



Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
2021

LEGISLATIVE COUNCIL

Tuesday, 3 August 2021

Legislative Council

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THE PRESIDENT (Hon Alanna Clohesy) took the chair at 2.00 pm, read prayers and acknowledged country.

SPRING SITTINGS

Statement by President

THE PRESIDENT (Hon Alanna Clohesy) [2.03 pm]: Welcome back, members. I hope you have had an opportunity to refresh and I wish you all a productive next few months.

BILLS

Assent

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

1. Building and Construction Industry (Security of Payment) Bill 2021.
2. Supply Bill 2021.
3. Sunday Entertainments Repeal Bill 2021.
4. Corruption, Crime and Misconduct Amendment Bill 2021.

FRANK WISE INSTITUTE OF TROPICAL AGRICULTURE

Statement by Minister for Agriculture and Food

HON ALANNAH MacTIERNAN (South West — Minister for Agriculture and Food) [2.05 pm]: Members, 10 days ago we gathered at the Frank Wise Institute of Tropical Agriculture in Kununurra to celebrate three-quarters of a century of agricultural research in the East Kimberley—a significant milestone for agricultural research and development, and for development in the Ord. Descendants of those who were central to the establishment of the research centre, including former Premier Frank Wise and the Durack family, as well as farmers and civic leaders, paid testimony to the vision and fortitude of those who helped to realise the potential of the fertile landscape.

The Kimberley Research Station was established in 1946 as a joint state and commonwealth initiative, staffed by the CSIRO and the Western Australian Department of Agriculture. It had been preceded by a trial facility on Carlton Reach, which was funded through the Western Australian government and led by Kim Durack. In 1986, the CSIRO sold its share of the research facility to the Department of Agriculture and the facility was renamed the Frank Wise Institute of Tropical Agriculture after the former Labor Premier who was instrumental in driving horticultural development in northern Western Australia. Frank Wise was a passionate advocate for northern agriculture, first as a field officer with the Department of Agriculture, and as a special commissioner to the federal government. He drove development of northern horticulture as Minister for Agriculture from 1935 to 1945 and then as Premier of Western Australia from 1945 to 1947.

The Department of Primary Industries and Regional Development has continued the research that helped to lay the foundations for the development and expansion of the Ord River irrigation area, which now spans 15 500 hectares. Over the past 75 years, the institute has led research into sugar cane, cotton, rice, sorghum, maize, winter cereals, safflower, linseed, peanuts, lemongrass, and kenaf and other fibre crops. Over the past four years, the McGowan government has revitalised the institute, which is now fully utilised with more than 20 project collaborations underway, including research into hemp, quinoa, plantago, mangoes, safflower, cassava and cotton.

The staff led us on an exciting field trip, showcasing their important work in biosecurity, plant breeding and agronomy. The Frank Wise Institute of Tropical Agriculture and its staff have achieved so much over the past 75 years, underpinning the transformation of this outback region into a valuable northern food bowl. Our government is committed to continuing Frank Wise's legacy and supporting our northern food bowl for generations to come.

PERTH USASIA CENTRE — LECTURES

Statement by President

THE PRESIDENT (Hon Alanna Clohesy) [2.07 pm]: Members, I have some statements. I was just checking who was alert to the fact that I missed them before! The first one is about the Perth USAsia Centre. Members would have received an email from my office regarding a number of opportunities to hear from the Perth USAsia Centre in a series of lectures over the next few months. The Perth USAsia Centre is a leading think tank focusing on geopolitical issues, policy development and building a strategic affairs community across government, business and academia. This is an excellent opportunity to learn about Australia's role in the Indo-Pacific region and around the globe. The sessions will take place during the lunchbreak on sitting day Thursdays. If members have not already done so, I encourage you to RSVP to the various sessions offered.

LEGISLATIVE COUNCIL CHAMBER — PHOTOGRAPHER ACCESS*Statement by President*

THE PRESIDENT (Hon Alanna Clohesy) [2.08 pm]: Members, the Clerk sent you an email today advising arrangements that have been made for photographs to be taken in and around the Council chamber during tomorrow's sitting. The photos will serve as a record of the forty-first Parliament and will be used on the Parliament's public website and in other parliamentary publications. I have authorised the photographer to come onto the floor of the chamber during Wednesday's formal business and questions without notice to take photographs of members and staff in action during proceedings, and to access the areas around the chamber, including the President's corridor.

LEGISLATIVE ASSEMBLY CHAMBER — EDITH PERFORMANCE*Statement by President*

THE PRESIDENT (Hon Alanna Clohesy) [2.09 pm]: Members, I would like to remind you of the special performance of the short play *Edith* tonight in the Legislative Assembly chamber commencing at 6.15 pm. *Edith* re-creates Edith Cowan's first speech in the Legislative Assembly 100 years ago and adds points of view by historical and future characters, including Sir John Forrest, the state's first Premier, and a young woman from 2021.

Refreshments will be served before and after the performance in the courtyard. I look forward to seeing you in the Legislative Assembly chamber at 6.15 pm.

PAPERS TABLED

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

STANDING COMMITTEE ON UNIFORM LEGISLATION AND STATUTES REVIEW*132nd Report — Veterinary Practice Bill 2021 — Tabling*

HON DONNA FARAGHER (East Metropolitan) [2.24 pm]: I am directed to present for tabling the 132nd report of the Standing Committee on Uniform Legislation and Statutes Review titled *Veterinary Practice Bill 2021*.

[See paper [419](#).]

Hon DONNA FARAGHER: The report that I have just tabled advises the house of the committee's findings and recommendations regarding the Veterinary Practice Bill 2021. The Veterinary Surgeons Act 1960 currently regulates veterinary practice in Western Australia, but in 2006, the Council of Australian Governments' Primary Industries Ministerial Council endorsed a proposed model for the national recognition of veterinary registration.

The Veterinary Practice Bill 2021 reflects the Agreement Relating to Mutual Recognition entered into in 1992 between the commonwealth and all states and territories and the proposed model endorsed by the ministerial council in 2006. It introduces the recognition of the registration of veterinarians in other Australian jurisdictions. The bill will enable an interstate veterinarian who holds primary registration in another Australian jurisdiction to practise in Western Australia, subject to the same conditions, restrictions or limitations that apply to their primary registration. After three months, the veterinarian must apply for Western Australian registration.

Key features of the bill include: formalising a process for identifying and dealing with veterinarians suffering an impairment separate from the current practice of dealing with it as a complaint or unprofessional conduct matter; allowing non-veterinarians to own and operate veterinary practices, provided a registered veterinarian makes decisions relating to veterinary treatment and care; establishing a new veterinary practice board of Western Australia to replace the current Veterinary Surgeons' Board; returning to the new board the power to deal with minor disciplinary matters which it had previously held but which have resided with the State Administrative Tribunal since 2005; and increasing board membership from five to eight, including a consumer representative, a legal practitioner and a veterinary nurse for balance.

The Standing Committee on Uniform Legislation and Statutes Review has identified several clauses in the bill that impact the sovereignty and lawmaking powers of the Western Australian Parliament. The committee has drawn these clauses to the Legislative Council's attention for consideration during debate on the bill.

I commend the report to the house.

WEAPONS AMENDMENT REGULATIONS 2021 — DISALLOWANCE*Notice of Motion*

Notice of motion given by **Hon Dr Brian Walker**.

AGRICULTURAL PRODUCE COMMISSION AMENDMENT BILL 2021*Committee*

Resumed from 22 June. The Deputy Chair of Committees (Hon Dr Sally Talbot) in the chair; Hon Alannah MacTiernan (Minister for Agriculture and Food) in charge of the bill.

Clause 4: Section 3 amended —

Progress was reported after the clause had been partly considered.

The DEPUTY CHAIR (Hon Dr Sally Talbot): Members, if I can just update you on the current situation, we are considering the Agricultural Produce Commission Amendment Bill 2021. We are in committee, and we are considering clause 4. It is my understanding that supplementary notice paper 1, which you will already have in your possession, will very shortly be superseded by supplementary notice paper 2, which will contain an amendment to clause 4.

Hon Alannah MacTiernan: A very small amendment.

The DEPUTY CHAIR: A very small amendment to clause 4. My proposition, should the chamber agree, is that we continue debate on clause 4, and I give the call to the minister.

Hon ALANNAH MacTIERNAN: The purpose of the amendment that I am proposing is to pick up a concern that came out of the debate on clause 1. Concern was expressed that with the change to limit the exclusion to activities on pastoral lands, if a person were to move a car or livestock from the Pilbara down to Dandaragan, for example, would that be captured, and how would they account for that. We did not necessarily think that it would be a problem, but that issue has been taken up with parliamentary counsel, and the advice was that we propose an amendment to insert after the word “enterprises” the word “generally”.

Clause 4 currently seeks to amend section 3(1) of the act by inserting the words —

... other than an industry that concerns livestock enterprises conducted on land under a pastoral lease;

The proposed amendment would mean that it would read —

... other than an industry that concerns livestock enterprises generally conducted on land under a pastoral lease;

So long as the main part of the person’s operation was conducted on a pastoral lease, the fact that the person might from time to time conduct some of their enterprise on another property would not make that part of the enterprise subject to the Agricultural Produce Commission Act.

Hon COLIN de GRUSSA: Minister, I have obviously only just been given a copy of this amendment. In the briefing that we had on the bill, I raised the issue that under the government’s proposed amendment, an enterprise could be captured if a person were to move animals from their pastoral property to the southern part of the state to fatten them. I am not clear. The minister is proposing to insert after “enterprises” the word “generally”. I want to be certain that if a person were to regularly—annually or semi-annually, or whatever the case might be—bring animals down south to a property that was not a pastoral property, to fatten them or enable them to grow out, that enterprise would definitely be excluded under this proposed amendment.

Hon ALANNAH MacTIERNAN: Our intention is that if a person had a pastoral lease in the Pilbara, for example, and for three months of the year brought those animals to background on a property in the agricultural zone—the three-monthly bringing down of animals that had largely been reared up in the Pilbara—it would not bring the business conducted on that pastoral lease into the purview of the Agricultural Produce Commission. It might be a bit more complex, obviously, if that same person were to own both the pastoral lease and the property in Dandaragan, because the property in Dandaragan would then certainly be subject to the purview of the commission, and, depending on how the levy was rated, some of the value of that cattle might be included. However, if a pastoralist was using the facility as effectively a backgrounding or finishing-off facility in the agricultural zone, that would not bring them within the purview of the commission.

Hon COLIN de GRUSSA: Just to get this clear, if a person were to own both the pastoral property and the property in Dandaragan, to use that example—they are owned by the same business that is conducting the pastoral enterprise—and that person were to bring animals down, they could be excluded from the purview of the APC act, but other enterprises on that farm could be included?

Hon ALANNAH MacTIERNAN: I think we are getting down to some very fine points here. I am not arguing that. I am saying that if a person is the owner of an enterprise in Dandaragan, it may well be that all the activities that they do on that property in Dandaragan are captured by this. However, bear in mind that this would come about only should the industry decide that it wanted to go down this particular path. This is purely an enabling thing. If part of the business of an operator in Dandaragan was to bring their animals down, those animals might in fact be captured in some way in a scheme, but if they were a pastoralist and their enterprise was in the pastoral region, the fact that they might background their cattle on another property would not bring that enterprise into the purview of the act.

Hon STEVE MARTIN: I am reminded of John Hewson working out which bits of birthday cake would have GST placed on them. I appreciate the minister’s efforts to try to put into this bill what we have asked for. When we put the word “generally” into part of a bill and then talk about the “main” part of an operation, that will surely lead to some confusion. I might add to that confusion by asking about the point of sale. If a pastoralist’s steer were to be brought to Dandaragan and then sold at Muchea, would the point of sale be relevant at all in that discussion?

Hon ALANNAH MacTIERNAN: No; it would not. This is a classic problem. We see it every time a piece of legislation comes forward in the agricultural or pastoral sectors, and this is why nothing ever happens in legislative reform. It is a chronic problem in these industries. We are now dealing with the problem that Murray Criddle tried to deal with in 1999. He tried to get the bill through even when the warring green and blue parties were in ascendancy.

Even then, he could not get the legislation through, in its proper form, which would have allowed any player in the agricultural field to come under the Agricultural Produce Commission Act 1988. Therefore, various compromises had to be made and he made those compromises. In 2006 there was a review. Since then nothing has happened. Various attempts have been made at getting this bill up. We introduced it into the house. There was argy-bargy between the Western Australian Farmers Federation, which wanted pastoral activities and broadacre agriculture to be included, and the Pastoralists and Graziers Association of WA, which did not want that. Some people were more PGA aligned. It went on and on and we could not get a resolution.

To deal with the warring factions, we said that we would take the pastoral lands out of it. Do we want the pastoral lands out of it? No; we do not. However, we will do this because we made that commitment before the last election because we did not expect to have control of this house and we wanted to get this legislation through. It will be complex. We need to focus on the vast majority. A statement in law states that hard cases make bad law. In framing legislation, we need to look at the majority situation, not find instances of “What about this unusual case? How will that play out?” We will just continue to go around for another 16 years trying to resolve this problem. Bear in mind that this is enabling legislation. Nothing happens. This is just to allow various groups of agricultural enterprises to come together and have a system in which they can raise some money for the common and industry good. It is a positive enabling thing. If a cow crosses a rabbit-proof fence or a dog sneaks through a hole in a fence, does it suddenly become subject to the act? I do not think so! That is not where the main game is.

We are talking about agricultural enterprises. At this particular point in time, the predominant body that purports to represent the majority of pastoralists—we do not know because no-one ever discloses their membership numbers—wants to take itself out of this legislation. We agree to that. I do not want this bill to be delayed for another couple of years while we go back to renegotiate with the PGA or the pastoralists, because that is what always happens. That is why none of the pastoral land reforms legislation or agricultural reforms or the Veterinary Practice Bill 2021 ever gets up. Nothing happens for piece after piece of legislation because nitpicking and agri-politics goes on between the WA National Party and the Liberal Party.

We are making our best fist of it. We outlined the problem to members in the briefing on the bill and the outline of clause 1. We put that to the Parliamentary Counsel’s Office and it was comfortable that the insertion of the word “generally” would deal with the issue. As we know, if there is a dispute about something and it is litigated, statements made by the minister during the parliamentary debate can be taken into account.

Hon COLIN de GRUSSA: I understand where this is coming from. As I said, during the briefing, the point was raised that there could be concerns around this. I would say, though, that I do not think it is unusual that businesses operate in both pastoral and freehold circumstances. The attempt to clarify that a bit is good.

I turn to recommendation 1 of the Standing Committee on Legislation’s report on the Agricultural Produce Commission Amendment Bill 2019. Recommendation 1 requests an explanation of why clause 4(2) inserts “prescribed for the purposes of this definition”. Why are the relevant industries not referred to in the act but are referred to in regulations? The government’s written response to the committee’s recommendation was two lines that basically stated that it allows flexibility and for future industries to be captured without having to amend the act. Is that the only reason we need to prescribe those industries in regulations rather than having them in the bill?

Hon ALANNAH MacTIERNAN: That is the main reason. The bill has a general definition of “agricultural industry”, which creates the general framework. Agricultural industries have to come within that specific definition to be eligible to come under the legislation. The definition states that an “agricultural industry” means a horticultural industry and such other agricultural industry. The reason for that is that new industries will emerge. We have seen that happen and we do not want to give a definitive list. When we started drafting this piece of legislation, there was no such thing in this state as a truffle industry. New groups are growing new products. There was no hemp industry. Growing hemp was not even allowed when this bill was first introduced. New industries will emerge. If those industries want to be an agricultural industry, they have to come within the purview of the legislation. Part of that idea is to give another layer of protection because within industry there is always concern about more levies. Therefore, the idea is that before a particular sector of the agricultural industry can be brought into the fold, there has to be a regulation, which will give another layer of protection. The bill is set up so that before that regulation is created, an industry has to get support. The Agricultural Produce Commission will look at how much support that industry has, and, if it is confident that the industry has over 50 per cent support, it will seek the approval of the minister to introduce a regulation.

Of course, being a regulation, there is an ability to disallow. If the Agricultural Produce Commission has got this thing totally wrong and the wine industry, the beekeepers or some of those others that have been more recently introduced actually do not really want it and there is a groundswell against that, this can be disallowed. I think that the whole way this has been structured is an attempt to deal with the angst that some players in the industry have that this is just a grab for more levies, making this a more layered approach so that the commission or the minister cannot unilaterally declare that an industry is brought in—it has to be done by regulation. If we just said “any agricultural”—we could take out “prescribed” altogether and just leave it as any “other agricultural sector”—that would give less power to Parliament and fewer layers of protection.

The DEPUTY CHAIR: I draw members' attention to the fact that you now have supplementary notice paper issue 2 in front of you. On pointing that out, I invite the minister to move the amendment standing in her name.

Hon ALANNAH MacTIERNAN: I move —

Page 2, line 25 — To insert after “enterprises” —
generally

Amendment put and passed.

Hon COLIN de GRUSSA: The minister will be aware that I have an amendment on the supplementary notice paper to insert new clause 24A. The reason for that amendment is representations from the broadacre industry, in particular WAFarmers. It has said that it wanted to see an opt-out provision within the legislation and that its support for being covered under the APC act was contingent on that opt-out provision being included. I am not sure what the process is here, but I will do what I think is right and ask that we defer consideration of clause 4 until we have dealt with that amendment.

The DEPUTY CHAIR: I am getting quite a definitive no from the ether on that question. Could the member bear with me for one moment? Member, you are invited to move that motion, which I will then put to the chamber.

Hon COLIN de GRUSSA: I move —

That consideration of clause 4 be deferred until the consideration of new clause 24A, as on supplementary notice paper issue 2.

Question put and negatived.

Division

Clause, as amended, put and a division taken, the Deputy Chair (Hon Dr Sally Talbot) casting her vote with the ayes, with the following result —

Ayes (21)

Hon Klara Andric
Hon Dan Caddy
Hon Sandra Carr
Hon Kate Doust
Hon Sue Ellery
Hon Peter Foster

Hon Lorna Harper
Hon Jackie Jarvis
Hon Alannah MacTiernan
Hon Ayor Makur Chuot
Hon Sophia Moermond
Hon Shelley Payne

Hon Stephen Pratt
Hon Martin Pritchard
Hon Samantha Rowe
Hon Rosie Sahanna
Hon Matthew Swinbourn
Hon Dr Sally Talbot

Hon Dr Brian Walker
Hon Darren West
Hon Pierre Yang (*Teller*)

Noes (9)

Hon Martin Aldridge
Hon Peter Collier
Hon Donna Faragher

Hon James Hayward
Hon Steve Martin
Hon Tjorn Sibma

Hon Dr Steve Thomas
Hon Neil Thomson
Hon Colin de Grussa (*Teller*)

Clause, as amended, thus passed.

Clause 5: Section 5 amended —

Hon COLIN de GRUSSA: Clause 5 of the bill amends section 5 of the act by inserting “3 or” in subsection (1), which is around members appointed by the minister. Can the minister please explain the necessity for that?

Hon ALANNAH MacTIERNAN: It is to allow some flexibility into its composition so that it can have either three or four members. I suppose one of the advantages is that if there is a desire to save on costs, three members might be considered sufficient. At this stage, we do not have any plans to reduce it to three, but I believe this recommendation came forward because it is believed that three commissioners will be adequate for the functioning of the commission, bearing in mind that all the producers' committees sit underneath the commission. This is just the peak overseeing body. Each of the 11 committees has its own producers' committee sitting under it. I think it makes sense. It may well be that from time to time a government decides that it wants only three. We currently have four very capable members and we do not propose to reduce that number at this stage.

Hon COLIN de GRUSSA: Moving to other subsections of the act and the 2006 review of the act, issue 2.2 in the recommendations for that identified issue suggested that the act be amended to simply state that the minister should, after advertising widely, appoint relevant skill-based persons. Is there any reason why that has not been adopted?

Hon ALANNAH MacTIERNAN: Our view is that it was pretty clear that it was to be a skill-based commission. If the member looks at the constitution of the commission, he will see that a member of the commission must have a broad understanding of the agricultural sector and experience in financial management or other experience relevant to the commission's functions. The view was that that desire for a skill-based group was satisfied by the provision in the legislation.

Clause put and passed.

Clause 6: Section 6 amended —

Hon COLIN de GRUSSA: I have a quick question. What is the reason for changing the wording in proposed subsection (1)(a) and for inserting the additional proposed paragraphs?

Hon ALANNAH MacTIERNAN: This is part of a suite of changes. At the moment when a committee is formed, it is formed for a very concrete range of responsibilities, but one of the recommendations in the report was that committees should be able to evolve. For example, the beekeepers committee might have been set up to oversee marketing of bee products, but it might decide after proper consultation that it needs to move into the field of product verification. There are a number of changes that describe the ability to make that change. This will ensure that the wording about the functions reflects that. This is not the provision that gives that power, but it reflects that new regime.

Clause put and passed.**Clauses 7 and 8 put and passed.****Clause 9: Section 10 amended —**

Hon STEVE MARTIN: Could the minister give an example of a poll so that I have a sense of what it might look like? Does it involve a postal reply or an email response, or both? I am sure that they have taken place over time.

Hon ALANNAH MacTIERNAN: We have some recent example documents from the wine industry committee, Wines of Western Australia. A notice of intention to poll was published in all newspapers stating that the Agricultural Produce Commission, under the Agricultural Produce Commission Act and at the request of Wines of Western Australia and the nine regional wine associations, intended to poll WA wine producers on the establishment of a producers' committee. Then it outlined that if the poll was successful, a fee for service would be introduced. With this notice of intention, the Agricultural Produce Commission invited written submissions from producers who may be affected by the proposal, so they were given that opportunity to prepare submissions. After that, there was a notice to conduct a poll and it started off in the same way. Wine producers were to be asked a very specific question —

Do you support the formation of a producers' committee for wine producers of Western Australia under the Agricultural Produce Commission Act covering all service functions listed (a) to (m) of section 12(1) of the Act?

An eligible producer for the poll is ... 'the owner of grapes at the point of crush'.

If the poll is successful wine producers will —

Submit. The commissioner then uses all possible sources of a database, as I understand it, including from industry bodies and any other database that is available. We have a description here of how the commission works. I am happy to table that paper, which compiles a list of producers for the establishment of a poll. The paper looks at all the things that the commission does for that. Then, after having got, to the best of its ability, a list of all parties to it, I believe in this instance the commission conducted a postal ballot. It states —

Ballot papers will be posted to eligible producers ...

Advertising and promotions indicated that this would happen and a postal vote took place. No doubt, that will be an evolving issue and it may be that at some time in the future this could be done electronically. Regulations were set in 1990 under the initial expression of the act. The commission looks at all the information that is available to it. I have four documents here that I am happy to table. I ask that these documents be provided to members who wish to see them.

[See paper [420](#).]

Hon STEVE MARTIN: I thank the minister for that detailed response. It raised a couple of issues that I am sure those documents will help with. I assume the database would be a list of producers in that particular industry. If we are talking about the list of tonnes grown in another industry, we would need access to commercial information. I understand that is covered in clauses down the track, but can the minister foresee any issues with getting hold of that information in the wheat industry, for example?

Hon ALANNAH MacTIERNAN: I think that would be necessary if we were going into weighted voting. The legislation later introduces a head of power to allow weighted voting, but one of the things that the commission will require producers to do to have weighted voting is to establish the reliability of the data on which they are basing the weightings. I guess that really becomes an issue only if a producer group wants to go down the path of weighted voting. We tend to think that weighted voting will happen in industries in which there is a small number of producers and probably great disparities. For example, in some industries we might have, say, only 20 or 30 growers, but two of the growers grow 80 per cent of the produce. Those are the sorts of circumstances in which there could be weighted voting. Producers would have to demonstrate what they have based their data on, and the commission would have to satisfy itself that the data is reliable.

Hon STEVE MARTIN: I have just one more question on this clause, minister. The clause refers to produce in the whole of the state and part of the state. Can the minister explain those boundaries? Are we talking shire boundaries?

Hon ALANNAH MacTIERNAN: It is flexible. A group in the great southern—for example, great southern wine producers or barley growers—might want to do something different and believe that they have a special provenance that gives them a marketing edge, so they may wish to come together and specify an area. We are very open to that because we might find that there are different groupings. For example, there could be organic farmers, but a producers group might want only organic farmers from the south west. We are open to any possibility. For example, the vegetable committee at the moment covers everything except Kununurra. Does it cover Carnarvon? Yes, it does. It actually got Carnarvon agreeing on something. That is pretty amazing. Presumably with the people in Kununurra, that was a bridge too far. A decision would have been made to exclude them from the operation of that provision. It is entirely flexible to allow groupings of producers to come together in whatever geographic or other configuration they may want.

Hon COLIN de GRUSSA: This clause differs a little bit from the clause in the 2019 bill. It would indicate that it is perhaps a formatting change from Parliamentary Counsel's Office; is that correct?

Hon ALANNAH MacTIERNAN: Yes, those of us who have dealt with a number of bills can see that those changes occur; the PCO has a lot of stylistic preferences that come to the fore from time to time.

Clause put and passed.

Clauses 10 to 21 put and passed.

Clause 22: Sections 16A and 16B inserted —

Hon STEVE MARTIN: Proposed section 16A(2)(b) states —

has such number of votes as is proportionate to the percentage of the relevant agricultural produce ...

It might seem an arcane point, but are we talking value or tonnes? If we are talking barley and someone grows 1 000 tonnes of feed barley worth \$200 a tonne and 1 000 tonnes of malt barley worth \$370 a tonne, is it flexible or is it one or the other? I refer to the top of page 22. It is about weighted voting, and I am asking whether it is based on value or tonnage.

Hon ALANNAH MacTIERNAN: As I read this proposed section, it refers to tonnage. It states —

... to the percentage of the relevant ... produce ...

I think that is volumetric, rather than based on value. Bear in mind, this is only if the producers want to go down the weighted voting path. If we went by value, we might get a slightly different figure, but, generally, someone producing 10 tonnes of barley will get less value for it than someone producing 1 000 tonnes of barley will get. It is based on volume, but, again, the commission can allow that to happen only if it is confident that there is sufficient data to make the determination and it is in the best interests of the agricultural industry. For example, if we are dealing with an enormous differential in the value of one product compared with others, one of the things that the commission could well take into account is that going down the path of a weighted vote might not be in the best interests of the agricultural industry because the big disparity in value is not properly reflected in the volumetric. Thinking about it, it would probably be very difficult to do an assessment per value because we do not have access to the data to make that decision about the value of each person's produce. I think this is the best way to go about it. It is quite clearly volumetric rather than value.

Clause put and passed.

Clause 23: Section 17 amended —

Hon COLIN de GRUSSA: Clause 23 amends section 17 of the act by deleting subsection (2). It would appear that this, in some ways, adopts recommendation 1.7 of the 2006 review. Is that correct?

Hon ALANNAH MacTIERNAN: We certainly had recommendations in the 2006 review, including to recoup charges. Section 17(2) will be deleted and replaced with proposed section 16B, which will entitle the Agricultural Produce Commission to recover costs. I am trying to work out how that fits in; it is now in proposed section 16B.

Clause put and passed.

Clause 24 put and passed.

New clause 24A —

Hon COLIN de GRUSSA: Members will be aware that during my contribution to the second reading and clause 1 debates, I raised that in the consultation that members of the opposition and I had with industry, it was continuously raised with us that an opt-out provision should be included in the act rather than in regulations. This is for a number of reasons, not the least of which is that there is no visibility of what those regulations may look like and the ability for the regulations to be changed relatively easily in comparison with changing a provision within the act.

In order to encompass those concerns from industry, I had the following amendment drafted to insert an opt-out provision into the act. I ask the minister for the government's response on whether it will support the amendment. I move —

Page 23, after line 12 — To insert —

24A. Section 18A inserted

After section 18 insert:

18A. Opting out

(1) In this section —

specified agricultural produce means the agricultural produce specified in the notice given under subsection (2);

specified producers' committee means the producer's committee specified in the notice given under subsection (2).

(2) A person who is a producer of agricultural produce for which a producers' committee has responsibility may, by notice given to the Commission, opt out of paying charges imposed under this Act that would otherwise be payable by the producer for services provided by the producers' committee in relation to the agricultural produce.

(3) A notice given under subsection (2) must —

- (a) be in writing; and
- (b) specify the agricultural produce concerned; and
- (c) specify the producers' committee concerned.

(4) If a person gives the Commission a notice under subsection (2), then —

- (a) despite any other provision of this Act, a charge imposed under this Act that would otherwise be payable by the person for the provision of a service by the specified producers' committee in relation to specified agricultural produce is not payable by the person to the extent that it relates to a time after the day on which the notice is given; and
- (b) for the purposes of this Part, the person is taken not to be a producer of specified agricultural produce while the person is not paying charges that would be payable by the person if the notice had not been given.

Hon ALANNAH MacTIERNAN: We are very keen, when possible, to accommodate legitimate concerns that are raised by members, but I simply cannot, as a matter of principle, accept this amendment. In a way, this is a case of the tail wagging the dog. When this matter was considered in 2006, the review committee could not get a consensus on whether there should be an opt-out provision. It is very clear that a number of the most active and successful existing committees are very strongly opposed to the introduction of an opt-out clause into their existing provisions. That comes from the producers of vegetables, pome and wine, who between them collect approximately 50 per cent of the total fee-for-service funds. There is no way we are going to introduce an opt-out provision just to accommodate people who are not actually already in the thing. It is true that the Western Australian Farmers Federation made it clear that if we were to withdraw the exemption for broadacre, it wanted an opt-out provision. But, likewise, it has made it clear—I believe this was confirmed in its submission to the inquiry—that it accepts that the most workable approach is placing the opt-out provisions in the regulations. That means that if, let us say, lupin growers, for example, wanted to form a group to bring lupins or field peas back into our agronomy—it would be an extremely good thing if we were able to do that—they might want an opt-out provision. The way this works is that the lupin producer group could specify that it wanted an opt-out provision included for its committee. This proposition would go to all the lupin growers in the state so that they could look at it and make a decision: “Yes, this particular proposal includes an opt-out provision. We are happy with that; we can go with that.” We have decided to put this provision into the regulations to give the head of power to the new committees that may or may not emerge from our redaction of the scale of the exemption; therefore, opt-out provision can be included should they so desire. We are not going to undermine the successful operation of the existing producer committees to allow that. My understanding from our very good friends in WAFarmers —

Several members interjected.

Hon ALANNAH MacTIERNAN: Some of them are—particularly the grains people. I think very highly of Mic Fels. Even the president has been very pleasant of late.

They accept that placing the opt-out provisions in the regulations is acceptable and their support for our contracting of the exclusion still stands.

Hon COLIN de GRUSSA: As I understand it, obviously the government will not support my amendment for the reasons outlined. Am I to understand, minister, that the proposed regulations—we have not seen them and we do not know what they will be unless the minister has an example—will apply only to new producer committees and that already formed committees will not have the ability to opt out?

Hon ALANNAH MacTIERNAN: If existing committees want to change their provisions, they will be able to do so. They can approach us and seek a change to their current regulation, which we think is a fair thing, but they certainly do not want this imposed on them. Given the disparate nature of the agricultural groups that we are dealing with, it is better to have flexibility so that this can be developed on an industry-by-industry basis. The whole idea is to allow maximum flexibility in how we bring together a producer group and the terms on which it wants to operate.

Hon COLIN de GRUSSA: We have no visibility of how the regulations will be drafted or, I guess, some sort of example. Does the minister have an example? The minister said existing producer committees could add an opt-out provision if they want to, but how will they go about adding that opt-out provision? Will it be put to the vote of the entire cohort of producers in a committee or will it be a decision of that committee itself?

Hon ALANNAH MacTIERNAN: We do not have any regulations as yet because no-one has the head of power and no-one has said that that is what they want to do. A regulation will be drafted only if there is a request from the producer committee. It would then have to be considered by the commission, which has to decide whether it is in the best interests and truly has support, and then a decision has to be made by the minister, obviously, about whether to proceed down the path of regulation. The precise content of a regulation will be drafted to meet the needs of a specific producer committee. All this will be tailor made because there will be very different points of reference from honey to truffles to beef and different measures will have to be taken into account. It would set out the relevant facts for consideration and the time frames for an opt-out would need to be specified, but, obviously, that would vary from industry to industry depending on the cycle of production. We do not want a single blunt instrument that does not reflect the circumstances of these subsets of the agriculture sector. Rather, we want the ability for existing groups to come forward and say, “We want to change our rules; we want to embrace an opt out.” If the commission believes that that is fair and reasonable, it will refer that to me and, if we authorise that, the task of working with that producer committee to draft the detailed regulations would commence.

Hon STEVE MARTIN: It is disappointing that the government will not support the very sensible amendment moved by Hon Colin de Grussa. I have to respond to the verballing of the WAFF grain section. During the winter recess, I spoke to a large number of senior-level people at WAFF and it was very clear—it could not have been clearer—that they wanted the opt-out provisions in the bill, not the regulations.

That aside, the minister mentioned that a number of existing groups were strongly opposed to the opt-out clause. I assume that that is because if it becomes available to their members, they would leave. Does the minister have a view on that?

Hon ALANNAH MacTIERNAN: As the member knows, there are, in any group of people in any society, those who are other-regarding and comfortable acting collectively and want to share risks and opportunities, and those who want to socialise the losses and capitalise the profits and seek to get the benefit without paying their fair share. No doubt there are those people—I think we could all name a number of people in the industry—who would be automatic refuseniks and “opter-outers”. I was at a University of Western Australia Institute of Agriculture event. One gentleman got up and gave a keynote address attacking the whole notion of levies—not here, but with the Grains Research and Development Corporation, the royalties and endpoint royalties. He was asked a very good question by Tress Walmsley from InterGrain, and he was unable to answer it. Has this industry relied on people who are incredibly hardworking and innovative? Yes, it has. Have we derived enormous benefit from collective action? Through the efforts of the Department of Primary Industries and Regional Development and entities such as InterGrain, have we been able to breed varieties to deal with the challenging and changing circumstances of our climate, salinity and acidity? Yes, we have. Would it be fair to allow a certain percentage of farmers to benefit from the combined action while others pay? No, it would not. Given all our levy systems, our fee-for-service arrangements and, indeed, our whole concept of taxation, many people would not want to pay tax and may argue that they could do a better job than government to disperse their largesse. This is quite clearly the strong view of some of these sectors.

We should just look at apples and pome. We have had over 40 years of breeding by people like John Cripps and Steele Jacob to continue the extraordinary tradition of pink ladies, crisp reds, our beautiful bravos and numerous other exciting looking apples that I have seen in recent times. That has come from that collective endeavour, and people are very conscious of that. Growers would not be able to do that by themselves; they would not be able to make that investment over 40 years to keep that gene pool going and continue experimenting. Would some people opt out? Yes. Could we name them? Yes. Is it a good thing? No. However, in order to get a project across the line, some groups may be prepared to countenance that. We are giving them the maximum flexibility to do it.

Hon Dr STEVE THOMAS: Let me summarise this a bit. I think it is pretty critical and a bit funny at the same time. I come from a fruit-producing area. The people involved in the Agricultural Produce Commission think the

system is very good and they want to support it. The minister talked about apple producers et cetera. It is absolutely the case that they do not want to create opportunities for people to opt out of the system. I understand that. The system for opting out is the one that I am interested in. I understand that the minister has suggested that some regulations might allow an “opt out” to be put into the operating procedures of individual producer committees. That is interesting. We have to understand that the committee members are generally in those positions because they support the system and the levies. Theoretically, if a group is disgruntled by being forced to pay a levy, the first thing they have to do is convince a producer committee, which is appointed because it is invested in the system, that it is wrong. If the group manages to do that, that same group of people has to take the next step, which is the APC itself—a group of people appointed because they believe in the system and the levies—and convince them that they are wrong as well. At the end of that process, if they manage to get through the first and second hurdles, they have to get to the minister. If it is the current minister, who believes in the current system, they have to convince her to admit that she is wrong. I have been trying to do that a lot in the last few years. I have not quite managed to get too many admissions out.

Hon Darren West: Maybe you’ve been wrong.

Hon Dr STEVE THOMAS: I have said some very nice things about the minister. Her main job is keeping the parliamentary secretary out of her chair. Let us not go down that path. We are great supporters of the minister; we think she is fantastic. She does a very important job.

If we want to introduce an opt-out system, we have to negotiate with three levels of organisational structure that believe in the system. I suggest that the chances of that occurring are infinitesimal to zero. Is a real opt-out system being put in place or is it lip service to an opt-out system just to try to take the debate away? It is interesting that the Western Australian Farmers Federation, which was originally a champion of this process of the extension of the APC into the agricultural region, in particular, is saying—certainly at certain levels—that it wants to do so with an opt-out system in place. That is an interesting shift because it opens a significant door.

Therefore, I ask the minister, in relation to the regulations that might be written for opt-out clauses—bear in mind that anything that the opposition does at this point is completely taken on trust—is it the government’s intent that opt out will be available to individual producers on a one-by-one basis or will the envisaged regulations address the opportunity for an industry, for example, to opt out for a period of time on the application of levies? That kind of happens now. The committee can decide not to charge a levy if it does not have a need for it, for example, under the project for which the levy was raised et cetera. We can do that now. Separate from that, I presume that the regulations proposed by the government would allow individual producers to opt out. If that is not the intent, can we work out precisely what the intent is?

Hon ALANNAH MacTIERNAN: I want to express my strong support for my parliamentary secretary. I acknowledge that he does rile the opposition. The fact that he is the only working farmer in the Parliament is something that they find —

Hon Dr Steve Thomas: You’re lucky you said “working” under parliamentary privilege.

Hon ALANNAH MacTIERNAN: I have been out to his farm. I have watched him drive the tractors and do all the farming bits, and shear. He runs a very successful farm. I have seen the Japanese delegations come down and look at his beautiful oats and hay and celebrate the wonderful produce that our only working farmer has. He would make an esteemed successor to me. In the meantime, he is an absolutely wonderful parliamentary secretary. He does a very good job.

It is certainly the case that the people who bother to get involved in the producers’ committees believe that they are worthwhile. I would have thought—possibly not—that anyone in politics would understand that the people who get involved and put their hand up to become members of Parliament basically believe that it is a worthwhile thing to do. Do we say that we cannot have these people making laws because they all come from a background that is in favour of lawmaking? We would not get a balance. We have to get some people in Parliament who oppose the rule of law. Occasionally, we get a few mung beans in who do that, and sometimes they sneak through even the major party channels. It is true that we tend to find that people who actually believe in the worthwhileness of collective action are involved in collective action. How do disgruntled individuals get around this? From time to time, we look at whether there is enough industry support. I will give members a classic example—a very sad example, in my view. I decided not to determine a rate for the Carnarvon fruit fly program and, indeed, to wind it up. Do I actually think that is a good thing? No. But we had a lot of argy-bargy and a lot of people who were playing their own games with a project that was set up under the previous government and that I had continued to support and put state government money into. My assessment was that it was in the long-term interests of the industry, but there were people in that part of the world who seemed to be motivated more by a sense of grievance than looking in a cold-eyed way at their own long-term interests and the value of their property.

From time to time, notwithstanding the fact that people might think it is a bad idea to dismantle or not allow a certain thing to happen, we do it because we understand that even though we might have beyond 50 per cent support, the amount of agitation and grief within the community says that this is not something that is worth investing in. I have

no doubt that this same thing will happen here. I think that the embrace of opt-out will more likely happen in new groups that are formed. How will the opt-out work? Will it be on the basis of group sectors, or on the basis of hardship? It can be any of those things. My attention has been drawn to the provisions in the Fish Resources Management Act, which has a similar head of power to enable a regulation to be introduced to allow the director general to exempt individuals who meet certain hardship criteria; or, at other times, a cluster of people might be exempted permanently or temporarily. All these things are possible. In this case, it will most likely be dealt with on a committee-by-committee basis, because these industry sectors are so diverse. There is absolute flexibility in there. As I say, as we have seen with the Carnarvon fruit fly recognised biosecurity group, it is possible for a group of dissidents to get out there and destroy it for everyone. The member's dream might come true that ginger groups can rise up and cause a sector to fall over. I think it is more likely, as I said, that this will happen in those new groups that are being formed.

Obviously there are many voices in WAFarmers. But my understanding is that its formal submission to the committee was that it was prepared to accept that the opt-out clause would operate in the regulations. Certainly my view, and what was explained to WAFarmers very clearly when I responded to its request, was that we would not jeopardise the structure of the existing committees to accommodate it, and it should be prepared to accept the introduction of the head of power in the regulations, with the very clear understanding that we do not want to go out there and create division in different industry sectors. These things can take a long time. Do not get the idea that a group of zealots can just race in and get it all happening. It took 10 years to get this up for the wine industry. The APC understands that its role is to make sure that, on balance, this is in the interests of the sector. I am confident that WAFarmers accepts that it is appropriate to have this in the regulations. WAFarmers well understood that we would not have contracted that exemption if it had been predicated on us having to put that provision into the legislation. That would not be good, and it would be against the interests of those existing groups. I am not trying to be unreasonable. I am trying to accommodate those good points that are raised. I want good legislation.

Hon Dr STEVE THOMAS: If I could just try to summarise that. The regulations are not in place. The minister accepts that it would be difficult to get exemptions through the current system. I accept that as well. My main question for the minister was: will the regulations allow individuals to withdraw? I got the impression that the minister said yes. Could we get a straight answer to that particular question? Under the regulations, if individuals were able to get through that very tough system, would they potentially be able to opt out, and can the government give an indication of whether that is its intent, or not?

Hon ALANNAH MacTIERNAN: Of course, as the member knows, regulations are never drafted before legislation, because we do not expend that precious resource that is parliamentary counsel before we know what the legislation actually is. Secondly, of course, as we have said, what we are introducing here is a head of power. We will proceed with regulations only should a producers' committee want to proceed on that basis. The potential circumstances in which a producer might make a request to opt out—it could be an individual producer—are producer hardship, time to establish a new business, overpayment or duplication, or early payment of fees. This head of power is extremely broad. It is certainly not our intention to race off and make a whole heap of regulations that will now give individuals the power to approach us to get an exemption. However, there might be a request from producers' committees or from the APC to do that. We have provided a lot of protections in here. Industry will get to vote. Regulations can be disallowed. We are not going to go down this path. As I said, our primary aim is to make this legislation more effective for the existing participants. The existing participants do not want this opt-out clause to be introduced into the act. In order to accommodate broadacre, we have agreed to provide a head of power to make that possible. That is the end of the story. We have negotiated an agreement that, I think, is very fair and reasonable. It does not undermine the existing industry structure, and it allows these new sectors to come in should they wish to. If they want to come in with an opt-out provision, we will have created a head of power to make that possible.

Hon Dr STEVE THOMAS: This is more of a statement than a question. In front of us, we have, effectively, two alternatives: the amendment moved by Hon Colin de Grussa, which is a genuine opt-out clause for the legislation, and the government's alternative, which is not an opt-out clause, but the capacity for an exemption. It is not an opt-out clause that anybody can choose.

Hon Alannah MacTiernan: It's a head of power.

Hon Dr STEVE THOMAS: It is a head of power to create the capacity for exemption; it is not a head of power to create the capacity for opting out. I am a believer in calling it as it is rather than calling it something else. Hon Colin de Grussa's amendment discusses an opt-out clause. In the government's terms, it is not an opt-out clause; it is a head of power to create the capacity for an exemption. It is important that we understand that because that is the pivotal difference in what is being presented before the chamber today; that is, one is a genuine opt-out clause and the other is not. It is the head of power to create exemptions, as approved, through a three-step system. It is important that we understand the difference between those two things.

Hon ALANNAH MacTIERNAN: One is a head of power that will enable opt-out clauses to be created and one will impose opt-out clauses on the existing industry. As I said, and I have repeated this ad nauseam, fundamentally,

this reform is meant to improve the operation of this legislation for those existing 11 industries at the request of people who purport to represent broadacre farmers. We will reduce the exemption, and we will introduce a head of power that will enable industry to have opt-out clauses should it want to go down that path. We will not have the tail wagging the dog in this bill. We will not undermine the functions of the Agricultural Produce Commission for the benefit of people who may or may not want to be part of the system. What we have done is very fair and balanced across the industry.

Division

New clause put and a division taken, the Deputy Chair (Hon Peter Foster) casting his vote with the noes, with the following result —

Ayes (10)

Hon Martin Aldridge
Hon Peter Collier
Hon Donna Faragher

Hon James Hayward
Hon Steve Martin
Hon Tjorn Sibma

Hon Dr Steve Thomas
Hon Neil Thomson
Hon Dr Brian Walker

Hon Colin de Grussa (*Teller*)

Noes (20)

Hon Klara Andric
Hon Dan Caddy
Hon Sandra Carr
Hon Kate Doust
Hon Sue Ellery

Hon Peter Foster
Hon Lorna Harper
Hon Jackie Jarvis
Hon Alannah MacTiernan
Hon Ayor Makur Chuot

Hon Sophia Moermond
Hon Shelley Payne
Hon Stephen Pratt
Hon Martin Pritchard
Hon Samantha Rowe

Hon Rosie Sahanna
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Darren West
Hon Pierre Yang (*Teller*)

New clause thus negatived.

Clause 25 put and passed.

Clause 26: Part 3A inserted —

Hon ALANNAH MacTIERNAN: This clause relates to the inspection and compliance of records. The change that I will make is to the definition of a “relevant record”. I will take out a reference to a record that contains information that may be relevant for compliance purposes and adopt a recommendation of the committee to replace the word “may” with the words “is likely to”. I formally move —

Page 25, line 21 — To delete “may” and insert —

is likely to

Some concern was expressed that persons inspecting records, to determine the value of a sale, might be able to, somehow or other, use the compliance inspection as some sort of fishing expedition. The committee suggested a change of wording to this clause to raise the bar a little higher on the relevance of the document to determine whether the levy is complied with. I was happy to do that. It seemed like a reasonable point, so I move that amendment.

Amendment put and passed.

Hon COLIN de GRUSSA: Minister, thanks for that amendment. One of the focuses of my questions on this clause was around committee recommendation 4. Further, the committee also considered the issue of self-incrimination under proposed section 19F. The committee made a recommendation on that part as well, which states —

The Minister ... explain how clause 26 of the Agricultural Produce Commission Amendment Bill 2019 (proposed section 19F of the *Agricultural Produce Commission Act 1988*) will achieve an appropriate balance between compelling a person to provide information about compliance with the Act while providing adequate protection against self-incrimination.

Does the government have a response to that recommendation?

Hon ALANNAH MacTIERNAN: Proposed section 19F is not an unusual provision to have in legislation such as this, whereby a person is required to provide certain information to an authorised person or body. A search of the statute book shows there are around 20 acts with a very similar provision. The act, as amended by this bill, will only require a person to provide information in respect to their records and in response to questions asked by an authorised officer of the commission in relation to its operation. It is not as though an officer will come in to look at how many apples they have sold. They cannot ask questions about whether someone has been breaching biosecurity arrangements or stealing Fruit West’s intellectual property or whatever, so it should be emphasised that the ultimate aim of the commission is to work with producers in a collaborative and strategic way. The commission does not operate like an investigative agency. Such an approach would undermine the purpose of the act, which is aimed at ensuring that the provisions requiring accurate and correct information can be provided to the commission to satisfy producers that the information collected can be relied upon. As committees make decisions for their industry based on information collected, they need to be satisfied that this information is accurate. I think it is important to

understand that the commission totally understands that it would not be able to fulfil its other duties if it took an adversarial approach. It is in the commission's interest to keep the show on the road and keep people believing and wanting to participate in this, and it completely understands that if it were to go in with all guns blazing—like Hon Dr Steve Thomas's threatened Gestapo to go and root out arum lilies—and take that approach, it would undermine the whole functioning, belief and support for the system.

Hon COLIN de GRUSSA: Minister, I refer to the document tabled when we first commenced debate on this, which is the “Response to recommendations of the standing committee in its review of the Agricultural Produce Commission Amendment Bill 2019”. The two dot points on this particular recommendation state —

- Commission will develop policies as to how enacted
- Will include safeguards to ensure persons cannot be unduly compelled

Would those safeguards be in regulatory form or would they just be an order or directive for the authorised officers?

Hon ALANNAH MacTIERNAN: It will fundamentally be part of the operating procedure of the commission, which will be training people to undertake the compliance. As I said, I think it is pretty clear from the way that the commission has operated that it absolutely understands—this will be the message going out to its compliance officers—that it needs to observe the importance of long-term relationships between committees and producers; treat parties with respect and consideration; allow for due process; protect privacy and confidentiality; have a working understanding of the act; and have a working understanding of any relevant regulations. Work is being done to make sure that there is proper training for anyone who becomes an authorised officer, because, as I said, it is in the commission's interest to ensure good relationships with industry.

Clause, as amended, put and passed.

Clauses 27 to 31 put and passed.

Title put and passed.

Bill reported, with amendments.

METROPOLITAN REGION SCHEME (BEELIAR WETLANDS) BILL 2021

Second Reading

Resumed from 24 June.

HON NEIL THOMSON (Mining and Pastoral) [4.20 pm]: Thank you, Acting President, for the opportunity to speak to this very important bill. The bill is also very disappointing for reasons that I will outline in a moment, but mainly because the government is not really following the appropriate process for making a major change to the metropolitan region scheme. I will give a bit of background as I lead into my main points. In land use planning, there are three basic principles that we should adhere to: efficiency, transparency and predictability. This government gets an A for efficiency with this process. I have to give it an A because it has completely trashed the planning process just to ram through an outcome. It now has the numbers in this house to ram it through without proper consideration, appropriate analysis or appropriate consultation with experts in the community.

Everybody knows the background to this. I am sure that members opposite will say that it was an election promise in 2017 that they would remove this section of regional road reservation from the MRS forever and protect the Beeliar wetlands as a result. That is all very fine. That was probably worked up by a small group of people from the Labor Party doing a few war games to swing a few of the green votes its way in the South Metropolitan Region back in 2016. I am sure that is how it was all worked out. I am sure there was no thorough analysis of the infrastructure and transport requirements of Western Australia.

This bill has obviously made its way to this place before and been defeated, even though the Liberal Party and the Nationals WA together did not have the numbers to defeat it. Some very good and wise people on the crossbenches in this place in the previous Parliament thought it was worthy of being defeated and that this area in red on the map, which is part of our metropolitan region scheme and a very important part of our infrastructure corridor, should remain.

We have before us a bill that is incredibly efficient. As I said, the government gets 10 out of 10 for efficiency. The bill is about three pages long and has a very high level map. The second reading speech was three pages long. It said very little, other than that it is a great idea. I am paraphrasing. It references the Stephenson–Hepburn plan, which is 60 years old and therefore out of date. That sounds familiar, does it not? The same sorts of comments have been made about regional representation. The rules that are in place to safeguard our state are old and should therefore be wiped away because the government now has the numbers to do so! This is the sum total of the second reading speech. We have all seen it. Here is the explanatory memorandum—this detailed piece of analysis is one page long. It will wipe away forever, apparently, the possibility that an essential piece of infrastructure will be built to ensure the safety and efficiency of our community. Members opposite may have got an A for efficiency in trashing the planning system, but they certainly do not get an A for maintaining the economy.

There is a scheme. I am sure that members of the Labor Party have sat down and done some wargaming on this and thought: how can we make sure that we stop this road forever? I can tell members that it is not with this bill; it is not with the two or three pages of legislation before us. It is part of a different plan. It is part of the other bit that is mentioned in the second reading speech, which states —

The next stage of the process, —

This is the kicker —

after the bill has passed, will take place through a standard metropolitan region scheme amendment to engage on rezoning the remaining 84 hectares of land located to the west of North Lake Road that is currently designated as a primary regional road.

That is what is going on here. We know what the Labor government is up to, because it has done it all before. It is *deja vu*. We seem to be living in some sort of parallel universe. It is *deja vu*. My old boss Hon John Day had something to say about this back in 2015. Everyone I have talked to from both sides of the house thought he was a fine, honourable and thoughtful person. As his former chief of staff, I can say that he was very meticulous about the processes in the planning system and how to manage them. He was very meticulous in ensuring that people could have their say and that there was a proper assessment of the pros and cons before a decision was made. I will quote what he said on 11 November 2015, and, by the way, according to *Hansard*, he said it numerous times. In relation to the Roe 8 extension and the MRS scheme amendment, he said —

Fortunately, the previous Labor government, in its planning vandalism in removing the Fremantle eastern bypass, did not remove this reservation from the region scheme.

Fortunately, we know the history of the Fremantle eastern bypass, do we not? We know the problems with transport for our major piece of economic infrastructure—the inner harbour of Fremantle port. That port delivers 750 000 20-foot or equivalent units of containers, which are vital for our state. We know the huge challenges of getting those containers and other goods in and out of that port. It has such huge constrictions. Former Minister for Planning and Infrastructure, Hon Alannah MacTiernan, who is still here after all this time, undertook what was, according to another comment made by John Day, one of the greatest acts of planning vandalism undertaken in the state and here we go again—*deja vu*.

I am sure that the people of Western Australia would not mind so much if there was just a modicum of analysis, a modicum of assessment or a modicum of following the process. I can see Hon David Caddy there—I hope I have not said his father's name and mixed it up!—with a little grin. I am sure he knows about these things because he understands the planning system. I can see that. A modicum of analysis would be great but, instead, a three-page bill has been put before us to wipe out the section to the west of Beeliar Road.

I come back to the point I was making, which came out of the mouth of the minister acting on behalf of Minister Saffioti, the Minister for Planning, about the next stage of the process.

Debate interrupted, pursuant to standing orders.

[Continued on page 2157.]

QUESTIONS WITHOUT NOTICE

GRIFFIN COAL — COLLIE

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

I refer to the invocation of force majeure by Griffin Coal in July 2021, which has disrupted coal supply from its mine in Collie.

- (1) On what date was force majeure declared by Griffin Coal?
- (2) On what date was the government made aware of the declaration of force majeure?
- (3) What time frame has Griffin applied to the application of force majeure on its Collie operations?
- (4) Has the minister, his ministerial staff or departmental representatives, met with or contacted representatives of Griffin Coal since the declaration of force majeure?
- (5) If yes to (4), when and who attended the meetings?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The following information has been provided by the Minister for State Development, Jobs and Trade.

Further time is required to answer this question and the information will be provided to the member by 4 August 2021.

INFRASTRUCTURE WESTERN AUSTRALIA — *FOUNDATIONS FOR A STRONGER TOMORROW***379. Hon Dr STEVE THOMAS to the Leader of the House representing the Premier:**

I refer to the government's Infrastructure Western Australia process and the draft strategy released last week titled *Foundations for a stronger tomorrow*.

- (1) What was the total cost of developing the draft strategy, including the document released last week?
- (2) Noting that during the briefing on the document in Mandurah last week, attendees were told that the report referenced 60 to 70 projects and programs, please provide a list of those projects and programs and where they are referenced in the strategy.
- (3) Was Infrastructure WA required to include and endorse Labor Party policies, including all aspects of Metronet, as a part of the strategy?
- (4) Does the Premier support the comments of the chair of Infrastructure WA that removing the potential for the Roe 8 extension should not be done before there is certainty that the Westport outer harbour can get approvals and proceed?

Hon SUE ELLERY replied:

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

- (1) Infrastructure WA's total expenditure, unaudited, for 2020–21 was \$5 671 000. This expenditure covered the delivery of all of its current functions, including its primary function to develop the draft state infrastructure strategy.
- (2) I table the document headed "Draft State Infrastructure Strategy Projects and Programs". The document lists the projects and programs that are referenced in the strategy. It includes those projects and programs that require further investigation and review, as well as those that are already underway by the state government.

[See paper [421](#).]

- (3) No.
- (4) The chair of Infrastructure Western Australia did not say that.

CORONAVIRUS — VACCINATIONS — CORRECTIVE SERVICES

380. Hon COLIN de GRUSSA to the minister representing the Minister for Corrective Services:

I refer to the article by Joe Spagnolo in *The Sunday Times* on 1 August titled "Jailed WA prisoners, criminals get Pfizer COVID-19 vaccine".

- (1) Can the minister confirm whether any of the 4 000 prisoners vaccinated were over the age of 60; and, if yes, how many received —
 - (a) Pfizer; or
 - (b) AstraZeneca?
- (2) How many prisoners have now received two doses of either vaccine, to be fully vaccinated with —
 - (a) Pfizer; or
 - (b) AstraZeneca?
- (3) For (1) and (2), for each vaccine, please detail how many prisoners vaccinated were over the age of 60.
- (4) Why were prison officers not offered the same opportunity, despite the fact that they are frontline workers and spare phials were left over?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The following information has been provided to me by the Minister for Corrective Services.

- (1) There are currently 260 persons in custody aged over 60, or four per cent of the total population, and all have had the opportunity to access the Pfizer vaccine.
- (2) At close of business on 2 August 2021, 165 prisoners had received a vaccine.
 - (a) Of those, 165 were Pfizer.
 - (b) Zero were AstraZeneca.
- (3) In total, 260 persons over the age of 60 were given the opportunity to access the Pfizer vaccine. A breakdown of how many of this cohort consented to the vaccine is unavailable at this point.

- (4) All staff working within Western Australian custodial facilities have been eligible for vaccinations since early March 2021, in phase 1a and 1b, through community services. The planning for the conduct of each clinic has proved very efficient. The stocks of vaccines were fully utilised at most sites and wastage has been extremely low across all sites.

FOREST MANAGEMENT PLAN 2024–33

381. Hon TJORN SIBMA to the minister representing the Minister for Environment:

I refer to the development of the next forest management plan and the minister's media statement of 22 June 2021, "WA public invited to have their say on native forests", which curiously did not involve the Minister for Forestry as a co-author.

- (1) What was the minister's consultation with the timber industry prior to the publication of the media statement, noting the claim made within the statement —
- The McGowan Government wants to hear from the public and industry, via this preliminary consultation survey, ahead of the formal process for the development of the next Forest Management Plan (FMP) 2024–33.
- (2) On what dates and times did this consultation occur?
- (3) Given that the statement also claims that "WA's native forests are ... highly valued by all Western Australians", what further insights are likely to be elicited from this public survey, which will have a significant bearing on how the government negotiates the next FMP?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. I provide the following answer on behalf of the Minister for Mental Health representing the Minister for Environment.

- (1) The media statement of 22 June 2021 announced the government's intention to hear from the public and industry through this preliminary consultation survey. The minister meets regularly with relevant stakeholders including industry representatives, non-government organisations and individuals. As the member would be aware, there will be further consultation throughout the formal drafting process of the next forest management plan, which is a detailed and thorough process spanning 12 to 18 months.
- (2) Not applicable.
- (3) The survey considered a wide range of areas, including, but not limited to, biodiversity, climate change, conservation, native timber harvesting/forestry, mining, recreation and tourism. This preliminary consultation survey does not replace the formal consultation process that will take place during the drafting of the new FMP.

CHILD AND ADOLESCENT HEALTH SERVICE

382. Hon DONNA FARAGHER to the minister representing the Minister for Health:

I refer to *The West Australian* news article titled "Desperate Perth parents facing huge waiting list for public and private paediatricians" published on 15 June 2021, which states that the Child and Adolescent Health Service —

has invested in additional paediatrician and allied health staff between February and November 2021 to reduce wait times for families ...

- (1) Will the minister provide a breakdown of the number of additional full-time equivalents by staff position employed by the Child and Adolescent Health Service during the period in question?
- (2) What is the total amount of additional funding to deliver this staffing increase?
- (3) Has the state government provided the Child and Adolescent Health Service with additional funding to deliver this staffing increase or were funds sourced from within the Department of Health's existing budget?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question, which I am answering on behalf of the Minister for Mental Health.

- (1) The breakdown is as follows: two FTE paediatric registrars; 1.5 FTE paediatric consultant; one FTE clinical nurse specialist; one FTE speech pathologist; 1.5 FTE clinical psychologist; 0.8 FTE social worker; 0.6 FTE occupational therapist; 0.6 FTE allied health assistant; and 3.5 FTE administrative assistants.
- (2) It is \$1.6 million between January and November 2021.
- (3) This was funding from within the Child and Adolescent Health Service budget.

SOLDIERS AND SIRENS PROGRAM

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

I refer to the Soldiers and Sirens program, which has provided support services for police, defence veterans and other first responders for the past three years, but has not been able to continue due to a lack of government support.

- (1) Will the minister commit to funding Soldiers and Sirens in order for this essential service provider to continue to support many Western Australian police, veterans and other first responders?
- (2) If no to (1), why not?

Hon SUE ELLERY replied:

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

- (1)–(2) The Western Australia Police Force advises that officers are able to access private psychological and psychiatric support services from select preferred providers. Soldiers and Sirens was one preferred provider among a network of other providers that were able to encompass the additional capacity to ensure that all officers have access to support as required.

Members of WA Police also have access to other mental health services, including 24/7 access to an on-call clinical psychologist and chaplain and in-house and external psychological services. Regionally, mental health practitioners visit the districts multiple times a year and officers are provided access to telehealth services and local mental health services are referred to when available.

The McGowan government has also significantly increased the annual Anzac Day Trust fund to \$1.3 million per year. The Anzac Day Trust program provides funding to organisations that support the welfare of veterans and their families, with a focus on programs that assist veterans to transition back to civilian life. Applications for the 2021 Anzac Day Trust grants program are currently open and close on 27 August, 2021.

HOMELESSNESS

384. Hon Dr BRAD PETTITT to the parliamentary secretary representing the Minister for Community Services:

I refer to the minister's media statement dated Tuesday, 6 July, titled "New 100-bed homelessness facility to open in Perth CBD".

- (1) Are the funding commitments in the media statement dated 6 July in addition to those announced on 2 February?
 - (a) If no to (1), why is there a \$100 000 reduction in funding to the Aboriginal community-controlled organisations involved?
- (2) Do the funding commitments allocated to this facility use the entirety of the \$36 million allocated to housing and homelessness as part of the Perth City Deal, as referenced in the announcement?
 - (a) If no to (2), what amount of the \$36 million allocated to housing and homelessness from the Perth City Deal will be used for this facility?
- (3) Will the minister table a funding breakdown for the set-up and ongoing function of the facility for the three-year period of the lease?
 - (a) If no to (3), why not?

Hon SAMANTHA ROWE replied:

I thank the member for some notice of the question. I provide the following answer on behalf of the Minister for Community Services.

- (1) Yes.
 - (a) Not applicable.
- (2) No. Boorloo Bidee Mia is not funded under the Perth City Deal.
- (3) A breakdown of funding will be available once works are completed.

REGIONAL CONNECTIVITY PROGRAM

385. Hon WILSON TUCKER to the Minister for Regional Development:

There has been no notice of this question. I refer the minister to the Regional Connectivity Program, which is funded jointly by the commonwealth and state governments. I note the limited access to data and voice services across the Kimberley and the impacts that the lack of connectivity has on Kimberley residents. Can the minister advise the house when the first new RCP-funded Telstra mobile towers planned for the Kimberley are expected to come online?

Hon ALANNAH MacTIERNAN replied:

Member, I enjoy questions without notice—I wish I had more of them—but, realistically, it is not reasonable to expect that I would know the detail of all those individual towers. I am happy to provide that information if the member asks me the question tomorrow.

The PRESIDENT: I think the minister is inviting the member to resubmit the question with notice.

POLICE — CANNABIS OFFENCES

386. Hon SOPHIA MOERMOND to the minister representing the Minister for Police:

I refer the minister to the harm minimisation strategies, priority substances and priority populations outlined in the Australian government's *National drug strategy 2017–2026*. How many Western Australians have been charged for cannabis-related crimes associated with quantities pertaining to personal use compared with trafficable offences?

Hon SUE ELLERY replied:

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

The Western Australian Police Force advises that a response to this question cannot be provided within the required time frame. The honourable member may wish to place the question on notice. By way of assistance, if the honourable member signs the question and hands it to one of the clerks now, that will put it on notice if that is what she wants to do.

POLICE — CANNABIS OFFENCES

387. Hon Dr BRIAN WALKER to the parliamentary secretary representing the Attorney General:

I refer to the answer provided to my question without notice 326 of Tuesday, 22 June 2021, by the minister representing the Minister for Police. In line with his advice, how many cannabis-related arrests during the past calendar year have resulted in court appearances and convictions?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. The member's question cannot be answered in the time provided and I request that he place his question on notice.

CORONAVIRUS — GERALDTON HEALTH CAMPUS

388. Hon MARTIN ALDRIDGE to the minister representing the Minister for Health:

I refer to a media release issued by the Minister for Health on 31 July 2020 titled "Portable isolation rooms to further protect country residents".

- (1) Did Geraldton Health Campus have access to a portable isolation room on 4 July?
- (2) On what date and at what time was Geraldton hospital notified that a suspected COVID-19 patient would be transported to the hospital?
- (3) At what date and at what time was the portable isolation room deployed?
- (4) Why was a suspected COVID-19 positive patient placed in the emergency department and not immediately placed in a negative-pressure room?
- (5) At which regional sites are portable isolation rooms ready for deployment as of today?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. I provide the answer on behalf of the representative minister.

I have been advised by WA Country Health Service that further time is required to answer this question. Information will be provided to the member on 5 August 2021.

HOMELESSNESS SERVICES — BUNBURY

389. Hon JAMES HAYWARD to the parliamentary secretary representing the Minister for Community Services:

I refer to the Graham Bricknell Music Shell in Bunbury and the broader wraparound services for homeless individuals in Bunbury.

- (1) Does the department track how many people, on average, use the Bricknell music shell as a shelter each night for rough sleeping; and, if yes, what is the average number a night since February 2021?
- (2) Has the ministerial office received any correspondence or held any meetings on this issue; and, if yes, please detail when, who was involved and any resolutions from the correspondence or meeting?
- (3) Have the department or the minister worked with relevant stakeholders to develop an action plan to ensure that the Bricknell music shell is not used as a de facto homeless shelter on an ongoing basis?

- (4) Considering that we have experienced the wettest winter in some time —
- (a) what extra wraparound services, if any, have been provided within the Bunbury and greater Bunbury region to assist homeless people; and
 - (b) what options do homeless people in Bunbury, other than the Bricknell sound shell, have to escape the elements and, if facilities are available, what is the capacity of those facilities?

Hon SAMANTHA ROWE replied:

I thank the member for some notice of the question and provide the following answer on behalf of the Minister for Community Services.

- (1) The Department of Communities has funded Anglicare WA, in partnership with the Breakaway Aboriginal Corporation and Doors Wide Open, to provide the Housing First Support Service. The Housing First Support Service works directly with people experiencing homelessness in the Bunbury region, which includes the Bricknell music shell. The Housing First Support Service estimates that 13 people are at the shell.
- (2) Yes. The Minister for Housing received an email from a member of the public on 10 June 2021. This was referred to the Minister for Community Services for response. Communities is in communication with stakeholders on this matter, including community-based organisations. Communities is one of several agencies and community-based organisations in Bunbury and the south west that support individuals and families experiencing homelessness.
- (3) The Housing First Support Service works closely with Communities, the Western Australia Police Force and the City of Bunbury rangers to actively engage with people experiencing homelessness, including those camping at the shell.
- (4) (a)–(b) The Housing First Support Service provides wraparound services within the Bunbury and greater Bunbury region.

PLANNING — MARINE PARADE, COTTESLOE

390. Hon NEIL THOMSON to the Leader of the House representing the Minister for Planning:

I refer to the recent decision of the State Development Assessment Unit to approve a seven-storey development on Marine Parade at Cottesloe.

- (1) Why was the Town of Cottesloe not consulted on the third iteration of the development that was recently approved by the SDAU and is now being considered by the Western Australian Planning Commission for final approval?
- (2) Did the Department of Planning, Lands and Heritage publicise the latest iteration of the development application on the SDAU website in the “under assessment” category prior to consideration by the SDAU; and, if yes, what date was this uploaded?
- (3) Given that the development could not have been approved by a development assessment panel in its current form, under planning provisions pre-dating the COVID emergency, does the minister concede that the recommendation by the SDAU to override local planning scheme 3 sets a dangerous precedent for local governments across Western Australia?

Hon SUE ELLERY replied:

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

The State Development Assessment Unit has not made a decision on this development.

- (1)–(3) Not applicable.

HOMELESSNESS — DEATHS

391. Hon STEVE MARTIN to the minister representing the Minister for Health:

I refer to the recent release of data collected by the University of Western Australia’s Home2Health team, which showed that at least 56 homeless people died in Perth last year. How many Western Australians experiencing homelessness have died in the following years —

- (a) 2017–18;
- (b) 2018–19;
- (c) 2019–20; and
- (d) 2020–21?

Hon SUE ELLERY replied:

On behalf of the representative minister, I provide the following answer.

I thank the honourable member for some notice of the question. However, this data is not available from WA Health.

BUNBURY HOSPITAL — UPGRADE

392. Hon Dr STEVE THOMAS to the minister representing the Minister for Health:

I refer to the \$200 million upgrade of Bunbury Hospital at South West Health Campus. Does the Leader of the House have that answer?

Hon Sue Ellery: I'm sure I do.

Hon Dr STEVE THOMAS: I ask the following.

- (1) When will the upgrade be completed?
- (2) When will the hundreds of new parking bays be completed and available?
- (3) Are staff currently parking in Hay Park and then being bussed or walking to the hospital to work?
- (4) If yes to (3), when will this finish?
- (5) How is the government and the Department of Health ensuring the safety of staff in these circumstances?

Hon SUE ELLERY replied:

Having confidently said that I am sure I do have the answer, I am sorry, I do not have it. If it is available, I will get it sent in before the end of question time.

ESPERANCE PORT — CLEANING CONTRACT

393. Hon COLIN de GRUSSA to the Leader of the House representing the Minister for Ports:

I refer to request for tender 202049E—Industrial Vacuum Cleaning and Road Sweeping Services at the Southern Ports Authority, Port of Esperance.

- (1) Can the minister confirm that the current contract awarded as a result of the abovementioned tender is being performed in accordance with —
 - (a) the tendered contract rates submitted by the successful tenderer;
 - (b) the tendered contract scope of services; and
 - (c) the tendered contract equipment?
- (2) If no, why not?
- (3) Have there been any reportable safety incidents related to the performance of the contract by the successful tenderer since its commencement?
- (4) Have there been any reportable environmental incidents related to the performance of the contract by the successful tenderer since its commencement?
- (5) Have any matters required action by the port in relation to the conduct of personnel employed by the successful tenderer?

Hon SUE ELLERY replied:

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

- (1)
 - (a) Yes.
 - (b) Yes.
 - (c) The contract commenced with existing equipment from within the contractor group. The new equipment offered under the tender was delayed.
- (2) A new sulphur sweeper has arrived on site but was initially delayed due to COVID-19.
- (3) There was one reportable safety incident.
- (4)–(5) Not applicable.

SCHOOLS — CHILD PROTECTION

394. Hon TJORN SIBMA to the Minister for Education and Training:

I ask this question on behalf of Hon Nick Goiran, who is away on urgent parliamentary business.

I refer to the minister's answer to question without notice 12 in which she advised that as of 28 April 2021, six alleged or convicted offenders were attending the same public school as their victims.

- (1) As at the start of term 3 in this 2021 school year, how many of the six alleged or convicted offenders were still at the same school as their victims?
- (2) Further to (1), how many of the victims of the six perpetrators have moved to a different school or left school?
- (3) What is the current total number of alleged or convicted offenders attending the same public school as their victims?

Hon SUE ELLERY replied:

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

- (1) Five.
- (2) One.
- (3) There are five as at 3 August 2021. There is a risk assessment and management plan in place for each of these five students.

SCHOOL HEALTH NURSES

395. Hon DONNA FARAGHER to the minister representing the Minister for Health:

I refer to school health nurses employed by the WA Department of Health.

- (1) What was the total amount of funding allocated for the provision of school health nurses in the 2020–21 financial year for —
 - (a) government schools; and
 - (b) non-government schools?
- (2) How many school health nurses, by headcount and FTE, are currently permanently based in —
 - (a) public primary schools;
 - (b) public secondary schools;
 - (c) non-government primary schools; and
 - (d) non-government secondary schools?

Hon SUE ELLERY replied:

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

I am answering this question on behalf of the representative minister. It is not possible to provide the requested information in the time required. I therefore ask the honourable member to place the question on notice.

POLICE — FAMILY AND DOMESTIC VIOLENCE

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

I refer to family and domestic violence incidents that have been attended by police.

- (1) Does the Western Australia Police Force have a dedicated family and domestic violence section?
- (2) If yes, how many officers are attached?
- (3) How many FDV incidents were attended in 2018–19; 2019–20 and 2020–21 to date?
- (4) How many arrests were made each year as a result of attending the incidents in (3)?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of this question. I provide the answer on behalf of the representative minister, who has been provided with the information by the Minister for Police.

The Western Australia Police Force advises as follows.

- (1) Yes.
- (2) All frontline officers can respond to family violence matters. In addition, 90 officers are currently allocated to family violence response teams and work with Department of Communities' staff.
- (3) There were 60 888 incidents in 2018–19; 59 922 in 2019–20; 58 571 in 2020–21; and 4 853 in the 2021–22 year to date.
- (4) There were 16 754 outcomes in 2018–19; 16 682 in 2019–20; 16 098 in 2020–21; and 1 366 in the 2021–22 year to date.

The note at the bottom of the answer says that the statistics are provisional and subject to revision.

HOUSING — NEW TENANCIES

397. Hon Dr BRAD PETTITT to the Leader of the House representing the Minister for Housing:

I refer to the yearly number of new tenancies statistics that used to be provided as part of the Department of Housing annual report but have not been provided since the 2017 machinery-of-government changes.

- (1) Why have these figures not been published in the last few annual reports?
- (2) Will these figures be published in the 2020–21 annual report?
- (3) If no to (2), why not?

Hon SUE ELLERY replied:

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

- (1)–(3) Following the creation of the Department of Communities, the revised reporting on operations integrated entities forming part of the Department of Communities, including the Housing Authority. The Department of Communities annual report reflects the new department, its integrated dataset and key performance indicators.

CORONAVIRUS — GERALDTON HEALTH CAMPUS — REVIEW**398. Hon MARTIN ALDRIDGE to the minister representing the Minister for Health:**

I refer to comments made by WA Country Health Service principal health officer Dr Helen Van Gessel to ABC Mid West and Wheatbelt on 12 July that a review would be conducted into the breach of COVID-19 protocols at Geraldton Health Campus on 4 July.

- (1) Who conducted this review?
- (2) Has this review been completed?
- (3) Would the minister please table the review?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question, and I am providing this on behalf of the representative minister.

- (1) The review was conducted by Dr Paul Armstrong, director communicable disease control, Public Health Emergency Operations Centre; Sharon Deen, senior policy officer, PHEOC; and Dr Helen Van Gessel, executive director clinical excellence, medical services, WA Country Health Service.
- (2) Yes.
- (3) I have been advised that further time is required to answer this question. A response will be provided to the member on 5 August 2021.

PRACTICAL DRIVING ASSESSMENTS**399. Hon JAMES HAYWARD to the Leader of the House representing the Minister for Transport:**

I refer to driver's licence practical assessments.

- (1) Does the Department of Transport allow practical driving assessments to be recorded using a dash cam or video technology?
- (2) If no to (1), why not?
- (3) Does the Department of Transport allow sound recording of practical driving assessments?
- (4) If yes to (3), why is this allowed?
- (5) Does the minister see any value in allowing practical driving assessments to be recorded by video to enable applicants to review and learn from a failed driving test?
- (6) If no to (5), why not?

Hon SUE ELLERY replied:

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

- (1)–(6) The Department of Transport audio records driving assessments, which is available when required to provide feedback to the learners. Additionally, assessors provide written feedback to learners following the assessment. The use of private or third-party cameras would raise technical, privacy and liability issues.

BUNBURY HOSPITAL — UPGRADE*Question without Notice 392 — Answer Advice*

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.02 pm]: Earlier in question time, Hon Dr Steve Thomas asked a question to the minister representing the Minister for Health, C402, about Bunbury regional hospital. I have an answer, which I will now provide.

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

- (1) Practical completion of all works is anticipated in the last quarter of 2027.
- (2) Second quarter of 2022; however, if there are any opportunities identified to fast-track this work, it will be explored.
- (3) Yes. Pre-identified staff are currently parking at Hay Park. A shuttle bus service is in place to transfer staff to and from the health campus.

- (4) The current arrangement with the City of Bunbury expires on 30 June 2022.
- (5) WA Country Health Service South West has initiated the following measures to support staff safety whilst utilising Hay Park, including planned and unplanned security patrols, emergency assistance information and response, increased lighting, signage, and general security awareness education.

METROPOLITAN REGION SCHEME (BEELIAR WETLANDS) BILL 2021

Second Reading

Resumed from an earlier stage of the sitting.

HON NEIL THOMSON (Mining and Pastoral) [5.04 pm]: Before question time, we were talking about the A-grade of this government in terms of efficiency and seeking to ram this piece of legislation through the house, with very little accompanying evidence or analysis—in fact, none at all. I want to reiterate a comment that I made before question time about a very important piece in the minister's second reading speech —

The next stage of the process, after the bill has passed, will take place through a standard metropolitan region scheme amendment to engage on rezoning the remaining 84 hectares of land located to the west of North Lake Road that is currently designated as a primary regional road.

Clearly, the government has designs to convert this land into something else. Clearly, the government has a plan. I will ask questions in Committee of the Whole on this bill. Has the government been approached by any developers, for example? Has the minister had any discussions with any of these developers who seem to have a straight-line door to see the minister? We now have these very efficient powers at play. We saw that in the most recent answer to the question about the Cottesloe development. That development does not conform with the planning scheme. There have been many months and even years of agonising, involving local community feedback and consideration of all the planning matters, which came up with a five-storey limit, and suddenly a recommendation has gone to the Western Australian Planning Commission, which will be considered this week, for a seven-storey development. This seems to be the efficiency with which the government is operating.

There is a much bigger picture at play in relation to this particular matter. Unlike the Cottesloe example, which is worth \$22 million and is apparently so important for the COVID-19 recovery and for the economy, the development that is proposed to be killed off with this bill is absolutely, vitally important for both the economy and investment in Western Australia. We know that the commonwealth has offered to put \$1.2 billion worth of investment into the development of Roe 8–Roe 9. We know that huge benefits will flow in transport efficiency, environmental outcomes, port efficiency and the economy. There will also be benefits to road safety through lives being saved and fewer people being hospitalised due to accidents.

This is a very important piece of infrastructure that is absolutely vital to be retained. The government wants to break it up, instead of going through the process. As members know, I am a strong advocate of going through the process. Members on the other side seem to say no, we do not want process. There is a process to deal with this in a considered way. That process is called a major scheme amendment through the metropolitan region scheme. That is outlined in part 4 of the Planning and Development Act. It is for David Caddy, the chair of the Western Australian Planning Commission, and his team to go through the process and undertake a proper and thorough consideration of this matter. Section 41 of the Planning and Development Act outlines a considered approach involving a full public interest test and public submissions. It states —

Subject to Division 4, the Commission is to adopt the procedure set out in this Division for submitting and obtaining approval of any region planning scheme or amendment to a region planning scheme ...

This independent body, which is full of experts, could go through the process, and look at the full length of the road reservation and do a thorough analysis, which I understand would take about two years.

That is well within the time frame of the life of this government and the forty-first Parliament. The process could potentially involve, with the minister's consent, public submissions. The transport industry could lodge a submission. Even the Maritime Union of Australia could lodge a submission—I am sure it would love to—because it has some concerns about the changes happening in Fremantle. A number of bodies would like to be involved in the proper process that is outlined in the Planning and Development Act, which governs the process in which we can change the dynamic and living document called the metropolitan region scheme. This document has set the standard for the development of metropolitan Perth to be one of the best laid-out cities in the world, with proper road networks, which are now being taken advantage of by the government in terms of, for example, the development of Metronet. The government would not have been able to develop Metronet were it not for the fantastic work of the Stephenson–Hepburn plan in the metropolitan region scheme of 1963. It is not out of date. It is not old fashioned. It is not something that should just be wiped out with an amendment by a bill in this place, which will take out a small section of road so that the government can put through a minor scheme amendment. This process will start conversations about market-led proposals, I assume, or a whole range of things that might go on, and start development on the rest of that vital piece of land that is set aside for infrastructure. In terms of the Fremantle eastern bypass, it is *deja vu*.

The sections in part 4 of the Planning and Development Act refer to all the processes that need to be undertaken over the two-year period. Public submissions will be sought by the Western Australian Planning Commission. A lot of work that is not in the act is undertaken by experts within the Department of Planning, Lands and Heritage, including consultation with our key agencies such as Main Roads. Where is Main Roads mentioned in the second reading speech? It is not mentioned. I wonder what the Main Roads people are thinking about this issue? I can tell members what they are thinking about: they are very unhappy about it because they know that this will completely destroy the future transport and logistics tasks that Western Australia has to undertake as we move from 750 000 20-foot or equivalent units at Fremantle port—I do not have the numbers because I am not a part of the government, but I have seen reports over the years—to up to two million 20-foot or equivalent units, potentially, out of the inner harbour. We have this reference to the outer harbour and I will get to that in more detail because that is another issue. All the people I have talked to over the years suggest that the inner harbour will need to be a working port for a lot longer than 10 years. That issue is worthy of consideration—certainly through the Committee of the Whole House stage of this bill. It will be great to have all that information on hand, laid out with some evidence, rather than just saying, “We’re just going to build this port down in Kwinana and it’s going to take care of all the issues. You don’t have to worry about this road. We will use not only the environmental pretext of the Beeliar wetlands; we will also put through a minor amendment to the act and change the land use on the rest of the land.” What is the purpose of that change to the metropolitan region scheme on the rest of that land? Will it be zoned as urban? Will we see some high-rise buildings down there, maybe, with some of the developer mates of the Labor Party? I would like to ask that question during the Committee of the Whole House because that is a worry.

If the Labor government and the Minister for Planning were genuine, they would get Mr David Caddy to do a major scheme amendment, get all his experts and bring all the materials here to table in this place so we could examine and consider the evidence on this matter. There are so many things to consider. Unfortunately, it is left to a much diminished opposition. By the way, if government members think that they have a mandate for this development, that is certainly not the case; they do not have a mandate. People clearly voted on COVID, but this is not about Roe 8–Roe 9. I want to highlight this issue, because I hope the voting public gets an understanding of what is coming its way. Splitting this activity—having a bill for this small section of road reserve that will take it out of the system—gives the opportunity to undertake a minor amendment on the rest of the bill and not go through a proper process on the whole lot. If the government did a proper assessment of the roads from Beeliar to Fremantle, it would come up with a very different answer. The sorts of things that would normally be undertaken in a full assessment include transport modelling. We would have that assessment tabled in this place with an understanding of how that will impact the transport task. Instead, it is left up to people like me, here in this place, with 37 minutes to go, to try to explain, by going on the web, the sorts of things that might impact on the people of Western Australia.

Main Roads has a very good tool called Traffic Map, which states how many trucks and cars go down Leach Highway and South Street. These are very busy roads. South Street has 49 739 movements of traffic every day and 8.1 per cent of that are trucks. It is a massively busy road. Leach Highway has 50 139 traffic movements a day and, of those, 12.5 per cent are trucks. That is roughly 10 000 truck movements every day. Where are most of those trucks going? I am sure that a lot of them disperse across Perth, but many of them head to our major ports—our major infrastructure—in Western Australia. The time delays that those trucks endure by stopping and starting, the extra carbon emissions that they emit from starting their engines and having cars cut in on them are all things that should have been considered when consulting with the transport industry and the trucking industry. Instead, we have this three-page bill. We will just do this other activity. We will just chop it out! We will then do a minor amendment without the proper analysis because there will not be a road to build! Therefore, the “with v without” scenario will not mean that as we remove that other section we are actually comparing a road with whatever we are doing, because we have killed off the possibility of a road, effectively, by using this bill to block it. I am not so sure about that.

I put that to members because I hope that when Mr Caddy does his analysis with his learned friends, he makes a proper assessment and undertakes a major amendment. It should be a major amendment because there is still a possibility of a road—we do not even know! I would like to see some engineering assessment here about the possibility of, for example, preserving the wetlands if it is that important. Those wetlands are obviously something of concern to a number of people, and I think that everybody in this place would agree that wetlands are important. But, maybe, a tunnel could have been built under that section of wetlands and the rest of the road could still be used as a major transport network. But, no; we will not do that—not at all! Instead, we will do this next stage of the process that was laid out by the Leader of the House representing the Minister for Planning. After the bill has passed, we will go through a standard metropolitan region scheme amendment to engage on rezoning the remaining 84 hectares. The government has already laid it on the table. I say to the developers out there: get your market-led proposals in now, guys. Get out there and go and talk to the minister. Go and have your quiet meetings on the side. Start making it happen, because it has already been flagged.

This is not about the environment, and I will tell members why it is not. When we take into account the environmental balance on this, it is clearly not about the environment. This is just part of the process of getting more land into the hands of the developer mates of the Labor Party. There is no analysis. I would like to see an analysis done. Let us look at the transport task and see some analysis on this. Safe Rates is a great website to visit to undertake

a proper cost–benefit analysis on why this road should or should not exist. It outlines the cost. Members can go to saferates.com.au. It has up-to-date information to help the trucking industry. It costs \$2 150 a day to operate a B-double down a good highway running at 100 kilometres an hour. It is a very efficient form of transport. But we know that when it has to stop and start, stop and start, it does not cost \$2 150 a day; it is a lot more expensive. Of those 10 000 trucks that are moving up and down those two roads, Leach Highway and South Street, every day, it would be great to have an understanding of how many would be diverted onto Roe 8 or 9, how much carbon would be reduced from the atmosphere and how many dollars would be saved by the trucking industry. That is before we start getting into the safety issue. That is what would happen under a major scheme amendment. That is the analysis we would be undertaking. There would be consultation with Main Roads and the trucking industry.

The issue of safety comes up. We know that lives are precious—we absolutely do. We are concerned about the lives of people and the fact that we mix so many of our small vehicles with the trucks in this trucking task across to Fremantle port. Certainly, an analysis could look at the statistical value of a life. This is not to be confused with saying that a life is expendable and it has a value, but it is something that goes on in the world of economics. It is assessed properly because it can be calculated. It is about how willing a government is to spend something in order to reduce the fatality or hospitalisation rate. It can be calculated. In fact, the Productivity Commission calculated the statistical value of a life so that we can put an economic value on it—unfortunately. That is the truth, because if we have roads that cost \$6 million, for example—the values go between \$2 million and \$20 million—we can save one life. That is what the analysis shows when it considers the economics. I would like to know whether anyone has done an analysis of the impact Roe 8 and 9 would have on the saving of lives. Instead, no, there is none of that, and we have three pages of a bill. The government is just going to cut it off and do some development down the other end.

We know that between 1 January 2016 and 31 December 2020, there were 2 624 accidents on Leach Highway. That is a huge number. Of those, 244 involved trucks and 107 involved heavy trucks. Fortunately, there were only two fatalities in that time, but that is two too many. However, I am surprised by that number. It is very sad for each family affected, but I am surprised at how few deaths occurred from that number of accidents. As someone who comes from the regions, I know how terrible the road toll is in our regional areas. I would like to know what analysis has been done in this place on this bill and whether we would be able to halve that road toll rate with the development of Roe Highway by retaining this metropolitan region scheme piece through this road reserve. If we were able to build that road with the \$1.2 billion that has been offered by the commonwealth, it would be a massive employment-generating opportunity and create a road reserve. It is more than a road reserve, by the way; it is a future transport corridor—something that is vital for the ongoing smooth running and economic development of our city. What would that be? Of those 2 624 road accidents, how many hospitalisations occurred? That is another question. I do not know. I bet nobody knocking this bill up in 2017 at campaign headquarters said, “That’ll be a great idea; we’re just going to knock up that bill. We’re going to wipe that out, because that’s good for our vote.” They would not have done that analysis. I would like to see that coming from David Caddy and his team. Would it not be great to have a proper, full assessment of that change to the MRS being presented to this place so that we could all sit down and make an assessment of whether this is in the public interest? This is what it is all about.

Do members remember those three points I made about efficiency, transparency and certainty? The government gets an A for efficiency; it can bring down the guillotine, chop it off, and do its job over there on that other piece of land that it wants to develop. It gets an F for transparency, and an absolute F, a fail, for certainty. There was no process and no assessment. It is an absolute F. The thing about planning is that efficiency, transparency and certainty have to be balanced. That is what we need. The only way we can get certainty in the planning system is to allow that system to work and do its job—present the evidence, undertake the assessment and get the result.

What does part 4 of the Planning and Development Act do? The government says, “We’re out here to support the environment. We have that in the second reading speech. We’re virtue signalling for the environment and we’re going to do some work for the environment!” Would it not be funny if the government followed the process outlined in part 4 of the act for a major scheme amendment, instead of ramming through something because it has the numbers? The government can do whatever it wants. This place just becomes a sham. This act will become a sham. The government can ram this bill through and send it off to the Environmental Protection Authority for a proper assessment. Let us have a look. Under part 4, section 45 of the Planning and Development Act, the government can send its legislation off to the EPA. It will not do that. It has already been considered by the EPA under the Barnett government. The government could say that it must have manipulated it or something, or that it did not ask the right questions, but the Labor Party is now in government. It can ask the right questions, get the EPA to look at it, do a proper assessment and do the proper environmental balance. It can consider carbon emissions. It can consider what it is trying to do on the outer harbour, with 400 hectares of primary benthic habitat to be mowed down for the sake of a couple of hectares of degraded wetland that, with some proper design, could probably have a road built there that would not impact so severely on the environment. Potentially, there could be a reassessment and the government could come back to this place with some engineering reports. Are there alternatives? Could the government build a tunnel, for example, under the wetlands without affecting it? Could it be done cost effectively? These are the questions that we have to ask during the committee stage. If we do not ask them, the government is certainly not

going to ask them, and it will certainly not get the Western Australian Planning Commission to ask them. That is what is happening here today. The government does not want the WAPC to look at this through its proper processes under part 4. It does not want that to happen. It is going to just ram it through and get the developers to go and do some unsolicited bids, or whatever it calls it, on that other land, rezone it to urban and off we go. That is what is happening here today.

We have to look at the full environmental assessment. Dr David Honey spoke very eloquently on this matter in the other place. On 2 June he asked a question and said, “I think all members accept that it is an important area.” He was talking about the issue of the outer harbour, which is the pretext put in the bill—that the government is going to build the outer harbour and we do not need all this road infrastructure for the inner harbour. All the trucks will go south and we will have this operating with our two million TEU in 10 years. That is going to be happening and the government is going to close down the transport task in the inner harbour as it is not needed. That is the pretext that has been put up. Let us have a think about that impact on the environment. Four options for the outer harbour have been presented. These are the land-backed options that are being considered. It states in *Hansard* —

I think all members accept that it is an important area. I will go through the four options. The total area in hectares of benthic primary producer habitat that will be affected for the four options is 337.42 hectares, 397.85 hectares—almost 400 hectares—386.78 hectares and 364.2 hectares.

These are the four options for the outer harbour that have been presented —

That is why I said at the outset that any member who is concerned about the environment, cares about Cockburn Sound and votes for this bill—because you all just follow on like sheep and do what you are told—will be voting for environmental impacts on the sound and pink snapper breeding habitats. Rather than continuing the expansion of the inner harbour, government members will be voting for that destruction to save around two hectares of degraded land that is not actually within the wetland. Government members are seeking to trade off a couple of hectares of highly degraded land that is not wetland for the destruction of around 400 hectares of critical seagrass habitat in Cockburn Sound.

Members opposite might disagree with me and they might not like what I say, but that is the nature of it. I would like to see the evidence tabled in this place after two years. The government is not going away. The Liberal Party is not going to be ramming some road through that area with bulldozers in the next two years. That cannot happen; it is not possible.

Hon Stephen Pratt interjected.

Hon NEIL THOMSON: We cannot do it because we are not in government. The government has three and a half years and it has a process outlined in law. This piece of legislation is here to protect the community. We can see the character of the government in the planning space at the moment. It is taking all the power out of the commission and the local government planning schemes and overriding them and doing whatever it wants. It is taking all the power up the hill to Dumas House and making these decisions when people want to build extra storeys and do this and that. The government is going to make this other amendment to the scheme without any evidence of the transport effects because a road cannot be built there and there is nothing to assess it against. The government can do that. I see members stretching in discomfort, worrying about this situation. They cannot; they will not. I want the evidence laid on this table so that after two years of proper assessment, we can make that decision.

Things change. People change their minds. Maybe this needs to change. Who knows? No evidence has been presented to us. We are just being expected to pass this bill. We are being expected to put through three pages so that the government can do this other piece of work to develop the rest of that land that has been set aside for almost 60 years for the important transport task that those learned people back in the 1960s knew was coming our way as this city grew. No; we are just going to wipe it out with a few lines of legislation knocked up in an afternoon by a few lawyers under instruction down there so that we can get this through to make it happen. I think the people of Western Australia deserve better. They deserve a proper assessment. They deserve to know.

We had an answer to a question earlier. I think Hon Dr Steve Thomas got an answer to his question about Infrastructure WA and this issue with Roe 8. On 22 July this year, Josh Zimmerman wrote an article in *The West Australian* that stated that Infrastructure WA said that it was premature to decide the fate of the controversial Perth highway extension. That was in *The West Australian*. The government’s peak advisory body on infrastructure has decided that it is premature; it is not time to make that decision. That is exactly what I am saying. It is not time to make that decision—not in this place. We have had no assurance. We do not have the Gantt chart and the detailed design assessments of the outer harbour. Members might say that I am talking a load of rubbish about these primary benthic habitats. They might think that, but the government has not presented the options and how it is going to develop a substitute for our historic and fantastic inner harbour, which has delivered for this state for many years. It has no evidence whatsoever. There has been no Environmental Protection Authority assessment of those options, so members have to listen to me and feel uncomfortable about those 400 hectares, which, I have been told, are akin to the Amazonian rainforest; it is just that they are under water. I am waiting to hear. No, members do not want to talk about that, because the principle that I laid out about transparency no longer

exists in the planning system in Western Australia. It has been completely thrown out the window, and we see it time and again. That is something I will stand up for—transparency. Instead, we see these things come out in the media before we even know about it.

There are plenty of questions to be asked. It will be interesting to see what this government will have done for Western Australia in 10 years' time—if it thinks it can last eternally. Will we have an absolutely fantastic functioning port delivering the transport task for this state that meets the economic requirements? Will we have a proper EPA assessment that compares what would have happened if a tunnel or something else had been put through the Beeliar wetlands to continue with the development of that road? No, we will not. I predict—members can disagree with me—that houses will be built all over the rest of that MRS reservation, just like what happened with the Fremantle eastern bypass. That is the strategy—throw away the strategic asset that was gifted to our community by those learned people back in the 1960s for short-term political gain and not provide the detailed assessment that this place is worthy of and that is respectful to the community. Instead, the government just gives us three pages that were knocked up in an afternoon and says, “Here you go and, by the way, we’re going to do this other piece.” It is shameful. It comes from a long tradition of the Labor government in planning.

Members can disagree with me if they like, but they would go a long way to assuaging my concerns if they withdrew this bill and Minister Saffioti directed David Caddy, the chair of the Western Australian Planning Commission, to undertake a major metropolitan region scheme amendment and proper economic, engineering, environmental, transport and community assessments. Is that so hard, really? What a shame. No, we get three pages, a piece of nonsense that is called a second reading speech and that is it. We just have to vote because we can. Do members opposite know what? It is on them. In 10 years, whoever is standing in this place in my shoes, or whoever else is here, may say, “Oh, that was said back then in the house and that was okay; that was right; that was prescient; that was actually important, but they didn’t take any notice at all.” Or will they say, actually, the government had second thoughts about it and decided, “No, Neil’s got a point and maybe we should go through the process as outlined”? It is outlined in law, in this document that is 260-odd pages long and the product of many years of consideration, which was carefully put together in 2005. In fact, it was Hon Alannah MacTiernan who put up the bill to bring this legislation into play, but it was built on the foundation of previous acts and the tradition in this place, in Western Australia, of operating within a framework. Let that sink in for a moment—operation within a framework. The government has wiped out the framework with this bill—chopped out a little bit and gone through this process. Then it can do something sneaky, short and quick on the side and away it goes. It has knocked up this document. Here; members opposite can prove me wrong. Why was all the road reserve not put in as an A-class reserve? I ask that question. I lay that out to our honourable member from the Greens party. Why was it not laid out that way? It was split because there is a tactic here. Someone did a little bit of workshopping and thought: how can we get this through the system without going through the proper analysis? I have a lot of questions.

Hon Darren West: They’ll be as enthusiastically received as your speech!

Hon NEIL THOMSON: Thank you. At this stage I think I have made my point, so I will finish here.

HON TJORN SIBMA (North Metropolitan) [5.42 pm]: I rise to speak on the Metropolitan Region Scheme (Beeliar Wetlands) Bill and indicate opposition to it for a couple of reasons, which I will attempt to keep brief. I think Hon Neil Thomson made some valid points and two stood out for me. The first is that this is an unusual piece of planning with a metropolitan region scheme, which is amended in a time-honoured and generally orderly way. It does not move with great rapidity but it moves at an appropriate pace so that the appropriate consultations and assessments can be done in an open and transparent manner. The second issue the honourable member brought clearly to the chamber’s attention, which I will concentrate on a little bit, is the inconsistent treatment of environmental sensitivities by virtue of the content, particularly of the second reading speech, but also the political campaigning that has gone on around the Roe 8 project more generally and the likely environmental impact that this community may encounter should the government proceed with one of the four options for the development of an outer harbour at Kwinana. Hopefully I will get to that. Ideally, my personal preference would be to wrap up my contribution before a dinner adjournment, but I do not necessarily think I will get there.

Hon Samantha Rowe: We believe in you! If anyone can do it, it’s you!

Hon TJORN SIBMA: I believe in myself, thank you very much!

The DEPUTY PRESIDENT: Order, members! This is not helping the member achieve his aim.

Hon TJORN SIBMA: No, it is not at all! I hope you will all be guided by that sound counsel.

To all intents and purposes, this is a very simple bill. There are five very short clauses plus a schedule diagram to give us an indication of the impact. The explanatory memorandum is itself a superb article of brevity at just over one page. Why am I making these otherwise asinine points? It is because the simplicity and the abbreviated manner in which this is presented belies a more significant truth or a range of them. I think the Leader of the House is a fan of streamlined legislation, particularly streamlined management of legislation in this chamber and I suppose that this would be an exemplar bill if one were to apply that discipline throughout all processes of the legislative supply chain. However, this is no doubt a political instrument—a highly political piece of legislation. That is not clear

from the bill or the explanatory memorandum, but certainly from the minister's second reading speech, which the Leader of the House was obliged to provide on behalf of the minister. Members need not go much further than the first paragraph of the second reading to encounter the political rhetoric. I will quote from it because I think a point needs to be corrected for the public record. The first paragraph states —

I am pleased to introduce legislation that will permanently protect Beeliar Regional Park—the Beeliar wetlands—and forever exclude the area from development. This bill was presented to the Parliament in the last term. It passed the Legislative Assembly in 2019, but, unfortunately, could not be considered in this place due to the actions of delay by the Liberal Party.

For new government members, this is a rhetorical device that your leadership will invoke when the management of legislation becomes a bit unruly. I will just emphasise this point; it was not the opposition who delayed this. I was in this chamber for four years. Part of the problem with progressing this bill was the positions adopted by members of the crossbench, including that of then Hon Aaron Stonehouse—he is still an honourable bloke—who was a member for South Metropolitan Region. It was a recognition that the bill would not proceed through the chamber that I think pulled back the government from intending to proceed with it. There was a full year in 2020 during which the bill was not advanced. Yes, the majority of this chamber was given over to COVID-19 deliberations but bills outside that rubric were advanced when the government had the intention to advance a legislative program. I should indicate as well—these are matters of fact—that within the second reading speech the politics of Roe 8 is the purpose. I quote it again —

Although there has been and continues to be significant political debate about Roe 8 and the Perth Freight Link, it is our considered view that these reservations are no longer warranted, given the environmental values of the wetlands and the government's freight strategy for the future.

I will get to the point about the environmental value component at another stage of this contribution. It is fair for the government to identify, at the later stage of the second reading, that —

The retention and protection of the Beeliar wetlands is an issue that we have taken to two elections.

Indeed it has and it won those two elections. There is no disputation from me on political reality. To the victors go the spoils, but to the victors—the government—goes discretion as to which capital projects it will fund and plan for and which ones it will not. Very early in the genesis of—this is not an intended pun—mark I of the McGowan government was a very clear decision not to proceed with the construction of Roe 8. The animated description is that contracts were ripped up. Presumably, yes; they were not proceeded with. At that point, the elected government made an appropriate decision for itself by implementing a political, electoral and policy mandate to not proceed with Roe 8. Nothing has changed, but to some degree the ante has been upped, and expressly for political purposes.

I do not intend to dwell in great detail, revisit issues of Roe 8 or address other issues that arise from the inevitable passage of the Metropolitan Region Scheme (Beeliar Wetlands) Bill 2021 in its unamended form. Frankly, I do not like reality, but I do not fight it either; I accept it with great reservation. These are signal issues and it is worthy that all members in the chamber—this is not gratuitous advice to government members—address the issues that need to be addressed that the bill either refuses to address or may well exacerbate. First and foremost are the issues of traffic congestion in the southern suburbs corridor. Members of my family traverse Leach Highway with some regularity. That road infrastructure is well beyond its capacity for volume and with that comes an economic inefficiency. It is one of the Perth metropolitan area's most unsafe roads, if I can apply that uninformed technical viewpoint. There are also issues about financial viability and to some degree the government has been successful in subsidising a portion of the movement of the freight task off road and on to rail, and it intends to increase the volume of that. There is an economic cost with that, which is not contemplated by this bill. There are questions that are begged as to the final format—the commercial viability final design brief, the capital loading and the through-life costs of the proposed outer harbour development. We are putting the cart before the horse potentially through contemplation of this. Hon Neil Thomson raised an important point and I share his view as a person who has had the unhappy task of being the shadow planning spokesperson for some time. The legibility and integrity of the planning system, particularly strategic land-use planning in the metropolitan area, is to some degree undermined by this bill because it seeks to subvert that program. It is all well and good to say that we need to make adjustments or amendments to the metropolitan region scheme—in fact, we have a system for doing that—but why would you then not allow that amendment to be made in the regular way? Instead, there is a deliberate leapfrogging here, which I can only construct as a politically motivated endeavour. But to some degree, that erodes the value, consistency and predictability of land-use planning, particularly in the metropolitan area but in Western Australia more broadly.

I made a pledge, I suppose, to try to keep this brief, and people had some faith in me.

Hon Darren West: We're losing faith.

Hon TJORN SIBMA: Please do not lose heart.

In terms of the environmental dimensions or questions that are raised as a consequence of contemplating this bill, I make the observation that political debate is oftentimes simplified or distilled to its rarer essence, particularly in the course of election campaigns, because parties want their messages to be simple and strong. There is an unfortunate

by-product of that because sometimes parties go to a point of no return in which they reduce the quality of the debate and effectively engage willingly or unwillingly in a public misinformation campaign. There was a public misinformation campaign on the Roe 8 concept. It is fair to say that it was probably the most stringently arduously scrutinised proposed road project, at least in my memory, in Western Australia. Its journey was not an easy one in terms of the actual process. There was an appeal and the project had to be resubmitted or re-evaluated by the Environmental Protection Authority. But, effectively it has been scrutinised and assessed to an extraordinarily high level; that is absolutely beyond any doubt. Why should that be? I think it is for the very reason identified in the second reading speech, which I have cited a few times. I might issue a caveat to this later. The second reading speech states —

The Beelie wetlands are internationally and nationally significant. The vegetation communities found within Beelie Regional Park are significant, as they represent communities that have been widely cleared from the Swan coastal plain. A number of areas in Beelie Regional Park contain priority flora species. The wetlands and surrounding areas provide important nesting and feeding habitats, as well as act as summer refuges for a diverse bird population. Beelie Regional Park also has high cultural significance for Aboriginal people, particularly North Lake and Bibra Lake, which have spiritual importance.

It is for those reasons that in 2009, the former Liberal–National government was obligated to refer the original concept to the commonwealth under the Environment Protection and Biodiversity Conservation Act 1999. It met with the commonwealth's approval. I refer to one of the conditions for approval. I hope I get this in before the adjournment because I think it has been overlooked in the course of the debate and it is topical now, particularly in the Perth metropolitan area. I refer to a document dated 9 January 2017 and the words of the then Minister for Environment, Hon Albert Jacobs, concerning the commonwealth approval. It states —

Under the commonwealth conditions, Main Roads Western Australia is required to purchase 523 hectares of black cockatoo habitat to offset the loss of 78ha of the total 97.8ha that will be cleared for Roe 8.

The state government is providing 624ha of offset land containing black cockatoo habitat, equal to one-and-a-half times the size of Kings Park, at two sites south of Mandurah. Main Roads is required to fund the management of the property to maintain the quality of the habitat for at least 20 years.

I can only assume that Main Roads did that; it would have had to. I do not know whether those offset estates remain under the ownership or stewardship of Main Roads. I might seek to ask that technical question later. I draw this out because there was a job done on Roe 8 on an environmental level, which, I think, cannot be sustained by virtue of the scrutiny to which it was subjected. Unfortunately, in the course of public debate we also take a zero-sum game view of the environmental consequences of any proposition or project. Environmental attributes would have been delivered by the Roe 8 project had it proceeded. One of those would have been the removal of, I think, 15 sets of signalled intersections the length of Leach Highway. Obviously, the consequence of that would have been an easier flow of traffic and less stop–start behaviour, which obviously would have resulted in a reduced fuel consumption burden and reduced emissions. I go into this with some hesitation because there is always dubious modelling potentially around figures, particularly when they are quoted by people in political debate, but to the best of my recollection, Main Roads undertook the modelling that, effectively, suggested that there would be a CO₂ payback of some 450 000 tonnes over a 10-year time frame. Was that of itself a reason to proceed with the project? Probably not in isolation, but I indicate that because there is benefit to better traffic modelling and better road construction and the proposition that Roe 8 presented was an infinitely better one than the existing one on Leach Highway. If the government is proceeding with this bill primarily because of environmental justification, out of intellectual honesty it has to concede that the project posed some environmental positives.

Another issue is effectively getting a realistic grasp of the impact of the built form in the Beelie regional area. To the best of my recollection, the road reserve was effectively consistent with the easement, which was previously cleared, for the high-voltage overhead transmission cables. There is also a need to be realistic about the condition of the wetlands prior to the project being embarked on in a serious approvals sense. Unfortunately, these wetlands, particularly since European settlement and expansion, had been degraded. It is not necessarily a proposition supported by evidence that Roe 8 would have destroyed forevermore a pristine wetlands environment. I am sorry to say that that is far from true. It has become the practice, at least in Western Australia over the last 30 years, that when a proposition or project proposal cannot avoid an environmental impact, that impact to some degree is either mitigated or offset through a range of other mechanisms. Indeed, that would have been the case as well. Forty-five million dollars would have been invested in revamping and rehabilitating degraded infrastructure. The top-down construction model that the lead proponents agreed to subscribe to would have had, insofar as possible, minimal impact on that ecology.

Sitting suspended from 6.00 to 7.30 pm

Hon TJORN SIBMA: For members new to this chamber, it is a bit of an art form to pick yourself up from where you left off before a lengthy dinner adjournment!

Essentially, my thesis is that the government cannot have it both ways. That is what this bill presumes to do by making environmental sensitivities the foundation upon which the rest of this bill proceeds. The bill will proceed

on the basis that the construction of Roe 8 is so irredeemable in the environmental sense that it can never be built. That raises the threshold quite considerably in the contemplation of any future government-initiated capital works program, because we cannot help but impact the environment in which we undertake to construct our projects. Since it is very clear that this bill will pass through this chamber this evening, in spite of our opposition to it, all I ask is that the government remain consistent in its application of environmental considerations to all its projects. I do not think the government is being consistent, particularly as it elevates the proposal to construct an outer harbour at Kwinana. That is not to adopt a position that is in opposition to that as a concept or a proposition, but the government cannot proceed with that project and be blind to its obvious environmental impacts. They are environmental impacts that, depending upon the option proceeded with, may impact up to 400 hectares of the benthic primary area—I think that is the technical description of, effectively, the closest substrata of water to the seabed. This is an area that, at least insofar as recreational fishers might take an interest, provides the seagrass for the spawning of pink snapper. Hon Neil Thomson made this point previously. If the government adopted, effectively, the industry superannuation funds' marketing strategy, which is to "compare the pair", and compared Roe 8 with the outer harbour in ecological terms, it is axiomatic that building the outer harbour would cause far more ecological disruption than building Roe 8 on what was previously quite degraded wetlands. The government cannot argue the reverse.

This bill will be passed and this government will deny to a future government the ability to build Roe 8 unimpeded. That is clearly a political action. It would be to the government's credit if it admitted that, because this is not an environmental bill, nor is it a cultural sustainability bill. It is not an economic bill. It is not an industry bill. It is quite simply a political bill, which I think in time will prove to be disastrous. On that note, I will rest my contribution.

HON DR BRIAN WALKER (East Metropolitan) [7.37 pm]: I will say first off that my inclination is that I will support the Metropolitan Region Scheme (Beeliar Wetlands) Bill 2021. That is not to say that I support this bill unreservedly. I have questions. I would like it to be known that the points I make need to be considered and taken seriously. My opposition to Roe 8 stemmed from when the Barnett government engaged in what I described then as environmental vandalism. It was not just that, but also the concept that it was quite comfortable with reviewing the Environmental Protection Authority and then putting force there to change what had been a rejection of the plans that had been approved for very good reasons. As an environmentalist and as one who treasures our world, I thought that was quite unhelpful for the people of Western Australia. That is not to say that Roe 8 is necessarily a bad thing; it is just that the way the former government was going about it was not something I could recommend.

I lived in Bibra Lake at the time and, for me, it was personal. I know the area. I walked there. I treasure the area. When I was driving past on my way to my practice in Kununoppin and I looked at the scar on the landscape, the anger would rise. It took a long time before it settled on that three-hour drive to Kununoppin. I was personally affected by that.

We know that no action will be taken for the next four years and that this bill was in the previous Parliament for four years, so there is no urgency for this to be done, so my question is: why the high priority? On sleepless nights I tend to turn to the state Labor Party's policy platform, *WA Labor: 2019 WA Labor platform*. I will quote a few lines of that policy —

WA Labor is committed to a government which will develop integrated and sustainable economic and social policies which benefit the whole community.

I think I am a Labor Party member!

Here is another one —

The fundamental objective of WA Labor's economic policy is to ensure the well-being and improve the quality of life of all Western Australians.

Yes, I am a Labor Party member!

Then there is this one here —

... the 'war on drugs' approach to reducing the use and community damage from illicit drug use has been a failure and may actually be doing more harm than good ...

I am definitely a Labor Party member! Welcome!

Then it goes on to say that WA Labor will plan transport infrastructure to optimise the amenity of urban areas and encourage innovation and flexibility. That is ideal, wonderful. I love it.

For me it really goes to environmental protection—the bushland, the flora, fauna—and also respect for the Indigenous home. Cockburn council's wonderful booklet *Beeliar Boodja: An introduction to the Aboriginal history of the City of Cockburn based on existing literature* explains the Indigenous history of that area and how important it is to Indigenous culture. I think we ought to respect that it is an Indigenous home, a camping ground and a place where culture is recognised. On the other hand, I am also a resident of North Fremantle, and I use Leach Highway on a regular basis. I cannot say how many times I have sat behind three lanes occupied by trucks going slowly up the hill, obstructing the traffic coming behind. That is a First World problem, but it impacts on our wellness because if we are behind the trucks and late for an appointment, we are more liable to have an accident, as, indeed, I have

suffered. This is also worsening. According to research, in the south-western suburbs there is a 20 per cent increase in traffic above the metro average. I will just clear the environmental pollution from my throat! This bill does not ease life for us, nor will it do so for the next 10 years. We have a danger with this heavy volume of traffic, with housing and schooling that is at risk from accidents, and the access to parking and the conveniences of modern suburban life, and it is worsening.

Reference has been made to Gordon Stephenson. Interestingly, he helped rebuild London after World War II, when it had pretty much been flattened by Nazi bombs. He also had this concept of redesigning a town in England, I think it was Stevenage. If anyone has ever lived in such a planning situation, they will probably hate that name, because, as it is all environmental and planned, getting from A to B, say to buy something from the shop, involves doing multiple figures of eight. You can get lost very easily unless you have lived there for five years. I think that type of town planning is not so very helpful, but he did revolutionise Perth transport. His 1955 *Plan for the metropolitan region, Perth and Fremantle* basically shaped our city today. In fact, the 1963 metropolitan region scheme was mentioned earlier by Hon Neil Thomson. This is Stephenson in full flow. I think he passed away in 1997—I will just get my reference there. The then Minister for Planning, Graham Kierath, spoke about this. He said —

Professor Stephenson helped make Perth the city it is today. His vision was behind the metropolitan region scheme, the planning blueprint which has guided the growth of the metropolitan region since 1963. The scheme has provided for thousands of hectares of regional parkland and a functional transport network.

I will say it again: thousands of hectares of regional parkland and a functional transport network. In fact, he also planned Beeliar. We have this bipartisan approach of a Liberal planning minister and a Labor government working together for the good of Western Australia. This led to zoning and planning well in advance. We could say that Perth led the way at that time. I recall as a boy looking at the traffic on Stirling Highway when it could flow freely. It was a beautiful almost traffic-free highway, rather than the at-times congested, snail-pace transport we have now. I am also looking at the cars we have on the Kwinana and Mitchell Freeways, with the widening and transport conditions there. On a regular basis I wonder why I am sitting in a car when I could get on a scooter and go quicker. We need to pay attention to our environmental life and also our social life—how we live in our current place of suburban life. What it really comes down to is that we look for a balance, do we not? We look for a place to live happily and securely, but also with the amenities of nature, fresh air and water. Members know my love for China and I call to mind Shanghai, for example, which is a beautiful city, mind you, very congested, with 22 million people in one town. It has a planning policy that 30 per cent of the area needs to be green. It is the lung, if you like, and it has transformed the city. The water is not drinkable, but it is much better than it was before. The quality of life is much better. This is what we need—considered planning.

It is also interesting that Stephenson foresaw the need for an outer harbour. I think there can be no argument that the outer harbour is not necessary, I do not know about now, but it is certainly something we need to have. Stephenson planned for a symmetrical development—industrial, residential and nature—and the Swan River was the access. We all know this. The coast and the south was the industrial area. This is what we need. However, it is slow. We are looking here at a development of 10 to 15 years in the future, and that is going to be a long time for us to wait. We are also looking at what a balance is. What is the cost to jobs? What will happen in Fremantle? We do not really have an idea. We think it will be all right, but as Hon Neil Thomson pointed out: Have we planned? Have we gone through the process? There was the Westport investigation in 2020, with the five models. What was the outcome there? Have we looked at that and examined it more properly or have we rushed into this?

I am not against the Beeliar wetland approach. It is a great idea, but my questions are: Have we followed the process? Are we sure we have the best options out of those that are available? Being a bit mean-spirited, I think back to the Corruption, Crime and Misconduct Amendment Bill 2021, the whole point of which was that process had not been followed. It still rankles with me that rather than using subsections (4)(a) and (b) in that fateful section 9, we added new subsection (4B), unnecessarily I thought. I thought this was typical of the type of planning we have here. We ought to be careful of this. We need to be mindful of the need to follow process. Process is there for a reason. But we do need a solution now.

I drive daily in that area and I can tell members right now that I am very happy to consider options, because it upsets me every single time. If I am travelling at five in the morning, I am happy, but at eight o'clock heading to work is a different matter altogether. There is a regular risk of accidents and there is time wasting. We need an integrated solution, and I would like to see this as part of an integrated solution. My request to the government is, yes, take this on, but please revise it. Let us look at an integrated approach. Let us see how we balance this. There are priorities, but as I said earlier, this really is not so urgent as to happen right now. Safe access sites are urgent. Animal rights legislation is cool. We need to look at how we help the homeless in our city. That is urgent. How do we manage those who are being assaulted? I read in the paper today about this sexual predator in a school who assaulted five people and is allowed to continue at school while the people he has assaulted have to put up with this. I find that intolerable. That needs urgent action. This less so. We need to work through the issues, do we not, and not around them. Again, I point out the CCC legislation as an example. We need to find options and work together. The government needs to work as a unit rather than have this graceless approach of, "We have got the numbers; we are going to force this through." It does the government no credit, and I beg it to reconsider that approach.

It also makes me wonder whether there is perhaps an urgency here because people do not trust that things are going to go the right way. I would suggest, in that case, if there is any stress and urgency—members know that I am going to say this—it might be helpful for the government to use some cannabis. It is very helpful in relaxing the approach. But do not ask me to supply it; I will not do that!

We need to go for established processes. The lack of established processes brought my rage to incandescence when the legislation was forced through. I beg the government not to go down that particular path as well. We need consultation. It would probably take a two-year consultation with a spend of \$25 million, yes, okay, but it would give the public a chance to be involved, because the public is going to be affected by this. We need to not only take into account what the current ideas and principles are, but also look at what our population and electorate needs. How are we serving the people we have sworn to serve? This reserve, which is going to be made permanent, if you like, will be very difficult to undo. I do not disagree with that, but is it the best option? Can we do any better? I think we ought to think about that.

It seems to me that at times there is a pattern here of riding roughshod over the process, and this disturbs me. It disturbs me greatly because it means that we are not actually engaging in a democratic process. Perhaps it is the freedom of not needing to engage in a democratic process and being able to get things through that have been banned or blocked for so long. Possibly that is the case. I beg the government to reconsider. It is not best practice. This is not what we expect in democracy.

Trust the Premier, take your time, look at Roe 8 and 9, and there is no absolute need right now to delete that reserve. In 10 years, when new technologies come along, who knows what advances might allow us to do what today is impossible? There may be different choices and options; perhaps they will be better options. Although I would be very happy not to have Roe 8 or 9, and that has been promised already—there is no need to make any change; that has been promised—making this irreversible is perhaps a step too far. I would not disagree, but the thing is that I do not know. If members have not gone to the planning and taken the time, then neither do they. We need the proof. We need to use the processes and test them. Alternatively, we do not trust the process. We do not trust the planning process, just like recently, with the Corruption and Crime Commission, we did not trust the committees. They are not doing the right job. I think I know better, therefore I will ride roughshod over them. I will make a change. Do I trust the process? This is a fundamental question. The processes are there for a very good reason. We have used them. We must respect the process, but I see this pattern being repeated.

It could also be said that we need to address traffic congestion for people. That is going to remain for some time. We need to respect the need for road safety and community safety and to also not tie the hands of this government or future governments. Freedom is important—the freedom of choice; the freedom to make a change if a change is appropriate. Keep our options open. I would contend that on this particular question, bearing in mind that I agree with the government on this, both sides are right. The outer harbour foreseen by Gordon Stephenson and in planning now and the capacity for Roe 8 or 9 are both reasonable choices with pros and cons that need to be included. The unions, especially the Maritime Union of Australia, will be very keen to be sure that the choice of the outer harbour is a good one. We need to work with them. We need to find fair and equitable solutions. What about automation in the new harbour? What about the management of Freo? For Roe 8 or 9, we think about the ring-road that Stephenson was creating. Maybe we ought to expand that idea. Maybe we ought to get Infrastructure WA to look at this more closely, as I am sure it has been. In fact, if we look at some articles, we see that Infrastructure WA had a word to say about this. In its recent report, *Foundations for a stronger tomorrow*, it suggested that Fremantle still has a viable future as a port and that the road network into and out of Fremantle should be optimised to make the most of that future. This is Infrastructure WA's opinion. I think we need to pay attention to that. It knows what it is talking about. It has 25 years of experience; it has supervised \$1 billion worth of programs; it is qualified.

Speaking against this, I also call to mind that Roe 8 or 9, as I remember very well, would have ended up roughly at Stirling Highway, at High Street, and I can imagine the chaos that would have caused. There was no planning there, either. I think we can do it better and I beg the government to consider how to do this better. The government has a mandate. It has to go through. It has the numbers, but I beg the government to consider the process that it is undergoing just now. Is this the best way of doing this? I contend not, and I would ask the government to think about that.

As I said earlier, no matter what we decide, history will always judge us better than we judge ourselves today.

HON STEPHEN PRATT (South Metropolitan) [7.55 pm]: I am pleased to be able to make a contribution to the debate on the Metropolitan Region Scheme (Beeliar Wetlands) Bill 2021, which is a critical piece of legislation that is close to my heart. I live with my family in the suburb of Coolbellup, which is in close proximity to Bibra Lake, which makes up part of the Beeliar wetlands. As members will be aware, before I was elected to this house, I was elected as a councillor for the City of Cockburn at two elections on a platform to, among other things, halt the Perth Freight Link project and protect the Beeliar wetlands. I saw the negative impact that this project would have on our community, taking away the natural amenity that we all enjoy. I actively supported the Rethink the Link campaign and the Save Beeliar Wetlands group. I thank those groups for their passion and hard work, and extend that to the members of the Bibra Lake Residents Association.

This has been a bit of a journey for me. I have been working since 2011 to stop this project from proceeding, and many others have been fighting against it for many years before that. It was great listening to colleagues in the other house on this bill, especially the contributions of Dr Jags Krishnan, the member for Riverton; Minister Saffioti; Kim Giddens, the member for Bateman; and David Scaife, the member for Cockburn. It truly is a humbling experience to be in this place today again representing such an important area in my function as a member for the South Metropolitan Region. A key selling point of the Perth metropolitan region is its proximity to nature. These areas provide numerous environmental and wellness benefits to our citizens, and the community clearly wishes to see them protected. These wetlands are critical to maintaining the biodiversity in our state, providing vital areas for native wildlife in our state's metropolitan centre. Nearly 20 per cent of Australia's bird species depend on wetlands, with the Beeliar wetlands playing a key role as an area of rest and food for the endangered Carnaby's black-cockatoo. They provide key ecological functions such as water purification and the processing of carbon functions, which are as vital as ever.

Before I go on, I would be remiss not to respond in some way to some of the comments of Hon Neil Thomson. Forgive me if I have miscalculated, but I think I counted six occasions on which he used the word "ram"—ram this bill through; why is the government ramming it through?—and he said that we came up with this policy in a small backroom leading up to the election. There is a fair bit of history with this. It certainly was not made up overnight, and that is quite dismissive of the people who have showed up day in, day out, to rally against this. There were a growing number, as the previous Barnett government rammed through the destruction of the bushland in that area, knowing that the writing was on the wall with an election coming up very close to that time. It would be remiss of me not to touch on that.

The cultural significance of the Beeliar wetlands to the local Indigenous people should itself have been enough to halt this development, with an archaeological survey finding that the site contained thousands of artefacts. Thankfully, through this legislation, the area will now be utilised in a much more conscious way. During the winter recess, I had the fortunate opportunity to visit the Wetlands Centre Cockburn with the member for Willagee, Hon Peter Tinley, as he presented a Lotterywest grant of \$800 000. It was also great to be at this event with my former council colleagues, mayor Logan Howlett, who has been fighting against this project for many years; councillor Philip Eva; and former councillor Bart Houwen. These funds, along with additional financial support from the City of Cockburn, will help deliver this vital project, which is almost finished. I recommend that members go down there and have a look, because it is a great development that has been built in with the natural environment without causing any unnecessary damage.

Adjacent to the wetland centre is the community organisation formerly known as Native ARC, which looks after injured native wildlife. It recently opened a new facility there and has changed its name to WA Wildlife. Those new premises, along with the wetland centre, the adventure playground, and something I look forward to, the soon-to-be-constructed Aboriginal cultural centre, will provide an educational and ecotourism attraction for future generations to enjoy. I think that is a thousand times better outcome than ramming a highway through those natural wetlands.

As a state, we can clearly do better than a poorly planned road to nowhere, and instead focus on infrastructure planning that is culturally sensitive, fiscally responsible and environmentally responsible. As Hon Dr Brian Walker mentioned, the former Barnett government carried out an act of environmental vandalism just months away from an election—a move that created a bigger sense of urgency and triggered more community members to rally against the project. Thanks to the tireless work of volunteers and the state government, the land has slowly been rehabilitated. However, significant, long-lasting and cruel damage has been done. Estimations on a time frame for recovery of the area bulldozed by the previous government in 2017 are 20 to 30 years. However, as Hon Dr Brian Walker also mentioned, it is also lovely to see parts of it growing back. With the recent rains, it is starting to look as it did previously, which is nice. Quite simply, it was a shameful decision to continue that development so close to an election that saw the project come to a halt. As I mentioned, public sentiment was pretty clear at the time and change was in the air, so it was quite irresponsible to push on with that project.

To return to the question of the urgency for this legislation: it was an election commitment. Why should we not proceed with our election commitments? There have been a lot of questions about why we are doing this. We are doing what we told the public we would do. That is why this McGowan government election commitment is so crucial. Put simply, we cannot trust the opposition and its federal counterpart to not destroy these crucial areas. The McGowan government has taken the protection of these vital wetlands to two elections, and twice the community of Western Australia has supported our policy.

HON WILSON TUCKER (Mining and Pastoral) [8.02 pm]: I rise tonight to support the Metropolitan Region Scheme (Beeliar Wetlands) Bill 2021. In my opinion, this bill is relatively uncontroversial, for a highly controversial topic, and I am happy to support a bill that will protect the Beeliar wetlands for future generations. I would like to acknowledge the activists who were instrumental in highlighting the cultural and environmental significance of the Beeliar wetlands. I understand there is a rich history of activism in opposition to the development and destruction of the wetlands that goes back to 1984—which, funnily enough, makes it as old as I am! I cannot claim to have been protesting in my childhood years, but I am glad to see that others were vocal in their support for this issue and in showing how important these wetlands are to Perth.

The rezoning through this legislation of the Beeliar wetlands to a parks and recreation zone is a win for all the activist groups and individuals who fought to prevent the degradation of the wetlands. I acknowledge that the government has a mandate to scrap the development of Roe 8 and protect the wetlands. I also note the argument that has been mounted by several members of the opposition that there is a regular process for making changes to metropolitan region scheme zones through the Western Australian Planning Commission, which is used in 99.9 per cent of cases and involves public consultation. Although the government has sidestepped that process through this bill and turned the rezoning of the wetlands into a political exercise, the policy, in my opinion, is sound, and the public has spoken and expressed its desire to protect the wetlands.

This bill is a milestone in the history of the Beeliar wetlands and represents positive change for Perth and the Beeliar Noongar people. For those reasons, I am happy to support the Metropolitan Region Scheme (Beeliar Wetlands) Bill 2021 today.

HON KLARA ANDRIC (South Metropolitan) [8.05 pm]: I stand tonight in support of the Metropolitan Region Scheme (Beeliar Wetlands) Bill 2021 and the McGowan government's commitment to permanently protecting the Beeliar wetlands by delivering on our promise to introduce this very important legislation to rezone that land, under the metropolitan region scheme, from primary regional roads to parks and recreation reserve, and to forever exclude the area from future development.

I rise today to speak on an issue that I first became involved with back in 2012, with the Save Beeliar Wetlands campaign. This community campaign was run by locals and residents who fought to stop Roe 8 from being built through the precious Beeliar wetlands. It was a campaign to conserve and protect the wetlands from environmental destruction and devastation, and that is something that is very important to me. I talked about it in my inaugural speech and I want to discuss its significance again here today. The Metropolitan Region Scheme (Beeliar Wetlands) Bill 2021 will ensure that the Beeliar wetlands in the South Metropolitan Region will remain protected for the enjoyment of generations to come. This bill will give the wetlands the highest level of environmental protection, and rezone 34 hectares of wetland in the metropolitan region scheme to a parks and recreation reserve. The decision to build a road through sensitive wetlands not only was irresponsible and reckless, but also defied logic when there was a better solution.

During the last term of government, the Legislative Council did not pass legislation to protect Beeliar wetlands due to the actions of the Liberal members opposite. The Labor Party has taken the protection of the Beeliar wetlands to not one but two elections, in 2017 and 2021. At both elections, Western Australians gave the McGowan government a clear mandate to not build the Perth Freight Link, and that is why we are following through with this important legislation. To the many locals who have fought hard for this, the reintroduction of this bill to the other house on 22 June was, indeed, of great significance.

Today, the Beeliar wetlands stand as a testament to the perseverance of the thousands of people who campaigned to protect it, and to the Labor government's commitment to the cultural and biological preservation of this important area. The Beeliar boodja was, and will always be, Whadjuk Noongar land. The regional park is of great cultural significance to Aboriginal and Torres Strait Islander people, and I am grateful for their sake that common sense has prevailed. Protecting the wetlands not only safeguards this important area of the South Metropolitan Region for the enjoyment of generations to come, but also honours the immense archaeological, spiritual and cultural connection Aboriginal and Torres Strait Islander people have to this land.

With many Indigenous people finding their physical roots in the wetlands, the McGowan government's commitment to the recognition of this culture is even more invaluable. Roe 8 would have permanently damaged some of our city's last and most precious remaining wetlands, and the home of the amazing wildlife that live there. As some members have mentioned, the Beeliar wetlands are home to some amazing wildlife, including turtles, bobtail lizards, quendas, bats, frogs, brush-tailed possums and microbats, as well as many other reptiles, amphibians and mammals. The wetlands are home to more than 160 species of birds, some of which are very rare, and include owls, black swans, little eagles, tawny frogmouths, galahs, elegant parrots, red-tailed black-cockatoos, laughing kookaburras and New Holland honeyeaters. It is important to know that these wetlands are also one of the last remaining habitats for our endangered cockatoos. All these animals deserve protection. Let us not forget there is more biodiversity in the Beeliar wetlands than there is in Kings Park, yet it seems absolutely impossible to even imagine bulldozers going through the heart of Kings Park.

The Perth Freight Link is the kind of project that future generations will look back on in disbelief, and probably say, "What on earth were they thinking—an outdated road that would have been built through one of Perth's environmental and cultural heritage jewels?" In the words of the City of Cockburn mayor, Logan Howlett —

'Roe' 8 is an outdated planning strategy from the 1950's —

We have moved on since then, members —

to provide a transport solution for the future.

I still recall the Barnett government's defiance of due process and respect 38 days out from the 2017 election when, after polls predicted a Labor victory, the party across from us attempted to force Roe 8 into existence. On 1 February 2017,

bulldozers were brought into the wetlands despite the presence of protesters. When the machines were finally pulled out 24 hours after the election, the destruction they had caused was unimaginable. The Barnett government destroyed around 40 hectares of the bushland, leaving this jewel of the south metro region almost unrecognisable. When the members across approved these political stunts, they knew this project would not see completion, yet they followed through with this act of environmental vandalism, as described by Hon Dr Brian Walker.

Despite Western Australians giving the Labor government a clear mandate to end this political and environmental failure, I was reminded of the Liberal Party's ignorance when the federal member for Tangney, Ben Morton, mailed out a bulletin just a few weeks ago detailing the Liberal Party's commitment to this deeply flawed project. I am pleased to see that the McGowan Labor government is genuinely committed to fixing the issues this project presented by protecting our environment. After the Beeliar wetlands were brutalised by the Barnett government, their restoration has been our top priority. The Rehabilitating Roe 8 project shows this. This project not only seeks to restore the beauty of the destroyed area, but also will fulfil our duty to be the representative of the people by engaging in proper consultation with Indigenous groups in these areas. We have not only worked to protect our wetlands but also made many efforts to address issues that the Roe 8–9 project attempted, but would have failed, to fix. Funding for the massively flawed Perth Freight Link has been redirected to Metronet and other important projects that are either underway or completed. We have, for example, increased the freight on rail subsidy from \$30 to \$50, encouraging the transport of freight over our rail system and reducing the amount of freight transport on our roads.

Hon Neil Thomson interjected.

Hon KLARA ANDRIC: Excuse me, honourable member.

In fact, more than 83 000 one-way truck movements have been removed from Western Australian roads. A future container port in Kwinana will also aid long-term freight needs, with a new freight corridor along Anketell Road providing much-needed relief to our current freight routes. By following through on these commitments that the McGowan Labor Party has taken to two elections now, we will free up congestion and protect Western Australians on our roads. We will also ensure that our environment is preserved for the enjoyment of future generations.

I want to conclude by saying a few words. A lot of work has been put into making sure this Metropolitan Region Scheme (Beeliar Wetlands) Bill reaches the floor of the Legislative Council, so I would like to give my thanks to those who have worked hard for this. Firstly, thank you to the volunteers who spent many restless hours campaigning to stop the environmental damage of the Barnett government, specifically Kate Kelly from the Save Beeliar Wetlands campaign; our Premier, Hon Mark McGowan, whose guidance during the 2017 and 2021 elections meant we could introduce this crucial legislation to protect our wetlands; the Minister for Transport, Hon Rita Saffioti; and both the current Minister for Environment, Hon Amber-Jade Sanderson, and the former Minister for Environment, Hon Stephen Dawson, whose work to protect this jewel of the south metropolitan electorate was invaluable. On a more local level, the member for Bicton, Lisa O'Malley; member for Fremantle, Simone McGurk; member for Willagee, Peter Tinley; member for Jandakot, Yaz Muburakai; Hon Alannah MacTiernan; and Hon Stephen Pratt, who worked tirelessly when he was a councillor for Cockburn, were champions for this change. The former member for Cockburn, Fran Logan, cannot be forgotten; he also worked tirelessly. I also thank City of Cockburn mayor Logan Howlett, whose work for the wetlands was also vital and greatly appreciated.

We have argued on this issue of Roe 8 and 9 for far too long. I am thankful that we can finally put this disaster of a project to rest and get on with working for Western Australians. I would like to finish by quoting from somebody whom I met along that journey a few times and who is probably one of the greatest champions of the Beeliar wetlands, Kate Kelly, who is the convenor for the Save Beeliar Wetlands group. I asked her if she could make a contribution to this bill now in this house and this is what Kelly asked me to say —

With strong roots going back into the Farrington Road protests, the rallies of the early 2000's, and the initiation of the current campaign which started around 2008 with the announcement of the Barnett Govt's intention to build Roe 8, and all our legal and protest battles, our campaign has come a very long way.

Thousands of supporters have made and created countless actions and signed letters, cooked food, rescued quendas and turtles, raised funds for legal action, signed petitions, met with councillors and parliamentarians, leafletted, put up signs, attended court, created street theatre, held creative and sometimes dangerous protests, been arrested, written chapters in academic books, taken photographs, held scientific forums, conducted surveys, planted trees, written pages and pages of submissions and many, many more actions, many of them unknown.

We have been a sometimes spontaneous but also very focussed energetic alliance of passionate wetlanders.

Finally, our long held dream of protecting one of the most beautiful wetlands on the swan coastal plain is almost a bright reality and it is finally time for gratitude—gratitude to those known as the Bibbulmun or Whadjuk Nyungar people, traditional custodians and elders, gratitude to all those who have stood up to protect our natural heritage and recreation space, gratitude to all our many advocates and supporters. Thank you to everyone who has lifted us along and to everyone in this place for your heartfelt support. We look forward to celebrating this long and hard won journey together in the community.

HON DR BRAD PETTITT (South Metropolitan) [8.18 pm]: I want to start by congratulating the government on this Metropolitan Region Scheme (Beeliar Wetlands) Bill. The Greens have always been unequivocal in our opposition to Roe 8 and our stance on protecting what remains of Perth's wetlands and bushland. I think this bill represents a proud moment for our community. I wish to acknowledge many of the amazing community members and community groups who campaigned tirelessly for the protection of this important area. I cannot name everyone individually; I would not dare start. As Kate Kelly has indicated, there were thousands involved with the Save Beeliar Wetlands and Rethink Perth Freight Link campaigns, as well as those in the Cockburn community wildlife corridor or in fact those out replanting as recently as last weekend. It was an amazing commitment, spanning many thousands of people over many, many years and, in fact, many decades. What brought them together was a sense of extraordinary conviction against a road—a highway—that was to be built through a wetland. That plan was deeply flawed on many levels and it had to be stopped. It was a battle, as we know, that went on for decades and it did not end until the Barnett government was voted out in 2017.

I am proud to have played a very little part in that. There were some great expressions of people power from the largest ever parade of groups that came together in Fremantle, including the Save Beeliar Wetlands and Rethink the Link groups, all the way to those who joined in pre-dawn protests. At the heart of all this was an attempt to slow down state-sponsored vandalism. However, it was pretty depressing for everyone who was involved to see that terrible, unnecessary, expensive destruction those last few months, knowing that this road would not be finished. At the time there was a sense of despondency, but upon reflection it was a win. Anyone who has been down there recently will have seen that the place is coming back to life. If it had not been for amazing people power and the community coming together to slow down the destruction of that place, it would not have come back to life in the way that it has now. Although it slowed it down, some extraordinary things were sadly removed—500-year-old trees and places of significance to the Whadjuk Noongar community going back over 5 000 years and the incredible biodiversity of that place. It is true that there was terrible devastation, but the good news is that it did not go so far that key elements of that ecosystem were lost. What is interesting is that a lot of soil was retained and in the months after the bulldozers had gone through, it sprouted back very quickly. What is happening now is a symbol of hope of how the environment can spring back. We are seeing something now on which we should look proudly.

This bill signifies a moment of celebration and a time to stop to reflect, but it is also in a sense an inspiration for what more can be done. I see this bill in many ways as a valuable first and important step towards where we need to go. Through this bill, 34 hectares will be saved, which is great, but if we are serious about some of the key icons—the Carnaby's and red-tailed cockatoos that were a part of the campaign—we will need to save more than 34 hectares to ensure a sustainable future. This bill is creating a sense around what we can do about our remaining wetlands and urban bushland and wildlife corridors. That is an interesting question.

I come back to members' comments about the Stephenson–Hepburn plan that has informed this issue. I often think that Stephenson and Hepburn could have not have possibly imagined where this plan would lead when they drew it up in the 1950s. After World War II, the car culture was only just starting. They could not have imagined what this city would look like 80 years on. I think that Perth is now the longest city in the world and I do not think that Stephenson and Hepburn, despite their planning expertise, would have imagined what kind of beast their plan would create.

As we think about this long city that we have created, it is important to remember that this is a biodiversity hotspot. It is an amazing place of unique wetlands, many of which have been destroyed. I do not want to get stuck on statistics too much, but I have some important numbers here. In fact, the last report that was published on this that I could find is a Waters and Rivers Commission fact sheet published in 2001—20 years ago—that estimated that between 70 and 80 per cent of all wetlands on the Swan coastal plain had been filled, drained or cleared. Going back a bit further, it also stated that 94 per cent of vegetation on the coastal plain had been cleared. We have really bulldozed our way through this city. That makes what we are doing here tonight all the more important. In this moment we are drawing a full stop and saying, "Enough of this." I flag to the chamber that some work still needs to be done on the strategic assessment of the Perth and Peel region. That really important document will continue this. Many members know that that report was meant to calculate what important vegetation was left in the Perth and Peel region and to decide what could be developed and what should be preserved so that the Perth and Peel region does not die a death of a thousand cuts. That report has been well developed and \$7 million has been spent on it already. I look forward to that report seeing the light of day because we need a sense of how these things can be preserved.

As I said, this bill is a huge and timely win for conservation in this state. I hope that the government does not stop here, but, instead, sees this as a first step towards ensuring that something like this never happens again. In fact, *Never Again: Reflections on Environmental Responsibility After Roe 8* is the title of a wonderful book edited by Andrea Gaynor, Peter Newman and Philip Jennings about this whole period. It reflects upon the implications of Roe 8. At the end of that book, which I highly recommend, it recommends a whole bunch of policy and legislative changes that will be necessary to reform the flaws that the Roe 8 and Perth Freight Link debacle exposed. I want to highlight a couple of them. The first of these recommendations, members will be pleased to know, is entirely consistent with what we are doing today; namely, that the Roe 8 reserve should be removed from the metropolitan region scheme. That is a great start. The second recommendation, which I really like, is that the state government should build a community wildlife corridor from the wetlands to the waves. For those who know this part of the

world, imagine a corridor connecting Bibra Lake and the Beeliar Regional Park all the way along the Roe 8 and Roe 9 reserves to Clontarf Hill and the Cockburn coast. That would be an extraordinary legacy. I hope that is going to be the next step. Imagine those areas linked up with parkland, bushland, and bike and walking paths. It would be a great legacy for future generations. Of course, we need to think more broadly about things in the south metropolitan area and making Point Peron an A-class reserve to fully protect those areas as well as, of course, protecting our native forests all the way from Denmark up to Perth.

The authors of *Never Again* recommend a couple of other things. I plant these ideas in here because I think that there are lessons that can be learnt. I think we saw this through the Roe 8 process, but one is around making sure that Main Roads WA is not the driver of transport in this state. Every other state has a main roads department as a subset of their department of transport. We should think about that. We often wonder why we end up with road-heavy transport planning in this state. It is because of the way that Main Roads drives much of that. If we were serious about modal shift and having a more sustainable future, then that approach needs to change.

Another recommendation that is really important, which I know has to be worked on, is around establishing a fair, transparent and robust Aboriginal heritage process. For too long the Aboriginal heritage assessment process has been stacked against Aboriginal custodians. We saw it with this project, but we will hopefully see some good changes in that space coming to this Parliament in due course.

In summary, I hope that this bill is the start, not the end, of a series of reforms that the Roe 8 debacle taught us must not happen again and that it shows that we can do things in a far better way. I hope it sets in motion a series of further protections for our urban bushland reserves. I look forward to working with the government on this to ensure that we take the next critical steps to plan for a sustainable urban future. However, I make this point: I do not want to take away from the sense that this should be a moment of celebration for our community for a really special and hard-fought win. I am very proud to stand in this house today in support of a bill that will protect the Beeliar wetlands.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [8.28 pm]: I thank Acting President (Hon Steve Martin) for the opportunity to contribute to the Metropolitan Region Scheme (Beeliar Wetlands) Bill 2021. It is hard to know where to begin, but I will begin with probably a couple of the more outrageous statements that I heard here tonight. I start with the comment that —

Several members interjected.

Hon Dr STEVE THOMAS: I have no vested interest in it myself. I do not live near it, I will not gain any traffic benefit from it and I will not have to listen to the trucks regardless of whether or not Roe 8 gets built. The joy of living down in the best part of Western Australia, which is not the South Metropolitan Region, but a bit further south, is that I do not have to worry about having a vested interest in this.

I will address a couple of the more outrageous comments that were made tonight. The first, in my view, is that the passage of the equivalent bill in the previous Parliament was held up by the Liberal Party. I heard that mentioned tonight. I was here during all that time and I do not remember the government ever bringing on that bill. It sat and sat on the notice paper. It was not on the list of urgent bills to get through by the rising of the previous Parliament and there was no filibuster to prevent it from being presented. No-one debated other bills for hours so that we did not have to debate that bill. The bill was never presented, so no-one could filibuster during the debate on it. I am assuming that it did not get presented because the government realised that it did not have the numbers for it to pass. That is what happens. The government and the opposition negotiate and work out where members are on an issue. I am assuming that the bill did not get presented because the government did not have the numbers. It is because the government did not have the numbers that it sat on the notice paper for years.

To suggest that the government's absence of courage should be blamed on the Liberal opposition for somehow holding up this bill is absolute nonsense, yet here we are. I do not know how many times we have to hear that the Liberal Party held up the bill in the Legislative Council during the last Parliament, because it is not true. Every bill that the government could not progress somehow has to be attributed that way. Members might want to look at the history of the bill before just reading from the speaking notes that have come out of whichever ministerial office wrote them, because the reality is that it is not true. It is not the case. The government did not have the numbers. It should have tested the numbers. We have sat here tonight and put arguments about bills and we have voted and lost. That is what sometimes happens in a democracy—that funny thing that, theoretically, the Greeks invented, but only a version of it. Members put their arguments and they vote. We have done that tonight. There is no shame in losing the vote, but this bill did not get presented. It went through the lower house at a rate of knots with some arguments and a bit of argy-bargy, as would be expected, but it was passed. Why? It is because the government had the numbers and it won the vote. The bill then came into this chamber and went nowhere. To suggest, as happens from the other side of the house repeatedly, that the horrible opposition held up this bill and that bill and tied up Santa Claus so that he could not get out of the North Pole to give presents to the children in Labor-held seats is an absolute nonsense. Let us deal with that first. That is not true.

Let us then deal with the moral outrage, if we could, that there would be some land clearing involved as a part of this project. Guess what, members? Land clearing is a part of most major projects. The Labor Party is not necessarily opposed to land clearing, or is it? Here is a project that I think the Labor government is proceeding with that I am

a supporter of: the Bunbury Outer Ring Road. That involves clearing some 76 hectares, which is not an insignificant amount of native vegetation. That is being done for the future transport needs of a region, and I actually support that because I am not hypocritical enough to say that no trees should ever be knocked down. I absolutely respect the position of the Greens and of Hon Dr Brad Pettitt. That has been the Greens' position for a very long time. I did not necessarily agree with a few of the things he said in his contribution, but it is an honest position that I presume he and the rest of the Greens have. The Labor Party sits there and says what an outrage it is that land will be cleared. Guess what? We clear land for projects. The Labor Party cleared land for the Ocean Reef Marina. In fact, the Labor Party cleared some marine park for the Ocean Reef Marina.

Do you know what? We supported that because it happens. I wonder how much land the then Minister for Transport and now Minister for Regional Development cleared for the construction of the Mandurah line. I have not looked that up but I suspect it is 70-something kilometres of railway line through those southern suburbs where a bit of wetlands is floating around. How much land got cleared for the Kwinana Freeway extension called the Forrest Highway? Guess what, guys? That road went through a bit of wetland as well. We hear moral outrage in relation to this one project because it is politically convenient. Guess what? Clearing happens. I am terribly sorry if it is going to happen in your neighbourhood. My understanding is that the clearing of the Beeliar wetlands argument was had some time ago and there were differences of opinion on the quality of the wetlands the road would go through. My understanding is that the government at the time reflected that there were ways to look after the more pristine areas of wetlands and, thus, there were conversations about bridges in particular to allow communications and to allow the wetlands to continue. But to suggest, as I have heard tonight, that any clearing is an outrage flies in the face of what the Labor Party is doing in all the other projects it is presenting. It is not the case that the Labor Party has the high moral ground; it has a political position that it would like to defend. I absolutely get that. I fully understand that this is a political debate.

Although I am not invested in and was not in Parliament for the significant arguments that occurred around this, I think we should look back at a little of the history, but not necessarily all the way back to the Stephenson report. I agree to some degree with Hon Dr Brad Pettitt that not everything in the Stephenson report can be considered rolled gold in 2021. It was obviously a good snapshot at the time. I agreed that it was visionary at the time. But it does not necessarily always apply all these years later, so we need to take it with a grain of salt. It was and remains decades later a very good report and the principles are worth looking at—that is, separating where we can industrial development and transport infrastructure, port and residential land. Those are good principles. Running through it is a fairly sensible structured set of roads. If members have driven on major highways in Melbourne, for example, they would know that you can start off going east and suddenly find that you are going west, thinking that you have not diverted one iota. It is not the easiest city in the world to drive in. By comparison, I think Perth is a fairly straightforward, reasonably gridded city. It is perhaps not perfect, but it is not too bad, and some of the early contributors to that planning should be credited for that.

But let us talk about the ultimate politics of this—that is, the difference between the Kwinana outer harbour and the Fremantle port. I am very sad that the “Labor member of Maritime Union of Australia” is away on urgent parliamentary business because I enjoy his contributions and I am sure he would have plenty to say, if he was allowed to, about the various attributes of Fremantle port and whether it should remain an operating port and what its capacity is. I note that the MUA has taken a very strong view that the port of Fremantle is quite able to take port traffic for a fair period of time. I understand that the Labor Party has a different view from that, but it is not based on fact or science. This has become an incredibly politicised argument. I noted a slightly different argument during the 2017 election campaign. The honourable member who spoke earlier talked about the 2013 election but I think she meant 2017, and that is fine. During the 2017 election campaign I watching a slightly different argument. I noted the comments of the then shadow Treasurer who was about to become Treasurer, Hon Ben Wyatt, in a 2017 debate that they would start construction on the Kwinana outer harbour or he would quit his job! I think he has gone, has he not? I think he went! Perhaps there was something fortuitous or possibly foreboding in the fact that the incoming Treasurer was so determined and adamant that the Kwinana outer harbour would be built and that it would be started in that first term of the McGowan government that he said he would resign from his job if it did not. From memory, he was so adamant that at the end of the last session of Parliament he resigned twice! There might have been some concern about his ability to live up to this commitment, because the Kwinana outer harbour will be very difficult to deliver and for no greater reason, funnily enough, than for environmental reasons. The proposal will do significant damage to significant seagrass beds. There are significant environmental risks and damage will occur as the outer harbour is constructed. I suspect that the plan now is that construction might start well into the 2030s. There will be a bit of planning and we will progress through the process. But before the government gets environmental approvals a lot of work will need to be done and I suspect that will be no easy task.

A week ago we received the Infrastructure Western Australia, *Foundations for a stronger tomorrow: State infrastructure strategy: Draft for public comment*, a 300-page document that contains lots of comments such as, “We should develop a plan for this and we should develop a plan for that”. It was not all bad. It did contain some positive stuff, but it did not outline a structure for infrastructure in Western Australia. It said, “Here’s the things we think we should work on.” I guess a journey starts with the first few steps. I noted today in question time that it took \$5 million to get to those first steps, but we have progressed a little.

In a press conference, the chief executive officer of Infrastructure WA, Philip Helberg, was asked whether the Kwinana outer harbour—I think because it was mentioned briefly in the report—was a focus of this government, how much of a focus it was and whether writing out Roe 8 and the development of the roads to support Fremantle harbour was a bit peremptory. He had a few things to say about this that raised the eyebrows of many people. He said —

“So for us it’s not so much about whether it should happen, it’s more about when. So what the strategy does recommend is let’s look at the timing.

“Let’s look at answering the questions that we still have, which is how much trade stays in Fremantle? What type of trade stays in Fremantle?

“And then we can one, decide when that needs to occur, but also what we need the transport network to look like that would service the new requirements.

“So to your question about Roe 8 and Roe 9, our view is that it’s premature to even have that discussion.

The chief executive officer of the new Infrastructure WA asked whether we could build a Kwinana outer harbour before we knew what the port infrastructure would look like. That is the first big question: Will it ever be built? Can the government ever get the environmental approvals to build it? Of course, once that is done, the government will probably have to change and extend the road network, and I suspect that will probably involve a bit of clearing of land and we will have this battle all over again. Philip Helberg did say that until the government is certain where the road network will go and what part of it will go into Fremantle, and what can be retained in Fremantle and what we will end up with at Kwinana port, it would be foolish to make that final decision about Roe 8 and Roe 9. However, the government is not doing that. The government is not working its way through this to determine the best long-term tactical transport position. That is because this is not an infrastructure debate or a port debate; this is a political debate about a policy that has been taken to two elections by two parties with completely diverse and opposing views.

The Liberal Party has taken its policy on Roe 8 and Roe 9 to the last two elections; and, if one looks at the results of those elections, maybe one would think that was not a big vote swinger. To be honest, I have no vested interest in this; it is not my patch. I do not mind either way. I am looking at this purely from a logistics position and whether this is a wise investment of state money. A government will never be popular if it clears anything near anybody. But government is not supposed to be a popularity contest. I think the Labor Party has proved that. The minister will not even turn up near the Bunbury Outer Ring Road to have a conversation with the locals. That road is going through—guess what?—some native vegetation, and some of that is wetland.

I notice that Hon Dr Brad Pettitt raised some of the issues around the wetland policy on the Swan coastal plain. That is important. However, I would urge him to show a little caution around those early studies. I went through the whole process of the Swan coastal plain wetland policy. I am not sure how engaged he was back then around that particular area, but basically under that policy anything that had any standing water at any point over winter was determined to be a wetland. If the member’s backyard was observed to have water standing in it, under that policy it could be declared to be a wetland, despite the fact that it had artificial turf and the last frog there had died in 1927. Just be a little cautious about what those early policies called a wetland and what they did not.

It is absolutely the case that we have filled in wetlands and we have not treated our wetlands or our native forest particularly well over the last 100, or whatever it is, years—let us say 150, probably plus a bit. I am always cautious about anybody who says, “All right. We’ve cleared enough, so we can’t clear anymore.” The unfortunate truth of government is that at some point, governments have to create infrastructure for people to use. They cannot not do that. At some point, government will have to say, “I’m terribly sorry. I understand that we don’t like the clearing of a particular piece of land, but we have to do it”. That may be for the Bunbury Outer Ring Road, Ocean Reef marina, Roe 8 or Roe 9, or the Mandurah rail line, or whatever bit it is. I suspect that a fair bit of native vegetation was also cut down when the Armadale line was put in originally. When we put infrastructure in place, it comes at a cost. That is why we have offset policies. That is what they are there for. When I was first involved with offset policies, it was about like-for-like. Governments have, quite rightly, become far more ambitious. It is not like-for-like any more. It is four-to-one or five-to-one, and, in some cases, 10-to-one, so whatever we intend to take out, we replace it with significantly more when we hit an offset policy. The current offset policy is reasonable. However, I would not mind seeing some better coordination around it so that we could merge offsets for major projects. That would have a mutually beneficial or synergistic effect where the whole would be greater than each of the individual parts. We have to clear for any of those projects. This government clears, and any government that will come after it at some point will clear.

This is a political debate. It still amuses me that we are talking about a harbour in Kwinana. I am old enough, members, to remember—not everybody here is—the proposal for a private port in Kwinana. We had that debate here not that long ago with the Minister for Regional Development. I was astounded to hear her say that the big objection was the labour and contracting profile of the people who would work in the port. We always assumed that for some reason nobody liked Len Buckeridge when he was proposing it all those years ago—it must be 20-something years ago now—but here we are. We had a proposal for a privately run port in Kwinana. There were all these reasons why that could not happen. The Richard Court government signed up that proposal, and it was thrown out by the incoming Gallop government, in which the now Minister for Regional Development was the Minister for Transport

and Infrastructure—the “infrastructure tsarina” the newspapers used to call her. Twenty years ago, a private individual was prepared to invest to build what the government is now theoretically going to invest billions of dollars to build somewhere in the 2030s or 2040s. If that does happen, it will not be under this government. These governments will turn over as these things occur. Right now, the government is investing in a vision. I suspect it will not have to put too much money in at the start, so that is okay, but it will be very slow. It will not happen in a rush. This will take an enormously long time.

In the meantime, we have the bill before the house. I thought it was a fairly clever move simply to have the Minister for Lands change those titles and add them to the conservation estate, which effectively quarantined that land and prevented the development anyway. This bill is the icing on the cake. That was a temporary fix. It could have been reversed by an opposition that came to government and controlled both houses of Parliament in which a future minister could put something in place and return that land to the transport corridor. That would obviously be a disallowable instrument. Interestingly, the movement of the land into the conservation estate is not a disallowable instrument that would require a vote in Parliament, but taking it back out would be, so the government would have to control both houses of Parliament to be able to pull that out of the conservation estate. This is the next step onwards. This is trying to quarantine it so that can never occur. That is a political position of the Labor Party.

Fine—the Labor Party has won the election and this legislation will go through. It is absolutely a political thing though, so please do not lecture us and get on the moral high horse for any of these other reasons. This is a political decision that the government is taking and good luck to it. It won the election, it won control of both houses and this is happening. It did not happen before because of anything we did; it did not happen before because it did not get put on the list and debated in the house. Guess what? The opposition has no control over government legislation and when it comes forward. The government will win this political debate—it will. I think it is foolish for the government to do what it is proposing before it works out whether it can or cannot deliver significant port infrastructure in Kwinana and work out what Fremantle port looks like in 2040. It is easy for the government to say that the northern section, the northern quay, will all be prime real estate and it will make its money back by selling it off as \$1 million apartments and rich people will move there. I will be interested to see how many of them are Fremantle Dockers supporters when they get there, but let us see! I absolutely understand that that is the aim.

Hon Darren West: We have even have got Collingwood supporters, member!

Hon Dr STEVE THOMAS: Surely, no-one is a Collingwood supporter!

Hon Darren West: We have even got Collingwood supporters!

Hon Dr STEVE THOMAS: My goodness, the standard is low!

Several members interjected.

Hon Dr STEVE THOMAS: Yes, it is unparliamentary language! We have to draw the line somewhere!

The government will make a political decision before it knows what the infrastructure needs to really look like, before it knows what the port of Fremantle will look like and before it knows whether it can even construct a Kwinana outer harbour. The government does not know that it can get this done, but in the meantime it will quarantine this land for a political outcome, and that is fine. I will live with that, because I live 200 kilometres further south and I do not think it will impact on me all that much. It is not necessarily the best outcome for the state of Western Australia though, and it will be done for political purposes. It will be done because the Labor Party took it to two elections and won and because it thinks it is a vote winner. Like I say, I am a little astounded that a lot of Liberals think it is a big vote winner. I do not know whether it is or not; my work is further south. But this is about politics. We are taking a political decision, not an infrastructure decision, not an investment decision and not a Treasury decision. This is about politics, and the government will win the day, but that does not mean that it will get the best outcome for the people of Western Australia. In my final contribution, I will look forward to the next time that this Labor government announces a project that requires some land clearing, because I expect all these members who stood up and were outraged by land clearing to stand up again and tell us how outrageous this is, and how it needs to be opposed. I know that Hon Dr Brad Pettitt will. He will jump up and oppose land clearing everywhere. But I will be looking forward to the contribution and the howls of outrage from government members, because, obviously, that is something that should never happen in the state of Western Australia.

HON KATE DOUST (South Metropolitan) [8.55 pm]: I had not actually planned on speaking on the Metropolitan Region Scheme (Beeliar Wetlands) Bill 2021, but I listened to a number of speakers whilst I was working in my office. Like the Leader of the House, this has probably been one of the most significant issues in our electorate, the South Metropolitan Region, for the 20-plus years that we have both been in this house. I know that over time we have both been to a range of events on the whole Roe 8 and Roe 9 issue. I congratulate the Labor government on bringing this bill forward and bringing it back into this house, to provide some completion—some finality, if you like—to this contentious issue for people who reside in that part of our region. I think that, once it has passed, this bill will provide a solution or conclusion to what has been a highly contentious issue. As already referred to, this is a very emotive issue. We have seen a range of highly organised, brilliantly organised community actions to protect the Beeliar wetlands and other areas around there.

I listened to Hon Neil Thomson earlier on. I think he talked about three points, although I only picked up on a couple of them. He talked about consistency and clarity. I think that Labor both in government and in opposition has always been very clear and very consistent on its position on Roe 8 and 9. We have always looked to find other options. During the Barnett period, the Liberal government really missed its opportunity. It has been a great champion of this change but never actually delivered. It had eight and a half years to deliver on this and it left it up to the eleventh hour to ram those trees through, destroy that area and absolutely devastate that space. The fact that members of the community had to go out and rail against the Liberal government of the day in its dying embers just smacked of desperation for that government. It had wasted all that time. It was a road to nowhere. We had Dean Nalder coming up with flip-flop ideas on a regular basis about shutting down and taking properties from people down in Fremantle, then changing his mind the day after. Nobody knew what the Liberal government at that time wanted to actually do. It dreamed the dream but could not actually deliver on its ideas.

This government is about to deliver. It is about to deliver a very solid outcome for people in the south metro. It is about to conclude the nonsense that has been put on the table for all the time that I have been in Parliament. We have had many, many arguments in this place over an extended period of time about these projects. The one thing I will say is that since Labor came into government in 2017, and I think pretty much within days or weeks of being in government, it was able to turn around opportunities that may not have been in place if Roe 8 and Roe 9 had proceeded. We have seen significant infrastructure changes that have happened since 2017 that have looked to alleviate the congestion issues in south metro. One of the first projects in which they repurposed the dollars with the support of the federal government was the Manning ramp, which had been contentious. We have now seen the changes, with new bridges going up across the freeway and the freeway being widened. I was driving through the Armadale Road area at the weekend and saw that fabulous new bridge going up and the new roadways that will make life so much better for people in that area. That is all being done in conjunction with the full support of the Cockburn council, which, I must say, has been fabulous in the work it has done with the community in the protection of the Beeliar wetlands. I know that it will be very pleased with the outcome of this legislation as it goes through hopefully this week.

I listened to Hon Dr Steve Thomas saying that some Liberals are convinced that Roe 8 and Roe 9 are the way to go. I must say that I do not get people contacting my office on a regular basis, in fact very rarely. I could not even tell members the last time somebody contacted me to protest about this government's position on Roe 8 or Roe 9. More recently, during the state election, I was very heavily engaged in the Riverton campaign, which has Leach Highway cut through the guts of it, and I fully expected that the Roe issue would be a primary problem for the candidate in that seat, the very fabulous Dr Jags Krishnan. I hate to disappoint members opposite, but it was very rarely raised.

The government, as has already been talked about, is looking to do a whole range of things that are alluded to in the second reading speech in terms of the new Kwinana outer harbour, the shift to rail and all the new roads that are going up. It will continue to find other solutions, because that is not what the Liberal–National government did. There was a lot of talk about it and there was a lot of shuffling around of the dollars and a lot of interesting ideas that fell away sometimes within 24 hours, but it never actually did anything. I think that is the clear difference. In government, Labor delivers that change whilst we hear the Liberal Party talking about it. I have heard the idea mentioned two or three times tonight that this is political. Well, hello? Everything that we do in this chamber is political. We can give it another tag. I did not realise that I was sitting in a room with so many political virgins. I hate to tell Hon Dr Steve Thomas, but that is what we do. Every single thing we do is about the politics. It is your politics or our politics. It is our view or your view. I was really quite surprised that we were going, “Oh, hell no, it's political. That's what the government is doing.” No, the government has been consistent in its position on Roe 8 and Roe 9 forever. It has just been incrementally working its way through to find the best solution for traffic issues and road transport issues for the community in the South Metropolitan Region. Whilst this legislation might not be the be-all and end-all, it certainly goes a fair way to solving some of the concerns for the people who live and work in and around that area. I must say that the work that has been done on the Beeliar wetlands makes it a very attractive place to be. It is a great place to take the kids. It is a great place for families, for schools and again, all those people who have been involved in that project. The people who fought hard to keep these areas need to be congratulated.

I only wanted to say a few words, because I think this bill ties the bow on part of the issue and will hopefully bring a tidy conclusion to a very significant debate to enable the government to get on with resolving those other elements around Roe 8 and Roe 9. Some members called for an extended period of consultation, but we have had 20 years, that I am aware of during my time here, talking about these issues. At some point we have to bite the bullet and get on with it. I think that is what the government is trying to do with the bill that we are dealing with tonight. It is an eminently sensible bill that provides a solution.

The other thing I want to come back to is the issue around clearance. Hon Dr Steve Thomas talked about land clearing, and he is right; there are absolutely situations in which we have to clear land for certain proposals, but the manner and form that the Liberal government of the day in 2017 bulldozed its way through that area was such a dodgy arrangement. It was done as an act of desperation, as if it had to put that pathway through to demonstrate that it had done something and ticked a box to deliver on Roe 8 and Roe 9 at that stage. It was treated with the contempt that it deserved by the general community and they stood up and protested. I must say that that election period in 2017

was probably one of the greatest rallying efforts I have seen in my electorate for a long, long time. It pulled all sorts of people and groups together to protest against the government of the day and I think it was very successful. It probably helped us to win seats in South Metro that we may not have won before simply because of the way the Liberal government of the day managed it. I can see Hon Dr Steve Thomas nodding, so he obviously agrees with me on that point.

On the question of seagrass, I would like the member to show me some in Cockburn Sound, because all the local people I know who go fishing down there have not seen it for a long time; Hon Dr Brad Pettitt probably has a different view. Like the member, I have been around for a long time. In fact, I remember when the road on the coast was a straight road and it would take 16 minutes to get from the Alcoa site to the first pub in Freo, and back then you could actually see those things. That is a long time ago, and the world has changed.

I congratulate the Labor government on its efforts in getting this legislation through and I certainly look forward to future projects that will resolve those transport issues in the South Metropolitan Region. I think the changes that are being made to protect the Beeliar wetlands will, in the long term, be of great benefit to the people who live in the South Metropolitan Region.

HON JAMES HAYWARD (South West) [9.05 pm]: I was not going to speak, but I have been moved to stand. I am very excited about the passionate nature of tonight's debate; it is fantastic to hear some of the members who we have not yet had a chance to hear from speaking so passionately about what is important to them. Of the debates we have had in this house, this has certainly been one in which members have rolled up their sleeves and shown their party stripes, in the sense that a lot of the debate has been around the views of the different parties rather than the actual issues relating to the Metropolitan Region Scheme (Beeliar Wetlands) Bill 2021.

As members have said, it is a political bill; I think we are all agreed on that and we have all talked about the different colours and what they stand for. At the end of the day, the Labor Party ran an extremely successful campaign on this issue and there is no doubt that members opposite would have a great sense of achievement tonight as this bill goes through; I completely understand that, and I congratulate them on that campaign. However, as Hon Dr Steve Thomas said, I am not sure it is ultimately in the state's best interest.

One of the things members talked about was the environmental cost of clearing land, and there is no question about that, as has been mentioned. I was very interested to hear the last speaker talk about the seagrass that used to be there and is no longer there, and that it is not very important. Well, people do not live next to the seagrass, so perhaps it is not that important, and I guess we will not see the same level of campaigning on that. I have no doubt that Hon Dr Brad Pettitt and his team will be out there fighting for the seagrass, but we probably will not this time see the same campaign we saw for the Beeliar wetlands, because people do not live close by and perhaps there is no political expediency in rallying a campaign on the environmental issues around seagrass.

It is hard to believe that this bill is before us because the Labor Party is deeply committed to these environmental issues, because there are other relevant areas in the state. I want to talk about the Bunbury Outer Ring Road through Gelorup. Members of the community there are as outraged as those in the community surrounding the Beeliar wetlands were when they were protesting, yet they have not had the support of the Labor Party. They have not had the minister come to speak to them and look at their space. There is only one member down there who does not have the benefit of being in south metro where there are numbers of seats on the line. It appears that the environmental issues facing the people of Gelorup are simply not important to the Labor Party. In that context, we have to consider this and say, "Well, okay, we've seen some different actions here. We understand you're championing the wetlands and you ran a very successful campaign and did very well out of it. Further down the road, where there is an issue for a community that they feel is equally important, there is silence; nobody's there. It's not important."

Again, I point out the member's comment about the seagrass not being there anymore and that it probably will not be an issue. Well, it probably will not be if there is no campaign around it. I suspect that the real commitment to environmental sustainability does not necessarily come from the DNA of the Labor Party. Having said that, there is also a bit of a transaction that goes on in knocking this out, as we have discovered, because there is still an environmental cost in not building it. Trucks are idling up and down Leach Highway, pushing out gases and taking longer to get to the places they need to go. They prevent vehicles from moving at an efficient speed, so there is an environmental cost at that level as well, which I am sure all members will agree with. Ultimately, the problem still has not been solved. Hon Dr Brian Walker spoke about the fact that he once sat behind traffic three trucks wide while driving along Leach Highway. I am sure that many members who have driven along Leach Highway have had the same experience. The problem is still there. I certainly congratulate the government for looking at rail and other different possibilities to try to solve that problem, but that problem still exists. It is incumbent on the Labor Party to come up with some solutions for those people, so I certainly encourage it to do that.

I also encourage the Labor Party to consider looking to our friends in Gelorup and perhaps listening to what they said about their issues with that road being pushed through there. To be honest, I am not convinced that this is a great step forward for the state, because a solution still needs to be found. Again, many speakers have said that this legislation will sort it out and bring it to a conclusion. No, it really will not. It was already solved, but you guys

stopped it and changed the way that the land was described in the planning scheme so that it could not be used. Now this is a third step. There is still more work to be done. A solution still needs to be found. I encourage you guys to enjoy your celebration tonight, but then get on with trying to find a solution.

HON NICK GOIRAN (South Metropolitan) [9.11 pm]: I rise to oppose the Metropolitan Region Scheme (Beeliar Wetlands) Bill 2021. I despair at the priorities of the McGowan Labor government. It is the first day back after a long winter recess—I appreciate that I have been away on urgent parliamentary business—and this bill is the highest priority on the first evening, so I despair that the government has run out of ideas. As I understand this bill, the government is asking this house to confirm, in effect, that the Roe Highway extension will not take place. It is pretty obvious that it is not going to take place over the next three and a half years. The McGowan Labor government has no intention whatsoever of extending Roe Highway—none whatsoever. So how can this be the top priority bill on the return of the sitting after the long winter recess? McGowan ministers have had the entire winter recess—week after week after week—to prepare priority matters for our attention this week, and this is it. It is a piece of legislation to tell us what they have already told us—they are not going to build the road anyway.

I have lost count of the number of times I have raised in this house that this particular group of parliamentarians who are now in government promised the people of Western Australia that they would expedite law reform in relation to elder abuse in Western Australia. There is something that could be done this evening that would make a material difference to the lives of senior Western Australians. We could be dealing with that now. Did anyone knock on the door of the Attorney General over the winter recess and ask him what is going on with the laws that he said he was going to expedite more than 1 500 days ago? Did anyone do that, or were they too busy preparing speeches that they were going to read out about a road that they are not even going to build? That is the priority of the McGowan government.

I share the comments that were made by some of my colleagues, which recognised that the government, having won the election and having been very clear about its view on this issue, is absolutely entitled to do what it is doing this evening. I do not dispute that. But, seriously, is this its top priority? I think one of my colleagues congratulated the government this evening on its ability to celebrate this campaign and this win. Really? It is going to celebrate this bill passing tonight or at some stage this week, as Hon Kate Doust has said, while it sits there and does nothing about the elder abuse problem we have in Western Australia? The front-page article of *The West Australian* today confirmed that children in our schools continue to have to face their attacker, while the government does nothing. I was, unfortunately, away on urgent parliamentary business this afternoon and I am grateful that my colleague Hon Tjorn Sibma asked a question on my behalf. We now know that there are still five Western Australian students who have to confront their attackers at school every day, and all the while, over the winter recess, government members were preparing their notes so that they could celebrate that we are not going to build a road—an extension to Fremantle. That is going to be what they celebrate this week. That will be their legacy. I do hope—I say this with all sincerity—that between now and the end of the year we see some meaningful law reform that will actually make a difference to the lives of Western Australians.

My good friend Hon Kate Doust, who is a very experienced member, said in her contribution this evening that the whole debate—I understood her comments to mean our side of the debate—was all nonsense. Members might correct me if I am wrong, but I think the federal government still has a large amount of money set aside specifically for the extension of Roe Highway, so clearly not everybody thinks it is nonsense. Clearly, some people think that the extension of Roe Highway would be meaningful. Some comment was made about the federal government repurposing the money for the Manning Road on-ramp. I do not think so. If members actually look into the detail of that, they will see that a separate pot of money was allocated for what was, in the end, a bipartisan Manning Road on-ramp project. That was a very good initiative, largely funded by the federal government I might add. To suggest that the money has been repurposed and that this particular project is now nonsense I think defies the facts.

Hon Kate Doust also mentioned that sometimes you just need to bite the bullet and get on with it. I totally agree. If there is one regret that I have about the eight and a half years of the Barnett government, it is that that did not happen with this project. Why it was left to the last minute is beyond me, but that is a matter of history, and so the opportunity was missed. When you miss the opportunity, you then give the opportunity for the other party to decide to take a different position, start a campaign, potentially win government and then fulfil their commitments. I must say that it always intrigued me just how long it took before the McGowan government actually took a position on Roe Highway. There was some suggestion in the debate tonight that this has been going on for a long time—maybe up to 20 years. I was first sworn in here on 22 May 2009, and in all that time—from 2009 to 2016—we were waiting for the Labor Party, then in opposition, to actually take a position on the extension of Roe Highway. It was not until January 2017 that Mr McGowan finally decided he would make a decision on this. Nevertheless, the Labor Party then won the March 2017 election. The government then had four years to do something about this matter.

I find it distasteful that the Leader of the House, who is responsible for this Metropolitan Region Scheme (Beeliar Wetlands) Bill, decided—I do not know whether she was instructed to do so by the minister with the overall carriage of this legislation or whether it was the Leader of the House's own bright idea—to suggest in the first paragraph of her second reading remarks that this bill did not pass in the last Parliament due to, and I quote, “the actions of delay by the Liberal Party.” I will not spend any time dissecting that lie because I understand that

the Leader of the Opposition has already done so. However, the Leader of the House would do well to retract that remark in her second reading speech because she knows full well that bills were progressed in the fortieth Parliament when she decided what bills would be brought on. If she can let me know what dates in the fortieth Parliament that she decided this bill would be brought on, I will happily retract my comments this evening. I suspect she will not be able to identify a date, so I invite her to do the honourable thing and remove that lie from the record that currently sits in the first paragraph of her second reading speech and that she needs to take responsibility for.

It is true that by virtue of the numbers gifted to the government by the people of Western Australia at the most recent election, the government will win this debate in 2021. What that will look like into the future is for the people of Western Australia and future Parliaments to decide, but for the purposes of the forty-first Parliament I have every confidence that this bill will pass unamended. Members opposite who are getting ready to celebrate a bill that confirms that a road they already know they will not build over the next three-and-a-half years will not be built might like to ask themselves: have they ever driven on Leach Highway? If they have not driven on Leach Highway, do not bother. Do us all a favour and do not bother celebrating something they know nothing about. If they have driven down Leach Highway, answer me this: do they think the removal of trucks from Leach Highway is imperative? If they do not think the removal of trucks from Leach Highway is imperative, that is fine; they are entitled to that view, but they should make sure they let all the people who live around Leach Highway know that they do not think the removal of trucks from that highway is imperative. Let them know. Be courageous; do not hide. Remember, they are getting ready to celebrate. They have had their streamers ready for the whole of the winter recess. They have been waiting for this big week. They could not wait to get back. They are very keen to let the Leader of the House know that they will be there. They will even contribute. I have been waiting for some members to contribute to debates over the last couple of months. Their big moment has arrived because we will talk about a road that they will not build anyway. That is what we have been preparing for all winter recess apparently. In the meantime, while they do that, have they thought about doing a social media campaign and letting all the people who live on and around Leach Highway know that they do not think the removal of trucks is imperative?

The other interesting thing is that those who have a passing interest in transport infrastructure—not all of us will be as knowledgeable in this area as Hon Neil Thomson, but people will have a passing interest, I am sure, in transport infrastructure—should consider whether an extension to Roe Highway will improve the efficiency of existing networks. My electorate office is on the eastern border of the South Metropolitan Region. I suspect, probably due to the location of both my home and my electorate office, that there is probably not one member of the South Metropolitan Region who has to traverse this piece of road more than I do. I am fairly familiar with the problems of ordinary residents who live in Piara Waters, Harrisdale, Canning Vale, Southern River, Willetton and, dare I say it, Cockburn. At the moment, the path these people have to take to get to Fremantle is all because there is a fixed ideology on the part of key members of the McGowan government that says to them, “Too bad. You don’t get to have an efficient transport route, and we are going to make sure of that because, in fact, we will pass a bill through Parliament to make sure that it does not happen.” It is my understanding, Madam Acting President —

The ACTING PRESIDENT (Hon Jackie Jarvis): Member, I remind you that we have removed gender-specific titles for the President’s position.

Hon NICK GOIRAN: Thank you for the notice, Acting President. I confess I was unaware of that and I will endeavour to make sure that I implement that in future.

As I was saying, Acting President, it is my understanding that, according to Main Roads, it is the case that Roe 8 and Roe 9 would lead to a substantial reduction in fuel usage and a substantial saving in carbon dioxide, and that Main Roads has determined that the extension of Roe Highway, certainly with respect to some of the modelling that had been done for Roe 8 and Roe 9, would impact only 0.49 per cent of Beeliar Regional Park and that it would follow an already cleared piece of land. Our party in the lead-in to the last election, an election which I think most fair-minded individuals recognise was a COVID-19 referendum, indicated that we would invest \$45 million to specifically accommodate the environmental sensitivities and to provide better access to the area. It was not as though our party was deaf to the message about environmental sensitivities. Far from it; we were prepared to put our money where our mouth was. Indeed, our promise also included a commitment to a wetlands restoration program that would have been undertaken at North Lake and Horse Paddock Swamp to improve the area environmentally.

In the briefings I received from those of my colleagues who were responsible for these various infrastructure, planning and transport portfolios, I was assured that this would include revegetation of the degraded areas and weed control. I do note for those members who, again, have perhaps never visited the area in question, that much of the area in question is actually already degraded and has been for years and years, whether that be because of industry or because of landfill or, indeed, because of some introduced flora. We also committed to installing noise walls at various locations to address any of the concerns of some of the local residents.

I return to the concern of those residents who live in and around Leach Highway and have to navigate the trucks along that treacherous passage. I draw to members’ attention a serious incident that occurred just prior to the commencement of the winter recess—in fact, on 2 June this year—when a truck rear-ended a school bus carrying 50 children. Where did this happen? It happened on Leach Highway in Booragoon. A few months before that—on

19 March 2021—a car collided with a truck. Where did that occur? It also occurred on Leach Highway. Thankfully, in that instance, the driver escaped uninjured. On 13 January 2020—about the time the McGowan government was busy facilitating and allowing for the SafeWA app data to be breached—we had another instance of traffic chaos. Where was it? It occurred on Leach Highway. Why did it occur? It occurred because a car collided with a truck. These are three quick examples that I have been able to identify this year. As some people have said, this debate has been going on for years and years; some have said that it has been going on for 20 years.

Every time there is a road accident, a family is affected. The cost is significant, particularly when a serious injury occurs. I know from previous debates that a number of well-meaning members in this chamber strongly support the National Disability Insurance Scheme. They have made that view clear in the past. Would it not be a good idea if some of these people could avoid going on the NDIS because of catastrophic motor vehicle-induced injuries? The scheme that is operated by the Insurance Commission of Western Australia quite literally costs millions of dollars. Would it not be a good idea if we could avoid that trauma for some of our Western Australians, particularly those in the metropolitan area, or are we more concerned about the impact on the Beelir wetlands, which is supposedly less than half a per cent? They are the questions that members ought to satisfy themselves with before casting their vote on this matter.

I note that not so long ago—it was reported on 13 January 2020—the Premier of Western Australia, Mr McGowan, the member for Rockingham, said that building a highway through the middle of a wetland is not a wise use of public money; it is not needed. The problem we have with that statement is that that honourable member resides in Rockingham. To the extent that he has to inconvenience himself and drive anywhere, it would only be up and down Kwinana Freeway between Rockingham and West Perth. If that is effectively the sum total of his transport journey in Western Australia, other than from time to time travelling around in a jet or even having a taxpayer-funded driver take him on some of these journeys, he will probably not think that the Roe Highway extension is needed. However, a truck driver who has to get to and from Fremantle might have a different view. I regret that due to other urgent parliamentary business I did not have the opportunity to be here for the entirety of the debate, but I look forward to reviewing *Hansard* to check for any of the speeches made by members in support of this bill and whether any of them provided testimony from Western Australian truck drivers, just to share their story. I know something about members opposite: they like stories. What about the stories of the Western Australian truck drivers? Do they have a voice in this debate? Do we care what they think? I know that one member took the opportunity to read out some remarks by an environmental activist. There is nothing wrong with that. That person is entitled to a voice in this debate as much as any Western Australian, but are they the only voice being heard in this debate, or might there be others? According to the Premier, he simply thinks that Roe 8 is not needed and that it is not a wise use of public money. Clearly, the federal government has a different view. I find it extremely arrogant that a person who represents the Rockingham electorate can simply take such a strong view on this matter. What about those who actually represent the region? What about those who have to deal with the people in and around South Street and Leach Highway?

One thing that happened during the winter recess was that an infrastructure strategy document titled *Foundations for a stronger tomorrow* was released, as I understand it, on 21 July 2021 by an organisation called Infrastructure WA. Some of the newer members might not necessarily be aware that Infrastructure WA was established in the last Parliament on the insistence of the McGowan government. It was to be an independent body to look at the infrastructure needs of Western Australia. This document, which was distributed on or around 21 July this year, is open for public comment. Maybe the Leader of the House, when summing up the debate, can answer this question for us: if the independent body, Infrastructure WA, has just put out its inaugural infrastructure strategy document and invited public comment on it, might this bill that we are dealing with now be premature in light of the fact that the government's independent body has only just released this strategy document? Interestingly, I note that a very, very brave individual by the name of Philip Helberg, the chief executive officer of Infrastructure WA, had the courage to express some views when journalists put questions to him when this document was released. I would love to know which member of the McGowan government—whether it was the Premier, one of his ministers or one of his workers—has spoken to Mr Helberg since 21 July. If I were betting man, I reckon that at least one McGowan government minister or one of their staffers has got on the phone to Mr Helberg and said, “You keep this up, sunshine, and you’re out of a job, because you’re being far too transparent for us. You’ve got to understand that we run a secrecy-obsessed government. We cannot have you out there answering questions from the media and indicating that it is premature to be having this discussion. We cannot have that from you. So pull your head in; otherwise, you’ll lose your job!” I am not a betting man, so we will never be able to find out whether I would win that bet, but I would love to know.

Hon Sue Ellery: Honourable member, I wonder whether you might seek leave to continue your remarks at the next day's sitting. The President has asked me to conclude orders of the day a bit early because she has something she wants to do.

Hon NICK GOIRAN: Acting President, with the leave of the house, I would like to continue my remarks on another occasion.

[Leave granted.]

Debate adjourned, on motion by **Hon Pierre Yang**.

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

Sixty-third Report — Review of standing orders—Extension of time — Tabling

THE PRESIDENT (Hon Alanna Clohesy) [9.41 pm]: I am directed to present the sixty-third report of the Standing Committee on Procedure and Privileges titled *Review of standing orders—Extension of time*.

[See paper [422](#).]

Extension of Reporting Time — Motion

HON MARTIN ALDRIDGE (Agricultural) [9.41 pm] — without notice: I move —

That the reporting date of the Standing Committee on Procedure and Privileges inquiry into the review of the standing orders be extended from 10 August 2021 to 2 September 2021.

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

Debate thus adjourned.

GAIL MCGOWAN

Statement

HON DAN CADDY (North Metropolitan) [9.42 pm]: It is with great pleasure that I rise tonight to recognise a Goliath or, on reflection, it may be more appropriate to call her a Wonder Woman. In any case, she has been a powerhouse of the Western Australian public sector over many decades; and a woman who in her most recent role has been director general of the Department of Planning, Lands and Heritage and who for the second time in her career has performed outstandingly in a significant change management role. Some members in this place would already realise that I am speaking about Gail McGowan. For new members, especially those with a predilection for mixing up names, she is no relation to the Premier!

Gail has been a stalwart of the public sector in this state for decades. She has worked in different capacities including senior positions with Worksafe and the Department of State Development. She spent nearly a decade at Worksafe and was deeply involved in Browse as well. She has worked for ministers, including as a chief of staff to Minister Edwardes. She has been placed in control of departments at times when they were undergoing great change and has had to make tough decisions—decisions that, with hindsight, invariably have been proven to be right. Ms McGowan was also a driving force behind the establishment of dedicated and visible senior executive positions for Aboriginal leaders and has promoted adoption of this model of executive development across the sector. She was a founding member of CEOs for Gender Equity and an active member of Chief Executive Women. Most recently, she has managed the Department of Planning, Lands and Heritage through the machinery-of-government changes, and in 2019 she was awarded the Public Service Medal by the Honourable Kim Beazley, AC.

It is important for members in this place to acknowledge our public sector leaders and the contribution they have made and continue to make to this state. Although I do not know her incredibly well on a personal level, it is particularly important for me to acknowledge Gail McGowan, because it is through people like her that one truly sees the professionalism and performance that exists in the Western Australian public sector. It is certainly not often acknowledged that the bulk of public servants are professionals in their field. The fact that it is a professional public sector needs to be both recognised and spoken about more often. As I started to say, Ms McGowan has epitomised throughout her career the professional public sector and what it is to be a professional public servant. Western Australia owes a great deal to her and those leaders like her. She has recently retired as director general and is tidying up some loose ends before she goes off and enjoys the full life offered by retirement. I want to recognise her and thank her on behalf of all of us in this chamber for her outstanding leadership and incredible service to this state.

INTERSECTIONAL FEMINISM

Statement

HON SOPHIA MOERMOND (South West) [9.44 pm]: Today I would like to talk about intersectional feminism and how that may show up barriers that different populations deal with. One of the things that intersectional feminism talks about is the different axes of oppression. White men in society do not face racism or sexism and white women do not face racism. Indigenous men and men of colour do not face sexism, while Indigenous women, unfortunately, face both racism and sexism.

In Australian society, where institutional racism and sexism is still demonstrated, the Indigenous population is impacted. Tonight's vigil outside for Alana is a clear example of that. She was homeless at the young age of 16. She had been unable to access sufficient services to get out of the cycle of homelessness. In Alana's case, and in the case of many Indigenous people, we find that initial barriers are compounded by the lack of resources, difficulty accessing services, and the digital divide, which can be quite wide, especially for people who live in remote communities, and then there is intergenerational trauma and cultural differences. There are barriers in place that contributed to making her life much harder. Those barriers are difficult to understand when we do not face them, when we come from a place

where we have a safe home and an address, so that it is easy to open a bank account and easy to access Centrelink's social services. Without a home address, a person cannot have a bank account, so where would the Centrelink payment be sent?

What happens to a lot of people, which is unfortunate, is that they end up in a hopeless situation and use alcohol and cannabis to make themselves feel better, to self-treat, and to simply cope with life. When we look at laws that prohibit the use of cannabis and compare that with our prison population, we can see that there is a link whereby Indigenous people appear to be more severely persecuted and punished for using cannabis, for instance, than people who do not have those systemic barriers in place.

Another thing that I was made aware of recently, through an incredible number of emails that I have received—I suspect members have all received those as well—is that children as young as 10 are being incarcerated for recalcitrant behaviour. The rest of the country has that age at 14. The issue with incarcerating children is that we risk institutionalising the child at a very young age. We give that child a criminal record. A criminal record is one of those things that also makes accessing services, employment and housing more difficult. I think, obviously coming from my perspective, that cannabis prohibition is contributing to that, because it unfairly targets those more vulnerable populations. A simple strategy would be to legalise cannabis so that the funds currently used to police prohibition could be diverted to support services like housing, medical care and mental health care that would allow people to escape these cycles. When we look at laws that are aimed at making a society a better place, prohibition does not seem to be effective in doing so. Thank you.

CARINE SENIOR HIGH SCHOOL — PARKING

Statement

HON TJORN SIBMA (North Metropolitan) [9.50 pm]: During the winter recess I took the opportunity to accept an invitation from a group of residents in the suburb of Carine who are facing the problem of an increase in student parking in narrow, curvilinear and cul-de-sac streets that were never designed to effectively become a de facto or replacement carpark for the adjacent school, which is Carine Senior High School. Full disclosure, I was a graduate of that high school in 1994. I know the area well. My parents still live there.

Carine Senior High School has been blessed twofold. It has a very competent principal, Mr Shuttleworth, who demonstrates I think quite considerable leadership of the students with whose education and care he is entrusted. The school has benefited—this is a time when I am bipartisan—from the government's building and rebuilding program. Tonight we have been discussing some of the consequence of not building Roe 8. I think the key fact is that all development is disruptive. Nevertheless, we should be minded to incorporate and respond to that disruption in an appropriate way. Unfortunately, the redevelopment of Carine Senior High School is happening at such a scale and pace that the parking that has been designated for teachers is insufficient. The school has taken a view that students must give up their designated parking area to their teachers. Therefore, students now have no alternative but to park in adjacent streets. This is more than just a nuisance. This is seriously problematic, particularly in Minerva Way, Hispano Place, Suiza Place, Holmesfield Crescent and Chelmsorton Loop. It is problematic for a number of reasons. First, residents are finding it very difficult to enter and exit their properties, particularly if they have a caravan or boat trailer. The local rubbish services are disrupted by the trucks not being able on occasions to access the bins that they are supposed to empty. Of course, the regular day-to-day interactions of tradespeople and courier services and the like are also disrupted in a way that, frankly, is unacceptable.

I note that this seems to be a uniform problem. This is not necessarily a political problem, and I am not making a political point. It seems to be the disposition of the planners within the Department of Education and Training to plan for and recommend a suite of redevelopment projects, some at considerable scale, that are likely to require or necessitate increased parking provision. I am a person minded to observe the powerful force of economic scarcity; however, I do not think the school planners, and I am talking here about the departmental people, should necessarily abrogate their responsibility or not consider the issue in a thoughtful way. This issue will not be temporary. The development works will take some time to play out. I also make the observation that the school's cohort is probably two and a half to three of what I recall in the mid-1990s and is likely to grow. Furthermore, the school has a broader catchment area and there is an older cohort of students who will never be dissuaded from driving their cars to school. In fact, I think they should be encouraged to do so to continue to grow their skills.

First of all, I want to identify that the City of Stirling has been particularly proactive in attempting to work through some solutions that will meet the needs of residents and school students. It is undertaking surveys principally, and I think is being driven particularly well by the advocacy of councillors Karlo Perkov and Chris Hatton. My view is that solution needs to be —

Hon Sue Ellery: Scary!

Hon TJORN SIBMA: It is the truth, I am sorry. Hon Sue Ellery can be derisive about this, but we have local government members who are actually taking their jobs seriously and attempting to deal with a pragmatic issue in a way that meets the needs of residents. I think that kind of behaviour is to be applauded, and I am sure the member for Carine would like the support of his government in working through a solution as well. I make absolutely no

categorisation or judgement of his action or activity in this respect, I am just not particularly au fait with what he has done. I am just raising the issue because it can be fixed for this reason. There is an abundant supply of land on the perimeter of the senior high school, particularly around Silica Road and Chelmortan Loop, that is probably in dual ownership. I think some is vested in the school and some is vested in the City of Stirling. It could well be turned into a provisional car park if not before the commencement of term 4 this year, then certainly for the commencement of term 1 next year. I invite anybody to walk along the streets during our school day and tell me that the situation is acceptable, because clearly it is not. I am seeking a balanced option that possibly regularises car parking in these adjacent streets in a far more acceptable manner, but also caters to the obvious need to provide students with an appropriate place to park their car. I look forward to continuing until we get an acceptable solution to this very fixable problem.

BETHESDA HEALTH CARE

Statement

HON LORNA HARPER (East Metropolitan) [9.57 pm]: I have previously spoken in the house about my friend John and his fight with terminal brain cancer. John died on the morning of Tuesday, 29 June surrounded by his wife and parents. Although it is extremely sad to lose John, it meant he was no longer in pain, no longer requiring 24-hour care and assistance to feed himself, wash himself, toilet, and even turn over in bed. His wife, Sarah, asked me to speak about the wonderful care John received at both Sir Charles Gairdner Hospital and the palliative care ward of Bethesda Health Care. All the staff were amazing. The support workers, nurses and doctors all went above and beyond what you would imagine. They work in an environment where there is no hope of recovery, only hope of a peaceful and pain-free death. Bethesda is a private specialist palliative care organisation that has been in WA for over 75 years. It is private organisation that relies heavily on volunteers, otherwise known as free labour. Some of the jobs these volunteers undertake include working in the palliative care ward, pushing around the happy-hours trolley for the palliative care ward and acting as therapists for palliative care with art, breathing, meditation, massage, music, pet therapy and reiki. The volunteers work as musicians and singers in choirs but, more concerning, they also work as clerical support staff members and work at the palliative care reception and in the stores, again for free. If it were not for these volunteers, I honestly do not know how the staff at Bethesda Hospital would be able to function. I should thank those volunteers as well. John used to enjoy a little Baileys in his coffee after dinner and looked forward to the tinkle of the afternoon trolley run. I have to say, his sister used to enjoy a wee glass of red wine at the same time.

It is actually quite shameful that there is a reliance on volunteers by private health providers in WA. The areas in which these volunteers are used is also very concerning. The St John of God Murdoch Hospital website lists areas in which volunteers are used, including medical oncology in surgical wards, intensive care, the emergency department, the hospice, pastoral services, the cancer centre, the paediatric unit, endoscopy and the day procedure unit. Volunteers are used in public hospitals—I will not deny that—but at Sir Charles Gairdner Hospital, for example, the volunteers are utilised to attend an information desk to assist visitors with directions and to take the tea and coffee trolley around the outpatient clinics. They drive the patients to and from the hospital to attend appointments. They drive buggies around the hospital site—anybody who has been to Charlies will know that it is a long walk from the car park—and they take them from the car park to the various departments. They run the two shops; they run the lolly trolley that goes around the wards and a library trolley as well. There is also a group called Solaris Cancer Care. This group is open to qualified therapists, not volunteers, and provides free support, information and complementary integrated therapies to cancer patients and their primary carers. These services were invaluable to Sarah, John and their family, so much thanks to the Solaris team. John was a public patient in a private hospital and I cannot stress enough that the care that he received from staff was excellent. It is unfortunate that there are not more of them. Thank you.

CARINE SENIOR HIGH SCHOOL — PARKING

Statement

HON SUE ELLERY (South Metropolitan — Minister for Education and Training) [10.01 pm]: I want to take one minute, because Hon Tjorn Sibma raised a matter in my portfolio, just to advise the honourable member that I am well aware of the situation at Carine Senior High School. We are spending tens of millions of dollars upgrading that school. One of the consequences of that is that it is a very busy construction site, but I have also been working very closely with the member for Carine, Paul Lilburne, on how we might find a solution for local residents. I was working on something with his office and my office just last week. That matter is being progressed and I look forward to finding a resolution very soon.

MEDICAL CANNABIS

Statement

HON DR BRIAN WALKER (East Metropolitan) [10.02 pm]: Over the winter recess, I had, as usual, the pleasure of attending to my patients in the clinic. There are times when I wish I were not. One of those times was when a new patient came to me recently. Of course, I cannot give names or details. I asked her what she wanted. She wanted some cannabidiol oil. No problem. I asked her why, and she told me about her post-traumatic stress disorder. She

told me about the domestic violence she has experienced. This is someone who has been beaten and sexually abused and is unable to function because her brain is unable to comprehend how, in this society, she can continue living, experiencing what she has experienced. She is not a glorious person who has come back from Afghanistan, a hero in war, but an ordinary woman who has been treated abysmally.

Fine—I am happy to prescribe this. It is very useful. I asked her if she has ever used cannabis before, and she said that she has but that she cannot afford the medical oil. I asked her why she was here now, and she said that her father had been actually growing cannabis for her in their backyard. Without ascribing any mal-intent, just the law being applied, the police paid a visit. Bear in mind that she is being cared for by her father, who is providing cannabis to treat some major mental health problems. She found the police at the door, and she was automatically now a criminal. She has post-traumatic stress disorder, and she was handcuffed, arrested, put in the back of a police van and transported to a lockup. That is bad enough, but then she was put in a cell, stripped naked and charged. I ask members to consider that, in the presence of mental health, the current laws that we have permitted have allowed someone to suffer even worse mental health outcomes. We have allowed this.

I sit there, looking at this unfortunate lady who is about to get a script of cannabis from me, and in my situation I find myself utterly ineffective in managing her and treating someone who has not only suffered at the hands of others, but also been abused by those who are supposed to uphold the law. Indeed, they have upheld the law—the law that we have permitted. Members, are we happy with that state of affairs?

PLANNING — MARINE PARADE, COTTESLOE

Statement

HON NEIL THOMSON (Mining and Pastoral) [10.06 pm]: I rise tonight to report on my meeting with senior members of the Town of Cottesloe on 30 July. I met with the CEO and the deputy mayor and they discussed their grave concerns about the state government approach to the proposed seven-storey development at 120 Marine Parade. That has been the subject of a number of articles in *WAtoday* and *Business News Western Australia*.

We all know local governments and we all admire local governments. I hope the members of this house admire the people in local government because in my experience with local government, particularly in my region—I do not think it would be any different in the metropolitan area—I have found local government officers, planners, admin staff, economic development staff, social workers, councillors and other staff to be very hardworking and dedicated people who are right at the coalface of local politics. There were references to local government in our most recent debate on the Metropolitan Region Scheme (Beeliar Wetlands) Bill 2021. Whatever members' position in politics, I think they would accept the importance of local government.

However, there is concern about the Western Australian Planning Commission's consideration of this project on, I believe, Friday. My apologies to the President; I understand that she has other business to attend to, but I am speaking tonight because I made a commitment to raise this issue. There was a council meeting tonight on this matter, along with other issues. I also made a commitment to the council to ask a question in Parliament today on its behalf. I must say, I was very disappointed with the response. Maybe there was some technicality in relation to the question I asked. I referred to the recent decision of the state development assessment unit, and there were a number of sub-questions. The answer was that the state development assessment unit did not make a decision on this development.

I can only assume that goes to the interpretation of "decision". I will stand corrected, but I am asking questions in good faith. Maybe the state development assessment decision was simply that it made a recommendation, not a decision, and that therefore there is no need to answer the other questions I put in good faith. For example, I asked questions such as why was the Town of Cottesloe not consulted on the third iteration of the development, which was recently approved by the State Development Assessment Unit. The answer was "not applicable". It was reported to me, and I was trying to confirm this with the minister, that the Western Australian Planning Commission had in no way consulted on the third iteration. If members look at the Planning and Development Act, they will see that it is a requirement to consult local government. There was no consultation. The first the local government heard of that third iteration of the development, the seven-storey iteration, was when it was being recommended, by the sound of it, to the commission for decision. The second question was whether the Department of Planning, Lands and Heritage publicised the latest iteration on its website under the assessment category prior to consideration. Again, I was trying to ascertain the facts. Clearly, I was not able to do that through the process of asking questions in Parliament, because, I can only assume, there was some technicality in my question. I say to the Town of Cottesloe and its good members that I was unable to ascertain that result. I can only say what they believed to be the case; that is, that it was not uploaded. It is a lesson to me. I understand that I will need to take a snapshot of everything that is on that SDAU website on a daily basis and keep track of what is and what is not going on there, because I am not able to find that answer in a simple way just by asking questions in Parliament.

In answer to the third matter that I raised, again "NA" was the response, "given that the development could not have been approved by a development assessment panel". Advice I got from a planner in that discussion was that in fact a development assessment panel would not be able to approve that development because it did not conform with local planning scheme 3. I raise that with genuine interest and concern and I think we should all reflect on

that. As members of Parliament, we have a job to do, to go out and try to do our best to ascertain the results of people's concerns and queries, but according to the minister, that matter is not applicable. If it is the case that a development assessment panel could not consider that matter because it was not conforming to the scheme, I think that is a major concern, because there is a history to the scheme. Local planning scheme 3 was put in place with a considerable amount of community consultation. It was put in place after an inquiry by design that was undertaken with exhaustive consultation with local members of the community. Many members of the community thought that on that particular location the development should have been only three storeys. After some discussion with experts and bringing them into this process, it came to five storeys.

We have a developer who feels so confident in the government's intervention, and in the ministerial intervention through the process now in place under these COVID arrangements, that it can put up proposals that are significantly higher than the scheme. After some iterations back and forth, it came to seven storeys. The local government was completely bypassed in the process and the people of Cottesloe were completely bypassed. Members might say "That's just the people in Cottesloe. They're the wealthy end of town; it doesn't matter. Those people don't matter", but this is an attitude that I think needs to be considered in relation to local government and the role of local government. The question I had is: does it set a dangerous precedent for local governments across Western Australia? If I were in local government, and I do speak to many people in local government, I would have a grave concern about the role that they have and the roles their schemes play after incredible consultation and involvement. I call on the Planning Commission to consider that and my words tonight. I hope that it reflects on those words. I also say to the Town of Cottesloe, to the good people out there who volunteer as councillors and get involved, that I was unable to answer their questions today, but I will continue to pursue this matter with vigour, and I will continue to defend the rights of community to have their say in planning outcomes in Western Australia.

AUSTRALIAN RULES FOOTBALL — DAVID MUNDY AND SHANNON HURN

Statement

HON DARREN WEST (Agricultural — Parliamentary Secretary) [10.14 pm]: Briefly, before we rise tonight, I want to acknowledge the contribution to Western Australian sport of two of our favourite sons of the football world, David Mundy and Shannon Hurn, who played their 350th and 300th games respectively of football recently. As a person who has been involved in Australian Rules football as a player, coach, administrator and official in Western Australia, I can say that it is great to see the dedication that these two have shown to our sport and the enjoyment that they have given to our community through watching them play. They are both legends of our game. They both go about it in the right manner, with great sportsmanship and respect for the game and their opponents. It is great for young players to look up to people like David Mundy and Shannon Hurn. I wish them all the best in their future careers, but no matter what happens, they have given great service to our game over many years and I thank them both very much for it.

House adjourned at 10.16 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

ABORIGINAL HERITAGE — THREE SISTERS HILLS

145. Hon Brad Pettitt to the Minister for Aboriginal Affairs:

I refer to questions on notice 1320, asked on 24 November 2020, and 115, asked on 13 May 2021, and to community reports that DGO Gold is exploring and building a road in the ‘other heritage’ site 24950 (Three Sisters Hills), and I ask:

- (a) has the Department received a section 18 application from DGO Gold Ltd to work in this area;
- (b) if no to (a), will the Department ensure that work in this area cease until a section 18 application has been made;
- (c) if yes to (a), what was the Aboriginal Cultural Material Committee’s recommendation to the Minister regarding this application; and
- (d) if yes to (a), what was the Ministers determination?

Hon Stephen Dawson replied:

- (a)–(b) The Department of Planning, Lands and Heritage has not received a section 18 application from DGO Gold Ltd to work in this area. The Department has been in contact with the relevant Aboriginal Corporation in relation to a possible breach of the *Aboriginal Heritage Act 1972* (Act). As has been previously advised, proponents are required to seek approval to use land where Aboriginal sites may be impacted. If anyone has any information regarding any potential breach of the Act, they should report it to the Department directly so that it can be appropriately investigated.
 - (c)–(d) Not applicable.
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