager and Mr Jamie Fini this morning, I am sure that the ongoing development of that building, and the certainty that its story will be told, will evolve. There is still more to be done. I appreciate that the use of contemporary Western Australian artists and a flavouring of the unique Western Australian aspects incorporated into that heritage interpretation are very effective.

The challenge, I suppose, particularly for the hotel aspect of it, is as an ongoing financial entity and concern, and we want to see that succeed. We also need to be mindful to ensure that what has been achieved there is shared as much as possible not only for people who might be financial enough to purchase a room for an evening or more, but also for people to have an opportunity to reflect on the building's history. If those are the benchmarks, there is no doubt that we are going in the right direction. That is one example of, I hope, many more to come that continue to set a very high bar.

Mr A.P. Jacob: One of the interesting paradoxes is that while they were publicly owned buildings, internal access would have been quite limited. By putting them out on a long-term lease to a developer like the Fini group, the public get a greater level of access to those buildings than they had in the buildings' entire history, so it is a success in that way also.

Mr D.A. TEMPLEMAN: I think the Fini family and the other lessees are very keen to ensure that that is shared as much as possible. However, there are limitations due the boutique nature of the hotel. By the way, I think we should be looking at supporting an extended liquor licence for an entity like that. I think the argument for an extended liquor licence—even a 24-hour licence—is valid. This is a special place; it has special qualities; it will attract a particular market, international tourists and international corporate entities—rock stars, actors. They all usually like a drink and, of course, in our 24-hour modern society I think there is a place for that sort of activity in an entity such as that. I hope that is explored in the future because I support that site being treated in that special way. I hope we can work through that in the coming period.

Another important thing in this bill is that we have adopted the nationally accepted criteria for the assessment process, which is sensible. Also important is the timely processes for assessing places that may warrant entry onto the state Register of Heritage Places. I will search for more clarification about the parameters of what is meant by “timely” when we get to consideration in detail. It is not in the detail of the bill. In its September 2015 submission, the National Trust of Australia highlighted that some of the words used in this legislation, including words such as “may” rather than “shall”, have very important implications. Even when we are talking about “timely” processes, exactly what does the minister mean by that? I will be interested to explore that with the minister. Obviously regulations will sit alongside the bill to complement and explain in greater detail and clarity what some of these aspects mean. If we are talking about streamlining processes, I think it is important to have a much more streamlined assessment and registration process. When we are talking about the timeliness of those aspects, exactly what does that mean? Perhaps the minister, in his response to the second reading, could provide some examples of what he would see as being a timely process. As we know, Heritage Council issues have sat on its books for decades. I will give one example. There were issues associated with whether Guildford at some stage should be a village or a heritage town in its own right and there should be some sort of protection. I understand there have been previous requests for the minister to consider Guildford a special case because of its historic nature in Western Australia. It was the Perth metro area's first town site. If the minister were looking at the metropolitan area and indeed other parts of Western Australia that have a rich and significant suite of examples of heritage buildings, houses and streetscapes, the minister need look no further than Guildford to see those special qualities.

The minister can correct me if I am wrong, but I understand from talking to Barbara—the minister would have met Barbara in Guildford—that that sort of consideration has been sitting with the Heritage Council for some time. I know it will be resources and prioritisation and all of those sorts of things, but a question that people like Barbara ask is, “When do we get to that?”

Ms M.M. Quirk interjected.

Mr D.A. TEMPLEMAN: It is Barbara Dundas—that is right. I spent nearly three hours with Barbara Dundas only last Monday week, member for Girrawheen, in her heritage home in that beautiful part of Guildford. The minister and I both know there are planning issues and challenges in Guildford. I am sure we will not get into that in debating this bill, but they are specific and they are certainly relevant to the ongoing considerations for this Heritage Bill.

I commend the transparency aspects that have been incorporated into this new bill. I think they are important. I want to go through a couple of those to underpin what I consider to be important aspects of the transparency measures. It is absolutely acceptable and admirable that the Heritage Council publish its advice when recommending to the minister the listing of a place in the state register. That comes under clause 39. I also think it is important that the minister's decision on determination will be published to ensure that stakeholders and the wider community are fully informed. Reasons for the decision will also need to be outlined. Those aspects of transparency, along with cases where the minister moves to delete a site from the register, would need to come to Parliament. Again, I commend that; it is an important aspect of this legislation.

I note that some new tools have been implemented under clause 71 that provide for exemptions for certain places, or the delegation of development referral powers where existing regulation ensures that cultural heritage values of a place are cared for. That is a new element under clause 71. It is also an attempt to improve the certainty and predictability for owners, decision-makers and stakeholders for properties that they own. That includes underpinning the obligations of decision-makers, be they local government planning authorities, development assessment panels—about which we all know there are issues and concerns—or the Western Australian Planning Commission. Although these aspects are retained under the new legislation in clause 73, it is important that, during consideration in detail, we explore the issues around the obligations of decision-makers. People who are really passionate about heritage matters quite often cite ongoing clashes or concerns with decision-makers and the decision-making processes in which they are required to embroil themselves in trying to protect a particular area.

The bill also proposes an expanded role for the State Administrative Tribunal. I will want to explore that aspect in detail to clarify the scope of that expanded role. I am sure that the minister will be able to get clarification during consideration in detail.

Another very important issue, which I know that the member for Girrawheen will explore when she makes her contribution to the debate on this bill, is the aspect of the bill that seeks to enhance protection of heritage assets. There are some disincentives in the bill for people to not do the right thing, and some incentives for them to do the right thing, and they include a range of enhancements. We see in there offers of financial, technical and professional assistance, which is important, particularly in terms of expertise. Of course, as to the disincentives, I note the penalty aspects of the bill, which include fines of up to \$1 million for deliberate damage to heritage places.

There are new provisions in the protection element of the bill that relate to repair orders. I note that although repair orders are common in Australian jurisdictions, there is an enablement in this bill for the minister of the day, under strict conditions, to address cases of demolition by neglect. Demolition by neglect is, of course, an ongoing issue raised by many people involved in the passion that is heritage, and I will be interested to explore that aspect of the bill. It is a new provision under division 2, and we will need to consider the minister's comments on the issue of demolition by neglect.

There are regulations that enable the Heritage Council to prepare guidelines to help state agencies. I thank the minister's officers for the briefing they provided. They highlighted that the state agencies are the custodians of more than one-third of the places on the heritage register, so that will be more than 1 000 of the 1 300-odd places on the register; I assume that is the correct figure. There is a clear responsibility for state agencies and I assume that includes local government; I will seek the minister's clarification on that. I probably will ask during consideration in detail exactly how many places on the state heritage asset register are actually held by local governments; I probably should have asked that via a question on notice, but it is of interest to me and I am sure it is of interest to the Minister for Local Government.

Another timely issue is the municipal heritage inventories. This is one of the questions I asked of the minister's advisers. I think it is true to say that many local governments, for whatever reason, may have a heritage inventory, but that is about all, and it is certainly not necessarily reviewed regularly. In fact, it is my understanding that the guidelines require a four-year review. I am not making accusations against local governments, but I suspect that a number of local governments perhaps have thought, "We've done our register; it's there", and someone might request a copy every now and then. Some local governments put it on their website; they have their local municipal heritage inventory on their website. I suspect that a lot of local governments still have sites that are not on their list of municipal heritage sites but should be considered for inclusion. One of my interests is in telling the story of our heritage assets. For many of our heritage assets,

particularly in places such as the wheatbelt, I think that there is still a great story to be told that has not yet been explored as much as possible. If they were to be explored in an interpretive way, it would create huge regional tourism opportunities.

I think, minister, it would be interesting to see how the Heritage Council and other entities that relate to the state's heritage assets engage in a genuine way with the economic development of the regions. I hold three shadow portfolios for three regions and I have read the three blueprints forensically. It is interesting that the three regions that I represent—the wheatbelt, the midwest and my own region, the Peel—all have unique historical significance to the state and not just for their very important Indigenous history. In the wheatbelt, the development of towns followed the rollouts of the railway lines and the expansion of agriculture. Other industries obviously followed agriculture, which was the key industry in the development of the historic towns that make up many of our regional towns in the wheatbelt. I was born and bred in one of them—Northam. It is a proudly historic and heritage place that created a few old relics like me!

Mr R.S. Love interjected.

Mr D.A. TEMPLEMAN: No, I taught in Three Springs; it is a historic place too.

The aspects and elements of how heritage can and is, in a number of regional places, certainly driving regional tourism is important. I believe that we still have some way to go to really tell the story to new generations of Western Australians about what happened—whether it is in the wheatbelt or in the midwest, with the wonderful maritime history that surrounds the Batavia Coast.

My own area, the Peel, is one of the oldest early settlements. Thomas Peel settled the Peel region and down towards Mandurah and the Shire of Murray. I think there is a lot to be done with that. I suppose what I am talking about relates to the elements of the municipal heritage inventories and I welcome an attempt by the Heritage Bill 2016 to enhance the status and importance of those inventories. I hope that is passed on and recognised by local government as one of the main stakeholders, if not the key stakeholder, and it understands the benefits of having an up-to-date, well reviewed and well interpreted municipal heritage inventory. I think that for some people in the past, it may have simply been a chore. They thought, "We've got to do a heritage inventory; let's get it done. Let's do the local heritage surveys that are related to it." Then they thought, "We've done it now; it's there. If people are interested, they can come and see it." Perhaps through the passing of this Heritage Bill, we can re-emphasise the importance of those inventories and the importance of local government and the role it plays in not just helping to protect and preserve, but also enhancing the Western Australian story.

The bill also adopts some governance principles that specifically mention the Heritage Council membership. There is, and there will always be—as the minister will be well aware—some debate and discussion about the sorts of people we put on a heritage council and the sorts of people we do not put on a heritage council regarding personalities and/or skills. I note that on page 7 of the original consultation paper in April 2011, a specific question was asked about the expertise of people who should be encouraged to serve on and be appointed to the Heritage Council of Western Australia, the interests they should represent and, indeed, the functions of the Heritage Council and how it may consider its duties. I am interested in part 2 of the bill, which essentially deals with managerial or governance issues, because they are important issues. If we are to trumpet the transparency of this legislation and the processes associated with it and, indeed, the Heritage Council itself, we need to ensure that those aspects related to the Heritage Council's governance and membership are explored, and we will explore those in detail when we go into consideration in detail.

In the time I have left, I want to turn to a couple of the submissions. I want to raise some of the issues associated with the submission from the National Trust of Australia, which of course is an interesting entity. My very good former colleague in the other place and now resident pensioner in Mandurah Hon John Cowdell—I think he is the most highly paid pensioner in Mandurah at the moment, but I had better not say that because he will find out about it —

Dr A.D. Buti: He is on the old super scheme.

Mr D.A. TEMPLEMAN: Yes, he is, and we know how we show disdain for those on the old scheme.

Mr A.P. Jacob: You could move a motion now; there's no-one here to hear you.

Mr D.A. TEMPLEMAN: No. The minister is right; we could always adjourn this debate and move a quick motion. I am very happy to adjourn this and do that.

Several members interjected.

Mr D.A. TEMPLEMAN: That is right; we can do that in this place but not in the other place. Anyway, I have been deviated.

Ms M.M. Quirk: Like a septum!

Mr D.A. TEMPLEMAN: Yes!

One of the concerns about the bill that the National Trust highlights in its submission is the perceived potential conflicts that may arise given the expanded powers of the Heritage Council. I do not expect the minister to respond to this matter now, but I would like him to respond at the appropriate time, be it in his response to the second reading debate or during consideration in detail, to the issues that the National Trust has raised in its submission, which I am sure he has read. I will quote from it. 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 —

It then refers to the sections —

... as well as provide ‘consultancy, management, advisory or other services for profit’ ... 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.

I want the minister to clarify that in his response to the second reading debate. If he can note that, I would like him to respond to that claim by the National Trust. It goes on further to state —

In addition, reviews of existing heritage Acts in Victoria and Queensland, which are currently underway, —

This was back in 2015, so I assume those reviews have either been concluded or are reaching conclusion -

do not consider these functions or responsibilities to be appropriate in the context of their specific regulatory and advisory role in the conservation of heritage.

The National Trust in its submission then highlighted organisations in New South Wales and Victoria which are, in its view, more appropriate models which involve government organisations or committees.

The National Trust then cites in its submission the experience in the United Kingdom, where English Heritage was recently split into two separate organisations, those being English Heritage and Historic England. Earlier this year, I had a conversation about this with—his name escapes me. It is terrible. I should have written his name down. I am sorry. The minister would know him. He is the City of Perth’s—

The SPEAKER: Richard Offen.

Mr D.A. TEMPLEMAN: Thank you, Mr Speaker.

The SPEAKER: Do not say I am not listening to you!

Mr D.A. TEMPLEMAN: Thank you for that contribution, Mr Speaker. That is one of the most significant contributions I have heard you make in some time! I appreciate that. Mr Offer.

The SPEAKER: Offen.

Mr D.A. TEMPLEMAN: That is right. I met with Mr Offen earlier this year—we were not discussing the trust’s submission, by the way—and he talked to me about the evolution, if you like, of what is occurring in the United Kingdom, given that is where he comes from. I think he was a director or CEO of Heritage England or whatever the responsible entity is. The trust in its submission cites the clear split of the two entities in the United Kingdom. The trust then states something that is very interesting. The minister would be interested in this, because it relates to the minister’s portfolio of environment. The submission states that a similar action occurred in Western Australia with the separation of the regulatory aspects from the management aspects. The trust cites the poor decision of this government to split the Department of Environment and Conservation into two entities, effectively the Department of Environment Regulation, which has a regulatory role, and the Department of Parks and Wildlife, which has a management role. The trust concludes its submission on this matter by stating —

These examples illustrate the inherent potential conflict of combining these roles and acknowledge the inappropriateness of this structure for government agencies.

This is a significant criticism, I suppose, of the bill. I will be interested to hear the minister's response to the concerns that have been raised by the National Trust, either in his second reading reply or when we get to consideration in detail.

Another aspect, which I have referred to previously, is the language that is used in the legislation. One example that the National Trust also uses is the overuse of the word "may" rather than "shall". That is also an interesting aspect for the minister to respond to.

I wish to raise another point that is very valid. We have acts of Parliament that relate specifically to our Aboriginal cultural history, cultural sites and historic sites. The National Trust poses what I think is an important question or consideration—that is, that there needs to be an agreed process between the acts that deal with our Indigenous heritage and the acts that are overseen by this bill. The National Trust stated —

The National Trust is concerned there may be potential for natural or Aboriginal values to be discounted or devalued if inadequate consultation and assessment is undertaken. It is therefore essential for interactions between Aboriginal and State Heritage legislation —

So interactions between them, and there will be interactions —
to be formally embedded with an agreed process.

I do not think any amendment could be moved that would do that, but I think the National Trust raised an important consideration. In many respects I took note of the comments of the member for Kimberley during her contribution, when she queried the consultation on the Heritage Bill 2016 in Indigenous communities in other parts of the state, particularly the parts of the state where she resides and which she represents.

In the time I have left I want to go to clause 8, which again relates to this issue of notices, advertisements, consultation and statutory notification. I want to refer to that clause as explained in the explanatory memorandum, which was, of course, circulated as part of the presentation of the bill. On clause 8, the explanatory memorandum states —

This clause allows regulations to prescribe the manner in which individuals and groups are to be given notice of certain matters ... stakeholder consultation regarding certain matters is to be conducted. The term "statutory notification" refers to the manner in which memorials are to be lodged ...

As to clause 8 the explanatory memorandum also refers to the obligation on all entities that are, I suppose, ultimately bound by those considerations, and even cites the Department of Mines and Petroleum for inclusion in the department's mining tenement database. There will be a series of questions related to this when we come to consideration in detail. It also relates to the issue of timeliness that I raised earlier in my contribution. I think we need to get some clarification about the time frames that will be incorporated.

Minister, I think I have attempted to cover the other clauses. I have tried to address the main themes of this new bill, and I have tried to, I suppose, outline and give the minister some indication of where I will show particular interest during consideration in detail. The aspects relating to the removal of entries from the register will be, I suppose, hotly contested when we come to consideration in detail, and they relate to division 4 of the bill. I will also be asking, as I think I indicated earlier, for the whole issue of repair orders and protection orders et cetera to be pursued; they are under part 4 and division 2 of the bill.

I will be asking to look at some existing cases and how they are being treated under the current act, minister, as compared with the proposed act. I will give a quick example—I do not expect the minister to respond, but maybe he could in the two minutes if he wanted to. I give the minister the example of the house formerly owned by Edith Cowan at 31 Malcolm Street, across the road from Parliament. Obviously, a range of aspects relate to the house that Edith Cowan and her husband, I understand, built and lived in for some period early last century. The process under the current act has included previous attempts to have that heritage site registered. I understand that it was put to former heritage minister Graham Kierath to register it and it was refused; I think that was in 2000.

Mr A.P. Jacob: It was interim-listed.

Mr D.A. TEMPLEMAN: It was interim-listed and he took it off the interim list.

There was an attempt in 2006 for the City of Perth to potentially list it, which of course did not come about. I would like to use that example because it is fresh and relevant and it exists now and I would like the minister at some stage—he will not have enough time now—in his second reading reply to use that as an example to show how that could apply in the current process versus what might be the case if this legislation were in place now. What would be different about an approach to have that site listed now? I would like an update on where we are with that now. I have written to the minister and I know he was in the process of asking the Heritage Council to assess that building. I am not sure what the status of that is or whether it has formally concluded its assessment.

Mr A.P. Jacob: Their meeting was last Friday, just gone.

Mr D.A. TEMPLEMAN: I would be very happy to have, if I am able to get it, a briefing on that. I am not sure whether that is allowed or appropriate, but I am interesting in that building. I certainly seek the minister's assistance to provide information on that. Perhaps that would be a good example of what might be the case.

The other example I want to cite, but I do not want to steal her thunder, is the member for Girrawheen's ongoing crusade for the Florence Hummerston kiosk. I know the member for Girrawheen has been like a terrier in pursuit of that particular heritage site.

The opposition will support the bill, but it intends to forensically examine it during the consideration in detail stage. I know for example that a former heritage minister who is not in the chamber at this time, the member for Cockburn, wants to ask some very significant questions. He, of course, is renowned for his cultural expertise.

Mrs M.H. Roberts: I think the most cultured part about him is his wife!

Mr D.A. TEMPLEMAN: That is probably very true. I know that the member for Cockburn will make a contribution during the second reading stage, and I am sure it will be entertaining. I do not know whether it will be of the same calibre as his speech on Elizabeth Quay, but I know he will be making a speech. I can assure Western Australians, as did the Leader of the Opposition, that there is one portfolio the member for Cockburn will not hold in the next Labor administration, and that is the arts portfolio. I think that has been ruled out. I think the member for Midland is safe. I do not think she is under threat from the member for Cockburn at all.

Ms M.M. Quirk: He would look good in a safari suit though!

Mr D.A. TEMPLEMAN: He would.

With that I express to the minister that we will support the bill, but we reserve our right to raise a range of issues when it comes to consideration in detail.

Debate adjourned, on motion by **Mr J.H.D. Day (Leader of the House)**.

House adjourned at 9.39 pm
