



Parliamentary Debates

(HANSARD)

FORTIETH PARLIAMENT
FIRST SESSION
2020

LEGISLATIVE COUNCIL

Thursday, 18 June 2020

Legislative Council

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THE PRESIDENT (Hon Kate Doust) took the chair at 9.00 am, read prayers and acknowledged country.

PARLIAMENTARY COUNSEL'S OFFICE — HON NICK GOIRAN'S COMMENTS

Statement by Leader of the House

HON SUE ELLERY (South Metropolitan — Leader of the House) [9.03 am]: Madam President, I refer to comments by Hon Nick Goiran in yesterday's uncorrected *Hansard*, and I quote —

I received an email today—other members may also have received it—advising that the Parliamentary Counsel's Office has nothing to do at the moment. It is now pleading to members for private members' bills to give it extra work for it to do because this government has no legislative agenda.

I table an email sent from Parliamentary Counsel to the Clerks on Sunday, 14 June, and an email sent to all members from the Clerk yesterday. I ask Hon Nick Goiran to reflect on both of those and consider whether he should apologise for misleading the house.

[See paper [3969](#).]

NORTHERN BEEF DEVELOPMENT PROGRAM

Statement by Minister for Agriculture and Food

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Agriculture and Food) [9.03 am]: This week the McGowan government committed \$8.3 million to continue the Northern Beef Development program for the next four years. When we came to government in 2017, we responded to industry concern, revamping the Northern Beef Development program and relocating it to the north. This program has delivered real results since then, ensuring that the government's research and development priorities align with the northern pastoral industry.

This new funding will support productivity improvements across pastoral lands and the northern cattle herd and increase Aboriginal capacity and job opportunities. Funding has been locked in ahead of this year's budget to allow critical work to continue. New projects will include a grants scheme to increase the adoption of technology and innovation and assistance for Aboriginal pastoral enterprises in assessing and transitioning to improved business models that attract investment and create job opportunities.

On Tuesday, we visited the Department of Primary Industries and Regional Development's new research site at Skuthorpe near Broome, where our government's \$157 000 investment is developing a best practice farming system package for northern fodder production. A trial has already commenced on local fodder grower Graeme Rogers' Skuthorpe property of 3.8 hectares of sorghum fed by a small 88-metre centre pivot. The sorghum crop will be harvested in July, after which a trial of 10 perennial grasses will commence, followed by a trial of annuals. The agronomy trials will examine production options, including fertiliser and water requirements, alongside economic and other challenges facing growers in the north. The work builds on extensive mosaic agriculture investments in the north over the past two decades, which have assisted irrigated operations to expand to over 3 000 hectares in the West Kimberley and Pilbara. Our government is committed to driving research and development that benefits industry on the ground in the north as part of our commitment to supporting regional jobs and businesses.

PAPERS TABLED

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

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Seventeenth Report — "Annual Report 2019" — Tabling

HON MARTIN PRITCHARD (North Metropolitan) [9.06 am]: I am directed to present the seventeenth report of the Joint Standing Committee on Delegated Legislation, titled "Annual Report 2019".

[See paper [3970](#).]

Hon MARTIN PRITCHARD: The report I have just tabled advises the house of the key activities of the committee for the 2019 calendar year. The committee scrutinises instruments made under statutory delegation and determines whether the instruments are beyond the scope of the delegated power or otherwise in breach of the committee's terms of reference. The committee continues to scrutinise a large volume of delegated legislation. In 2019, 338 instruments, including 160 regulations and 99 local laws, were referred for scrutiny. The committee tabled two reports. In one of those reports, the Parliament was asked to consider whether an instrument should be disallowed, and the instrument was disallowed by this house. Motions for the disallowance of delegated legislation usually do not proceed in Parliament if satisfactory undertakings are given to the committee. The committee recommends disallowance only as a last resort. During 2019, the committee received five departmental and 28 local government undertakings.

One set of regulations contained a limitation period that the committee considered, under term of reference 10.6(d), should be contained within an act. An undertaking addressing the committee's concern was received from the Minister for Environment and no further action was required.

Another set of regulations contained a provision that included an unintended effect on a person's rights or interests, which the committee considered under term of reference 10.6(b). An undertaking was received from the Minister for Transport. The committee also encountered a 2019 amendment to section 3.12 of the Local Government Act 1995. Section 3.12 governs the procedure for making local laws. The result of the amendment is that local governments no longer need to give statewide notice of a proposed local law. Local public notices are still required under section 3.12(3)(a).

The committee trusts that the matters noted in this report will assist persons and bodies making delegated legislation to understand the committee's process and the issues identified in previous instruments. I commend the report to the house.

POLICE AND CORRECTIVE SERVICES

Motion

HON ROBIN SCOTT (Mining and Pastoral) [9.10 am] — without notice: I move —

That this house expresses its support for the men and women of the Western Australia Police Force and corrective services.

Today, in 2020, the world is navigating through a pandemic, yet political correctness allows thousands to march in Perth to protest on the back of an event that happened thousands of kilometres from here. I want it recorded in *Hansard* that someone stayed calm and talked facts and sense amongst all the emotional outrage. We have lost our way in this country and we need to get our priorities straight. I would like to recap the events of the last few weeks. On 25 May 2020, vision of George Floyd, an American man, being killed while in police custody went viral on the internet and sparked protests in the United States that turned into riots as citizens made it known that they would no longer tolerate police brutality against African Americans. The vision was shocking. In many conversations here in Australia, people were saying, "Thank God it's not like that over here." Enter the mainstream media. The quality of journalism in the mainstream media is dropping, and that will always be the case while advertising revenue is generated through clickbait. But my concern is with the conduct of the public broadcaster, the ABC. Evidence shows that ABC journalists and its guests used race politics that incited the George Floyd matter and imported that to Australia. Sabra Lane, on ABC Radio National, advertised a recent Black Lives Matter protest in Australia referencing the "high rates of Indigenous deaths in custody here" in Australia. I would ask members to remember that quote. Dr Hannah McGlade from Curtin University was invited into the ABC radio studio and said, "These are all very live issues here where Aboriginal lives are unsafe and people are dying at the hands of the police." I will ask members to remember that quote also, because these are very serious accusations. Because these accusations against our police and prison officers are serious, it is absolutely critical that we investigate the facts and determine whether those accusations are correct. Unlike some would have us believe, it is not racist to question whether these accusations are correct. This is about facts, not race.

To find the facts that are credible, unbiased and up to date, I have used reports from the Australian Institute of Criminology, and here is why: in 1987, we had the Royal Commission into Aboriginal Deaths in Custody—the RCIADIC. That royal commission was established in response to a growing concern about the number of deaths of Aboriginal people in custody. Because of the royal commission, an ongoing program was established to monitor both Indigenous and non-Indigenous deaths in prison, police custody and youth detention. How fortunate for our current circumstances that we have an independent body, the AIC, monitoring all deaths in custody since 1992. Logically, our minds turn to what it has found. What is the situation regarding Aboriginal deaths in custody since 1992? Have our police and prison officers got a racism problem and are they killing Aboriginal people at will? These are the facts, and people do not get to call me a racist just because they do not like the facts. In February last year, the Australian Institute of Criminology prepared its most recent report titled "Indigenous Deaths in Custody: 25 Years since the Royal Commission into Aboriginal Deaths in Custody". Although the title is self-explanatory, allow me to read part of the paper. It states —

The purpose of this paper is to provide a picture of trends and characteristics of Indigenous deaths in prison and police custody in the 25 years since the RCIADIC. A key focus is to describe the circumstances of Indigenous deaths in custody and how these compare with those reported by the RCIADIC and over time.

This is a perfect paper to give us a snapshot of the picture today and to test the accusations of the ABC and its guests that Aboriginal people are "dying at the hands of police". The AIC paper examined 393 Aboriginal deaths in custody between 1991 and 2016. The number we often see quoted at the protests of 432 or 437 are *The Guardian's* figures. Although I will not stand here and either credit or discredit those figures, I will limit my comments to the 393 mentioned in the AIC report. I mean no disrespect to the 44 Aboriginal people who died in custody. No-one would choose to end their life in custody. I will say here and now that if an Aboriginal person, or any person for that matter, dies in custody due to negligence, manslaughter or murder, those involved should feel the full effect

of the law. No humane person would deny them that justice. But it is a serious accusation to say that because someone is an Aboriginal person, they are a victim of a systemic custodial culture of racism and will suffer an increased risk of death in custody. Let us test that accusation. I will start at the end and read the first paragraph of the conclusion of the AIC report. It states —

In 1991, the RCIADIC concluded Indigenous people were no more likely to die in custody than non-Indigenous people but were significantly more likely to be arrested and imprisoned. The same remains true today.

It is important to recognise the second part of that statement that Aboriginal people are significantly more likely to be arrested and imprisoned. I will set that aside and park it for the moment while we look at the rest of the picture before I come back to it. I will read the first part of that paragraph again —

In 1991, the RCIADIC concluded Indigenous people were no more likely to die in custody than non-Indigenous people ... The same remains true today.

That alone tells us that there was not then and is not now an issue of racism in the WA police or corrective services when deaths in custody are concerned. To suggest that there is, like the media has done and like the academic elite class has done, is absolutely wrong. It is completely unfair and vilifies the good men and women of WAPOL and corrective services who do a job that most people would never do even if they were paid double what they earn now. But let us not take one sentence from one report as gospel, because the AIC report gives us details—very telling details—about how people died and why.

Of the 393 Aboriginal people who died in custody between 1991 and 2016, 63 per cent were not in police custody but in prison custody. When people protest with a banner insinuating that 437 people died like George Floyd did at the hands of police brutality, they are deceiving the people and misleading them from the facts. For the moment, let us set aside the number of deaths in prison custody and focus on the deaths in police custody, given that police men and women have borne the brunt of being vilified. Of the total 393 Aboriginal deaths in custody, 146 Aboriginal people were in police custody.

Can I just stop for a moment to acknowledge that it is difficult to talk about people as if they are numbers or statistics; it is just inhumane. Whether or not these people were criminals, they were still people. It is just so unfair when the media, the protesters and even some members of Parliament use these numbers and statistics to further their own narratives—the humanity ends when they use them to mislead people, vilify others or incite rage.

Let me get back to the facts. One hundred and forty-six Aboriginal people died in custody. Of those deaths, 68 were accidental, including the deaths of 46 people in motor vehicle accidents while they were being pursued by police. Any death during a police pursuit is classified as a death in custody, and that is worth noting. Also worth noting is that this proportion was similar for non-Indigenous deaths in police custody. Therefore, on those numbers, it can be asserted that race was not a factor in the deaths of those Aboriginal people who were being pursued by police. Thirty-one Aboriginal people died, tragically, of natural causes, mostly due to heart conditions or other medical conditions. If we take out the 68 accidental deaths and the 31 deaths due to natural causes, we are left with 47 Aboriginal deaths in police custody. Sadly, 28 of those Aboriginal people died in custody from suicide. That leaves 19 Aboriginal deaths in custody. However, we must also take out the tragic circumstances in which “justifiable homicide” was involved, which is the sad case when a police officer has to kill someone in self-defence. There were 10 such incidents over the 25-year period, which leaves nine deaths unaccounted for. Eight of those deaths were from unlawful homicide—that is, an Aboriginal person was killed in custody by another member of the public. That leaves one Aboriginal death in 25 years that is not counted in any of the other categories, because there is no record of how that person died.

Can I just stop and again say that it is not enjoyable to treat these Aboriginal deaths in custody as if this were a tax-time exercise, but I am forced to do it because police and prison officers are being vilified and no-one is standing up for them. We are not in America. We have a robust system of justice here that keeps everybody accountable, including the people who enforce the law in this country. Shame on anyone who vilifies police and corrective services officers, such as Dr Hannah McGlade. Shame on the media, such as the ABC, which continues to play race politics and divide us. Shame on the companies that signal how virtuous they are with pointless actions such as cancelling television shows. If they really care, how about they donate some of their profits for Aboriginal people’s health and education? The people who protest do not even know what they are protesting about, and before they try to silence me by playing the white privilege card, they should just remember that when they silence someone because of the colour of their skin, they are being racist.

There is no issue of Aboriginal deaths in custody—none. Now that we have looked at the facts, I will turn to the real issue of the high rate of Aboriginal imprisonment in this country. I want to quote the words of Jacinta Nampijinpa, who members probably know better as Jacinta Price, a Warlpiri woman and Alice Springs town councillor. She said —

If you wanted to reduce the rates of incarceration then you would begin with being honest about the fact that almost 70 percent of Aboriginal people—men and women incarcerated—are incarcerated for acts of violence against their loved ones ...

She said that with women, it was largely because they were fed up with repeated beatings from their partners and had retaliated. She said that more Aboriginal people die outside of police custody than within it, with the majority of Aboriginal people killed and maimed by other Aboriginal people. Jacinta Price is right, and she goes on to say that because the violence is out of sight and out of mind, protesters do not care. She said —

“You don’t care because the perpetrators are also black, and that’s the big problem ...

Although domestic violence continues day after day, hour after hour in this state, the McGowan government does nothing. The Family Violence Legislation Reform Bill 2019, which includes the most comprehensive reforms ever to our state’s domestic violence laws, is sitting on the sidelines. Rather than putting that bill first on the government’s agenda, it would have us debate the Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2020, Lotteries Commission Amendment (COVID-19 Response) Bill 2020 or the Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019. This government has fooled the public. It is easy to turn away a cruise ship full of infected foreign crew, it is easy to close our borders and it is easy to go into lockdown when the alternative is chaos. It is not easy to stand up to the protesters who endanger our frontline police workers. It is not easy to stand up to the protesters who risked undoing all the hard work that every Western Australian has done to keep this damn virus away. Just like the rest of WA, and even more so, our police and prison officers have made sacrifices so that we can continue to live in the best place on Earth. I say to the WA corrective services workers: thank you so much for your great service and health. I also say to the WA police officers: thank you so much for your service. One Nation and the majority of Western Australians stand behind you and support you, even if the government does not.

HON COLIN TINCKNELL (South West) [9.26 am]: As members heard from Hon Robin Scott, we in this place and they in the other place have a lot of work to do with the Western Australia Police Force, because the police force operates under the rules, regulations and regime that we give it. I just wanted to mention that, because I have a bit to say about it. There is an energy sweeping the globe at the moment that is demanding a reset of the way in which we value, protect and care for people of colour. We are on the precipice of what has the potential to be a historic and welcome seismic shift in cultural relations around the world, but we must acknowledge that if we misstep, we risk losing as much as we would gain, or more. One thing we risk losing is the respect that should be afforded to our police force.

I will not stand before this house and say that there are not any failings by the police force in dealing with Indigenous people. In Western Australia, there have been many failings; however, there have been many failings with non-Indigenous people as well. In acknowledging those failings, we must acknowledge the failings of all other government agencies. I will say that again: in acknowledging those failings, we must acknowledge the failings of all other government agencies. Behind every police arrest, there is, almost invariably, a failure of at least one other government agency. When a person in drug psychosis threatens the lives of others, we do not call the drug treatment agencies, the committee of people who sat in a plush office and devised an anti-drug advertising campaign or the hospital emergency department that released him onto the street when his family begged that he be kept in hospital; we call the police. When an armed offender confronts a shop assistant, do we call the firearms licensing agency? Do we call the politicians who set the legislation to control the sale of guns? Do we call the customs officers who failed to pick up the illegal importation of weapons? Again, no; we call the police. Is it the creative agency consultants who devise road safety advertising campaigns or the politicians who allocate funding for those campaigns, who are called upon to be the first responders to horrific traffic incidents—to see mangled bodies and broken lives strewn across our roads? No; once again, it is the police.

Some things are changing. Until this week, if a court ordered the incarceration of someone for failing to pay their fines, who was it who had to arrest that person—potentially in front of screaming, frightened children or upset relatives? Was it the politicians who sit in this place and who, until just this week, allowed the jailing of people for non-payment of fines? Was it the educators who failed to teach the person how to manage their financial affairs? Was it those who set the wages and conditions that have resulted in a subclass of working poor? Again, it is none of them; it is the police. Although it is the cumulative failings of all those agencies that has resulted in deep distrust between Indigenous Australians and law enforcement, it is the Western Australia Police Force that is left at the pointy end when all other agencies have retreated and gone home for the weekend.

Things do, on occasion, go wrong, and I would go so far as to say that not every police officer should be a police officer. But for every officer who falls short of what we expect, there are thousands who go well beyond what we have a right to ask of them. I refer to police officers like Senior Constable Tom Gryta and Constable Rhys Morrissey—WA police officers in South Hedland who recently rushed into a burning house to rescue a young boy. I refer also to officers like Senior Constable Stephanie Bochorsky, who was awarded a Star of Courage for rescuing two young children from a house in Doubleview after a young girl was covered in fuel and set alight by her father. In March, some 40 officers received awards for braving fire and flames to rescue people trapped in burning buildings or vehicles, battling and negotiating with armed or violent offenders, or taking on treacherous oceans and waterways to rescue people from drowning.

Vilifying our police and judging the majority of officers for the actions of a few will do no good. Let us not point the finger elsewhere for a solution; it is members in this place who have the power to change things. I will say that again: it is members in this place who have the power to change things, because it is governments and politicians who have dominion over all those agencies whose failures sit behind most of the failures of our front line.

I do not have all the answers, but I am an optimist, and I have been fortunate enough to see many programs that have worked well in the past and will work well in the future. I believe the answers are out there. There are good, smart people coming up with programs, big and small, all across Australia, that are healing the relationship between police and Indigenous people.

In Dubbo, New South Wales, Project Walwaay was launched with the aim of engaging 25 young Indigenous people entrenched in the criminal justice system. Six months after the program's inception, the number of charges being laid against young Indigenous people in Dubbo had dropped by 65 per cent. In 2013, Bourke in New South Wales topped that state in six out of eight major crime categories and was said to be the most dangerous city in the world, according to United Nations data. Indigenous leaders in Bourke partnered with Just Reinvest NSW Inc, an independent group that advocates for the reallocation of public funds from the prison system to early intervention programs. An impact assessment by KPMG found that in 2017, this new approach had saved \$3.1 million for that year alone. There was a 23 per cent reduction in domestic violence incidents reported to the police, a 42 per cent reduction in the number of days spent in custody by adults, and an 84 per cent increase in the completion rate of vocational education and training courses.

These examples show that there are ways ahead out there, and it is up to us, in a non-partisan way, to look, listen, consider, fund and implement. We do not want to be a cheer squad for those who would lead a campaign of vilification against our police force. I am very proud to stand here today and defend our police force. As I mentioned earlier, there are a few officers who have made mistakes, but how many people in this place and the other place have made mistakes and voted the wrong way when maybe we should have been voting in a certain way to protect our police force and give them the numbers and resources they need to do their job? I am proud to say that we have a fantastic police force in this state, and I would like to see it fully supported by this house and the other place.

HON CHARLES SMITH (East Metropolitan) [9.36 am]: Members already know my stance on policing and law and order, and therefore doubtlessly know that I fully support the Western Australia Police Force and all police forces across the entire country. I will never stop supporting our police or supporting law and order. Personally, I would like to see frontline officer numbers doubled so that we can get them into the suburbs, where they belong, to stop crime and antisocial behaviour at the root.

I want to touch on a few issues that the government went to the election on in 2017. One of my pet complaints about this government, if you like, is Ellenbrook Police Station. The government went to the election saying that it was going to make it a 24-hour police station, because the residents of Ellenbrook and the surrounding suburbs were absolutely fed up with constant crime and gangs of kids going around, causing trouble. If members cast their minds back, they will recall that there was a big media presentation about the government making Ellenbrook Police Station a 24-hour police station, in which it claimed it had fulfilled its election promise—yada, yada. The truth is, as I have pointed out many times in this place, that the Ellenbrook Police Station is a fake 24-hour police station. Jobs are not actually dispatched from that police station after hours. There are two guys at the station, answering phone calls and coming to the front door, if and when people come to the front door. A real police station that operates on a 24-hour basis is one that has a full complement of police and from which jobs are dispatched to the local community. Instead, jobs are dispatched after hours to Ellenbrook and the surrounding suburbs from Midland Police Station and, occasionally, Joondalup Police Station—a good 25 minutes away. I want to see that police station made a proper 24-hour police station that can properly service the local community.

Let us also remind ourselves that this motion is about supporting the police. The McGowan government asked the Commissioner of Police to look at saving \$250 million from the police budget. That is not really supporting the police; that is asking them to nibble away and cut away at what they do. Policing is an essential service. There is a stupid movement around the world called defund the police, because they are such a nasty bunch of brutish people who simply do not care! I asked a few questions this week about the use of force by police and how many deaths are caused by police using these force options. The number of deaths from nonlethal options was zero and I think there were about nine from the use of firearms when the police have had to protect themselves. This is hardly a problem in this state. There is no police brutality in Western Australia. I never witnessed anything in my nine years as a frontline copper.

I want to touch on communications that I still get from former and retired police officers. Another commitment from this government was to deal with the redress scheme for medically retired police officers. That was done by the government, but it was done badly. It was an absolute cluster of a redress scheme, with police officers going even deeper into a mental health crisis because it was such a disaster. There was no rhyme or reason to how the redress scheme operated. Some people got \$5 000 compensation; others got \$20 000 or more—without explanation. This has caused even more issues and problems for those people who are medically retired. I want that redress scheme to be revisited and done again, because it has caused so many problems and additional trauma to those people.

Let us also not forget the commitment about a workers' compensation scheme for police, which has long been promised by government after government. It is still not in place, despite the promises. Our police are still left to rot after being injured doing their job. I want that compensation scheme to be put in place immediately, and that is something that I will continue to campaign for.

Policing is turning into an awful job, with little support for officers from their own government and consistent criticism from the fake news media. Almost every night there is a negative story about the police. When a camera films an arrest, the lawfulness of that arrest is called into question. It is pathetic. The police do a dirty job. They have to physically fight people to contain them. When that is always questioned by our own media, it undermines the police officer's job and questions his authority. That has to stop. The government has to speak out and publicly support our police and value the dirty job they have to do. One day they are scraping people off the road, another day they are knocking on a door and saying, "Sorry, your son is dead", the next day they are being called awful names to their face and the following day they are pulling babies who have drowned out of swimming pools. People sometimes complain that the police get upset, but sometimes when people get in their face, the police officer is going to crack. They are only human beings, and to criticise them for sometimes cracking and maybe touching someone up a little bit is unacceptable. These people are human beings with feelings and emotions. They are not emotionless people, but, unfortunately, as time goes by, that is what they turn into. Police officers need help to do their job and we are failing to give them help. I have campaigned in this Parliament for compulsory psychological assessments as part of their ongoing welfare. That needs to happen as soon as possible. The police need much more help to do their job from this government.

Well done, member; thanks for moving the motion.

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [9.44 am]: When I first saw this motion, I thought: I totally understand where this is coming from. During the height of the Black Lives Matter movement and the anger that has been displayed around the world, I, too, thought how terrible it must be for so many police officers in Australia, the United Kingdom and the United States who are proud of what they do to see the behaviour of some bringing their whole calling into disrepute. I thought that today we were going to have a reflection and a celebration of the work that police and corrective services officers do. I must admit that Hon Robin Scott continues to surprise me with the way in which he distorts reality and has reflections that are really unhelpful and are certainly not characterised by wisdom.

The contribution of Hon Colin Tincknell was very useful. The central insight that I got from the comments of Hon Colin Tincknell is that any problem that we have with police and their relationship with the Aboriginal community is a reflection of the broader problems we have as a society and that it is possibly wrong for us to be focusing just on the shortfalls in the way in which the police deal with Aboriginal people, because it probably is reflective of deeper and more profound problems in the black–white relationship.

Although Hon Robin Scott acknowledged that the incidents that led to the rise of the Black Lives Matter movement, with the death of George Floyd in the United States, were reprehensible, he seemed to accept that to have some protest was an appropriate response and was at least understandable, but that what we had in Australia was synthetic. ABC journalists had whipped this up and had transported the Black Lives Matter movement to Australia. That really shows a profound misunderstanding of the sensibilities of Aboriginal people in this country and their depth of feeling and, indeed, the intergenerational conflict that has occurred and the results of the deeply embedded trauma that we are still seeing in this country.

I agree; it was a challenge for many people who wanted to support the Aboriginal community but felt that it was important not to undermine the public health message at a time when we are trying to deal with the coronavirus, so many people did other things. People from our street held a little rally of 25 or 30 people in our park and we listened to the passionate statements of the Aboriginal speakers at the rally on our iPhones.

Had the member listened to those speeches, he would understand that the issues being talked about, the pain and trauma, goes deeper than that. The whole Black Lives Matter campaign is not just about police brutality and police violence. It runs much deeper than that, because, as I think Hon Colin Tincknell pointed out, the conduct of police is only a manifestation of a broader societal problem. I have been involved in Aboriginal affairs, really, since I was a kid, and I continue to be amazed by the stories and things that I do not know about the recent history of this land and the recent experience of Aboriginal people. The more we learn, the more we understand why we see these problems. I know people do not want to talk about it, because, to a very great extent, it undermines their sense of rightfulness to be here, but I do not feel that. We are all part of history. We all have ancestors who have done good and bad things. Our families have all been on the planet for the same length of time and there would have been times, probably, when our mob of genes did some things well and other times when they did things badly. People roll out around the world so I do not in any way feel that that undermines my right to be an Australian or my connection with this land. However, I do think we have to understand what went on in this country and what has been going on in this country until really quite recently.

Indeed, it is true that within the Western Australia Police Force and within society some people really have an attitude towards Aboriginal people that considers them in some way less fully equal to white people. I have seen some

really appalling police behaviour towards Aboriginal people. I remember what happened in my early 20s when I used to knock around with a number of Aboriginal people. I could not believe how often the police would treat them in a way that they would not have done were they just white people. I could see that difference in attitude. On the other hand, I have seen different attitudes on other occasions. I remember driving a group of Aboriginal people from Geraldton to Wiluna, who insisted we stop at all these different towns on the way so that they could meet with the local police sergeants who used to live out in Wiluna and for whom they just had the most enormous respect and who had, obviously, been very pivotal in their lives.

I totally accept the propositions of all previous speakers that being a police officer is a very difficult job and that very often they must deal with people who are deeply, deeply damaged and who have intergenerational traumas playing out in all sorts of ways. These things are not easy to deal with. But it is not right to say that somehow or other it is not valid for Aboriginal people to want to express that and to get us to understand the depth of their pain. When we listen to those speeches, we see and hear that pain. This is about much more than deaths in custody. It is about their whole sense of themselves, the whole way in which they believe, with absolutely vast evidence behind them, that the way in which their people have been treated, on any social indicator, has led to Aboriginal people being a disadvantaged population in this country. As Hon Colin Tincknell said, this is fundamentally not only an issue about policing; it is important. It is important that we deal with police culture because we must have people in the police force who have the psychological insight and personal resilience to be able to deal with Aboriginal people with respect and to understand the depth of history and how centuries of dislocation and inhumane treatment has caused a great deal of dysfunction. We need to ensure that when we select and train members of the police force, they have that disposition and are given the skills and opportunities to deal with what are absolutely undeniably very difficult circumstances.

I must say that it is fantastic that we have a Commissioner of Police of the calibre of Chris Dawson. He really is a great leader. The only other police commissioner whom I think did as good a job was Brian Bull. Members might remember Brian Bull. He was the police commissioner in the late 1980s and early 1990s. He was very progressive.

I want to quote some of the comments Chris Dawson made in NAIDOC week in 2018. He said —

Some of the comments I'll be making shortly are confronting and may make some people feel uncomfortable, but I understand that truth-telling is an important part of enabling and facilitating change.

And so, today, on behalf of the Western Australia Police Force, I would like to say sorry to Aboriginal and Torres Strait Islander peoples for our participation in past wrongful actions that have caused immeasurable pain and suffering.

As the legislated protectors of Aboriginal people, police played a significant role in contributing to a traumatic history, which continues to reverberate today.

An example of that history, police officers were tasked with removing children from their parents—part of the trauma that contributed to what we now know as 'the Stolen Generation'.

He went on —

We can make amends and ensure mistakes are not repeated.

From this day forward, and in my time as Police Commissioner, I will take steps to heal historical wounds between police and Aboriginal and Torres Strait Islander people.

I accept our tumultuous history, acknowledge the devastating impact of our actions and take ownership of being part of the problem.

Today I would like to commence a new journey in unison with Aboriginal people towards achieving reconciliation.

He went on to talk about the initiatives the police force had been taking and the Aboriginal cadet program that began in 2016, which has seen 45 cadets graduate. He pointed out the importance of having a strong Aboriginal presence within the police force and how that develops a much better understanding. As he said —

The innate cultural understanding of these constables will help bridge a gap between Aboriginal people and the justice system; and this will no doubt be life changing for the community members' lives these officers will touch.

He went on to talk about the achievements of the police force. He said —

I am passionate about police working to improve the lives of Aboriginal people ...

HON NICK GOIRAN (South Metropolitan) [9.59 am]: On behalf of the opposition, I indicate that we will support the motion moved by Hon Robin Scott. We thank him for bringing it to the house's attention and we join him in expressing our support for the men and women of the Western Australia Police Force and the department of corrective services. The opposition firmly believes that our most important responsibility is to keep Western Australians safe.

The opposition has a proud history in government of maintaining law and order. We thank the Western Australia Police Force for the work that it does on the frontline to maintain law and order and keep Western Australians safe. We provide our collective appreciation for this and we recognise that it is easy for people to be quick to criticise but slow to demonstrate their appreciation. We recognise that the vast majority of police officers in Western Australia perform admirably and make a huge contribution to our community and state. They make a difference for the benefit of all of us. In many instances they save lives, particularly when I think of my shadow portfolio and my role as shadow Minister for Prevention of Family and Domestic Violence. Police officers are required, from time to time, to remove perpetrators of domestic violence from their homes. The actions of police impact innocent children who are the victims of abuse. Their intervention can salvage those lives and provide an opportunity for those children to be healed.

I have had the opportunity to visit to the George Jones Child Advocacy Centre and the Stan and June Perron Child Advocacy Centre and see the work done by multidisciplinary teams and how police play a part in the multiagency investigation and support teams and the incredible work that they do there, particularly because of their heart-wrenching role. Police demonstrate professionalism in what are often very trying circumstances that involve long work hours dealing with mentally ill and drug and alcohol-affected individuals, and dealing with natural disasters, family violence, riots and assaults. I am sure that our commendation of police officers is shared by all members here. However, what has been disturbing in recent times is the appearance of, and increasing momentum behind, a school of thought from some people within our community—thankfully a minority, but a despicable minority—who think it is appropriate to spit on and abuse police officers going about their ordinary duties. This seems to be almost routine at times.

I note that in January this year, an article published by WAtoday set out a set of circumstances at the floating water park in Hillarys marina where police responded to a disturbance. According to eyewitnesses, a group of about 40 young people were circling the police and the eyewitnesses were quite frightened for the police. It involved young people spitting on and threatening police officers and throwing things at police and their vehicles. Ultimately, several of these teenagers were arrested. One of the things that we can all agree on is that that episode, if nothing else, demonstrates a total lack of respect for the police officers concerned who were going about their ordinary business. Police officers do not deserve to have hooligans in Hillarys behaving in this fashion. The opposition lends its support to the motion moved by Hon Robin Scott by expressing our support for the men and women of the Western Australia Police Force and corrective services.

The job of police is not made any easier under this government's regime when it sees fit, seemingly routinely, to release into the community convicted sex offenders. I draw to members' attention the case of Nicholas Rodney Troy McDonald, who is now known as Mr Faulkner, who attacked three women in 2010. In recent times, under the McGowan government's stewardship, this individual has been released into the community. Indeed, the first motion on notice on the notice paper will give us the opportunity to debate that issue and the release of Mr Faulkner under the McGowan government's regime. Of course, this is not the first time we have seen a failure to oversee the sentencing and management of dangerous sex offenders in this term of government, which does not assist either WA police or corrective services officers. Mr Faulkner—as he now likes to be called—assaulted three women who were going about their day-to-day lives. Two of them were attacked, beaten and raped, and the other one was terrifyingly chased home. The only reason something further did not happen to her is because of the intervention of her male housemate. These three women and their family and friends bear the scars of Mr Faulkner's crimes, and meanwhile, the High Risk Offenders Bill in this place continues to be given no priority by the Leader of the House and this government; they continue to allow it to languish on the notice paper.

Hon Alannah MacTiernan interjected.

Hon NICK GOIRAN: This legislation would be helpful towards police officers. It would assist those police officers, honourable member, if we could get on with dealing with the type of bills that would assist them.

Hon Alannah MacTiernan interjected.

The PRESIDENT: Order!

Hon NICK GOIRAN: Instead, we have the constant mismanagement of the legislative program by the McGowan government.

Hon Alannah MacTiernan interjected.

The PRESIDENT: Order! Only one person has the call. Other people have already had that opportunity. Please let him continue his remarks in quiet.

Hon NICK GOIRAN: There are always two topics that get the Minister for Regional Development hot under the collar: the first is the consistent mismanagement of the legislative program by the McGowan government. The second is that the minister is utterly ashamed that her government has allowed dangerous sex offenders to be released into the community by her Attorney General. It is no wonder that she would be ashamed of the conduct of the Attorney General, given that he was recently found to be making misleading comments to Parliament.

Hon Alannah MacTiernan interjected.

The PRESIDENT: Order! Member, you might want to just focus your comments on the motion in front of us and not deviate and start to talk about other members in other places or matters that are not directly before us.

Hon NICK GOIRAN: The motion before us refers to WA police and corrective services officers and the support that we want to provide to them. Community safety requires competent lawmaking by Parliament, robust law enforcement by government and wise decision-making by the judiciary.

In another case, a dangerous sex offender Mr Bentley was released from prison by the McGowan government and he drugged and raped a 16-year-old girl. He was released despite the fact that he was considered to be a serious danger to the community. But what is happening with the High Risk Offenders Bill? It is nowhere to be seen; it continues to be buried on the weekly bulletin and the notice paper because of the decisions made by the Leader of the House and this government. Nearly a year ago, Edward Latimer was also released. None of these things help WA police in going about their business. WA police do an outstanding job, but they continue to be frustrated by the decisions made by this particular government that seems to have no regard to dangerous sex offenders. It has left the High Risk Offenders Bill languishing on the notice paper and it allows these people to be released into the community; it does not care. When people like me raise this, we get these types of interjections by embarrassed members of the McGowan government.

We should all join with Hon Robin Scott in expressing our support for the men and women of the Western Australia Police Force and corrective services. It is a shame that this government seems unable to do that.

HON MARTIN ALDRIDGE (Agricultural) [10.09 am]: It is a pleasure to rise today to support this motion that has been moved by Hon Robin Scott during non-government business. As members would notice as they reflect on the motion, it is very concise and allows for a broad-ranging debate, which has occurred this morning. I express my support for the motion and for the men and women of the Western Australia Police Force and corrective services. In the short time I have, I will confine my remarks as the Nationals WA spokesperson for police to the WA Police Force and express my personal and party support for the men and women serving in the police force.

As members have expressed thus far, it is not an easy job to do. I do not think that it will become any easier; in fact, it will become an increasingly difficult job for the men and women of our police force and other agencies that have to carry out similar and related functions to those of police. I often remark in this place about the role police play in regional communities. Along with perhaps teachers, they are often the only state public servants in our small towns. We often talk about police going above and beyond and that could not be truer in some of the smaller regional and remote communities where the expectation on them, often as the only representative of the state government, is much more than might be found in a more urbanised setting. The other thing that impacts on the work of police is the absence of other agencies, and they must lift themselves to deliver, or find ways of delivering, solutions in communities in the absence of other agencies that might be centralised in regional centres. Their role is not an easy one and is certainly more complex in those circumstances, and I express unequivocally my support for the work they do in our community.

It is also fair to say that they are held in very high standing in our community. They are part of our community. I reflect on the comments made earlier by Hon Charles Smith about increasing the numbers of our police and getting more of them out into the community. That is a style of policing that we still see in many regional towns where police have the opportunity to become part of the community. They live in the community and that style of traditional community policing is much more present than responding job to job in the metropolitan area.

The contribution from the government was disappointing in that we did not hear a lot about the practical things that could be done to support police in this state. We heard interesting contributions from all members. Obviously, that is what we can expect with a motion like this, which is broad ranging. However, I have a number of concerns with the way in which the government appears to be supporting, or perhaps not supporting, police in this state. I have remarked on previous occasions how difficult it is to get a straight answer from the Minister for Police—how difficult it is for members who are not of the government to do their jobs in the interests of gold standard transparency in this Parliament and get straight answers from the Minister for Police. I believe she is one of the most difficult ministers —

Hon Alannah MacTiernan: She is very good at her job.

Hon MARTIN ALDRIDGE: Maybe Hon Alannah MacTiernan should become the minister representing the Minister for Police in this chamber and then we could hold her to account for the answers that are provided to this place. A number of issues concern me and I want to touch on some of them now.

The government committed to a police compensation scheme. Reflecting on the comments I have just made about the increasingly difficult job that police have in our community—we expect more and more of them as days and months go by—we still do not have an appropriate and adequate police compensation scheme. Late last year, I asked the minister representing the Minister for Police in this place where the bill was at. As members would be aware, we are now in the dying weeks of a pre-election year and we are running out of time. We have just been told that the Parliamentary Counsel's Office now has capacity to start drafting private members' bills at this late stage of the parliamentary term, which suggests that the government's agenda is wrapping up, yet we still do not

have a bill in this house to deliver the commitment of the Labor Party for a police compensation scheme. We are told it will happen in 2020. When I asked the government when it expected it to be operational, the response was that it would be as soon as practicable after the legislation had received royal assent and had been proclaimed. I understand that no significant progress has been made with this matter.

It is interesting that the minister who gave the government response today did not talk about the \$25 million pay cut that her state government is asking police officers to take over the next two years. It is a \$25 million pay cut in real terms. That is not my figure. That is the figure of WA police during budget estimates last year. We are all happy to jump up and say what a great job our police are doing, that they are dynamic in this COVID-19 world and what a wonderful job they are doing—and, by the way, we want them to take a \$25 million pay cut on the way through. It is no wonder that that matter is now before the Western Australian Industrial Relations Commission. I hope the police officers of this state—the good men and women who serve in the WA Police Force—get a fair hearing in the Industrial Relations Commission and get a fair outcome in their dispute with this state government.

Before we start talking about increasing the numbers in our police force, how about we start by making sure that we have the number of police officers the government says we have on the ground, in position and deployed. Last year, we learnt that 95 full-time equivalent positions in regional Western Australia were vacant. Some police districts had up to 20 police officer vacancies. There is no doubt that that would have a real and measurable impact on policing in those areas. One could not stand in this place and say that those types of things do not have an impact on policing in regional Western Australia—they do.

Another thing that concerns me is that I heard the Commissioner of Police on radio just last week, or perhaps it was the week before, say that 50 per cent of cells in police stations in Western Australia are still not compliant to take custody of prisoners. When I call into local police stations as I am driving around and ask police what are their issues, they do not often raise pay and conditions; they often raise the conditions of the police stations and, in particular, the conditions of the cells, which have become archive storage facilities. We have plastic containers in the cells where we hold people in custody for a short period, but then we require police officers to transport people out of the town, out of district, to an appropriate holding facility.

Three years into its term, where is the state government's commitment to addressing this issue? Earlier this week, we dealt with the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019. Recommendations 1 and 2 of the coronial inquest into the death of Ms Dhu made some recommendations about police lock-ups. However, my understanding is that recommendations 1 and 2 of the report of that coronial inquest, which was delivered on 16 December 2016, remain in abeyance to this day. Although the government is busily fixing other parts of the recommendations, including as early as this week with the amendments to the Fines, Penalties and Infringement Notices Enforcement Amendment Act, I understand that there has been no progress on recommendations 1 and 2 that relate to having trained officers in appropriately staffed police lock-ups in Western Australia. I would be interested to hear in a future government response how the government is supporting our police and people in custody with respect to those recommendations.

Ten minutes does not afford a lot of time in this debate and I would like to have contributed many other things. I stand and express my wholehearted support to the men and women of our police in our great state. They do a magnificent job in trying circumstances.

HON DARREN WEST (Agricultural — Parliamentary Secretary) [10.20 am]: I will be brief. I acknowledge the motion put forward today by Hon Robin Scott and wholeheartedly agree with and show my support for the wonderful work that our police officers and corrective services officers do. I will speak this morning from a regional perspective. As members know, we have asked a lot of our police officers during the COVID-19 pandemic. As a regional member, I have driven through the intrastate checkpoints. There are the police, day and night, standing in the rain making sure that everyone has a good reason to travel across regional Western Australia. Thankfully, due to the great work of the Premier and the government, we have been able to keep Western Australia safe and lift the intrastate borders and relieve the police of that duty. I take this opportunity to wholeheartedly thank on behalf of every regional Western Australian, and I am sure that I speak for every regional Labor MP—that is the biggest group of regional MPs—when I say that we really appreciate the work our regional police have done throughout the pandemic.

I touch on the great work done and the absolute trauma that would have been felt by our corrective services officers at Greenough Regional Prison last year during that horrendous riot. The way they conducted themselves through that and after that incident is to be highly commended. I make special mention of our corrective services officers right across the state. They work in a very challenging environment.

Both those groups of people certainly deserve our support. As can be seen today, that support is bipartisan. Police officers and corrective services officers do not engage in politics as we do. They engage in the job at hand, which is the important work of keeping the community safe. I thank every one of them, from the most junior ranking police officer in regional Western Australia and, of course, in the metropolitan area, through to our superintendents, the Commissioner of Police and everyone in between. They do an amazing job and we all need to support them and thank them very much for the work they do.

HON MICHAEL MISCHIN (North Metropolitan — Deputy Leader of the Opposition) [10.22 am]: I rise to make a couple of personal observations on the motion before the house, which I wholeheartedly support. I thank the honourable member for having raised the issue. Although we obliquely refer to the work of our law enforcement and custodial enforcement agencies from time to time, it is important to reflect on the character of the people who are involved in these frontline services to protect the Western Australian community. I have had involvement with them, albeit not directly, but as part of my job, for most of my career as a prosecutor with the crown law department and subsequently with the Director of Public Prosecutions, and I came to the view—I suppose it is pretty self-evident—that there is a fundamental difference between policing and being a corrective services officer in a small “I” liberal democracy as opposed to many other jurisdictions in the world. People who engage in that profession in societies like ours require a certain character and a certain temperament, one that may not be as accepting of simple authority as a means of exercising their responsibilities. They are accountable to not only Parliament, the government and the people of Western Australia, but also their peers in the community. It is a noble profession in a small “I” liberal democracy to be a police officer or a corrective services officer. If they do their job diligently with compassion, integrity and the desire to do good, they do their job nobly, and we should respect and appreciate that. Their families, friends, colleagues and fellow citizens have cause to be proud of them.

Of course, there will always be bad eggs, and they need to be weeded out. But when we think about the sorts of functions they perform on a day-to-day basis, dealing with the most disruptive, antisocial and disregarding of social conventions people in our community on our behalf, we can see that it takes a certain strength of character. There are people who are suited to the nursing profession, caring for people with disabilities; likewise, there are people who are suitable for policing and corrective services. I do not claim to be a person with the temperament to do that, so I admire those who voluntarily engage in it.

One observation I will make is that over the past several years the recruiting base for our police has expanded enormously. It is always a great pleasure to go to a graduation ceremony for the police recruits at the Joondalup police academy and see the range of people from different backgrounds who have chosen at some stage in their lives to engage in the difficult task of being a police officer. The same is true for our corrective services people, whom we should not forget. I have been to graduation ceremonies for police recruit squads with recruits ranging from 18 or 19 years old through to 50 years old. On one occasion, a father and daughter were graduating at the same time. They had a wealth of background and experience—all different—and they had chosen policing as their career goal at some stage in their life. That is to be admired. To be out there in the community and to engage with people who do not have the interests of either police officers or members of the community at heart, and to be able to do it in accordance with the law and with compassion is a difficult calling. Our police officers are no longer the constable “plods” of the past doing a beat and simply dealing with arresting offenders when they see them; they are required to be psychologists, to detect mental illnesses and to be social workers—a vast gamut of experiences in dealing with people on a day-to-day basis is called for. Likewise with our corrective services officers. They should not be forgotten in that regard. They have a much more isolated way of dealing with people in prisons, but, of course, there are corrective services officers in a variety of fields, from training prisoners to counselling them, teaching them and supervising them in the community. They deserve our respect and admiration.

It is disappointing sometimes when, for political reasons, people try to take advantage of that. I have in mind our current Attorney General, the former shadow Attorney General, who, as I recall, when we were introducing mandatory minimum sentences of imprisonment for those who inflicted bodily harm on police officers—I can understand that different parties might have different views on the question of mandatory minimum terms of imprisonment—lambasted police, which was simply appalling. Members will recall that at one stage he had the word “pedophile” sprayed on his property and his immediate thought—he went out publicly to do it—was to blame rogue police officers for that, on the basis of no evidence. He just wanted to get a headline to show off that he was not going to be intimidated by police officers.

Hon Sue Ellery interjected.

Hon MICHAEL MISCHIN: I understand the Leader of the House is upset about it. That is the character of the person.

Hon Alannah MacTiernan: You always turn the subject into one about the Attorney General.

Hon MICHAEL MISCHIN: There is a lot of ammunition for that.

Several members interjected.

The PRESIDENT: Order! Please do not respond to interjections. You have less than two minutes towards the end of this debate.

Hon MICHAEL MISCHIN: Thank you, Madam President.

It is interesting that that was his first reaction, and although he had been a police union lawyer, he made a big flourish of handing back his police legacy badge that was given to him as a sign of respect by our police, which he then spurned, all for politics. Of course, he had to apologise for his comments about the police about a year later. But then, that is the character of the man.

Hon Sue Ellery interjected.

The PRESIDENT: Member, I think in the last minute you might want to focus on the motion in front of you.

Hon MICHAEL MISCHIN: Certainly.

The point I make is this —

Several members interjected.

The PRESIDENT: Order—not helpful!

Hon MICHAEL MISCHIN: The point I make is this: if a Liberal minister had had that history, there would have been outrage, but Labor seems to accept it. That is a sign of its respect for our police and our corrective services officers—as has been shown with a messy dispute when the Labor government resiled from its pay increase for police after the last election and tried to dress it up as budget repair, and so insulted our police in that regard.

As I say, the work done by our police and corrective services officers is often taken for granted and overlooked. That is regrettable. I am delighted that Hon Robin Chapple moved this motion today so we could do that.

The PRESIDENT: That would be Hon Robin Scott!

Hon MICHAEL MISCHIN: I am sorry, Hon Robin Scott. They look so much alike! They both have beards! I thank the member for raising the issue.

Motion lapsed, pursuant to standing orders.

FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT AMENDMENT BILL 2019

Statement by Leader of the House

HON SUE ELLERY (South Metropolitan — Leader of the House) [10.31 am] — by leave: On 17 June, while we were in Committee of the Whole House on the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019, Hon Michael Mischin asked for some further information, and I have it today. He asked whether I could provide a breakdown of the most commonly imposed offences for which a person might be imprisoned for a fine alone. I have been provided with the following from the Attorney General, and I have some papers to table.

The classification model used is the “Australian and New Zealand Standard Offence Classification” developed by the Australian Bureau of Statistics. I have three documents for tabling: firstly, a list of 42 ABS offence groups for traffic and vehicle registry offences and defences against justice procedures, government security and government operations; and, secondly, two extracts from the ABS publication titled “Australian and New Zealand Standard Offence Classification (ANZSOC): 2011, Australia, (Third edition)”. I am tabling pages 86 and 92, which gives more information about the ANZSOC classifications that the honourable member asked about—traffic and vehicle regulatory offences, and offences against justice procedures and government security and operations. I emphasise that these are just the kinds of offences captured by those classifications, not specific offences for which there are currently outstanding warrants of commitment.

I also take this opportunity to respond to the further request raised by the honourable member in his contribution to the third reading debate on Tuesday. Firstly, he indicated that the time-to-pay information that he was seeking had not been included in the paper that had been tabled previously. I am advised that the information he requested is on page 2, columns 2 to 6, of the tabled document. The table is broken across two pages for ease of printing, but we would be happy to provide an electronic copy if it would assist. Secondly, the honourable member asked for more information about what measures are being contemplated for infringement reform. I responded to that in my second reading reply. As I said, the Department of Justice has commenced work to examine enforcement of infringement notices and to make recommendations for reform in this regard, but the work was put on hold to enable the department to address matters linked to COVID-19. As I noted in my reply, infringement reform is a particularly complex exercise, given the number of prosecuting authorities involved—more than 150—so significant consultation is necessary. Infringement reform remains a priority for this government. I table those papers.

[See paper [3971](#).]

PLANNING AND DEVELOPMENT AMENDMENT BILL 2020

Second Reading

Resumed from 17 June.

HON COLIN de GRUSSA (Agricultural) [10.34 am]: Before the adjournment of the debate for the taking of members’ statements last night, I was just commencing an outline of the bill as the minister had delivered in his second reading speech. One of the key things was the important point that planning reform is an enabler of better investment and community outcomes. That is certainly a point I agree with, but it is also a critical point that community is a key part of these reforms and must be brought on that journey. I reflected on some of the correspondence that I, and I am sure other members, have received about community queries and concerns about some aspects of this bill. The minister also went on to say that there are three streams of reform in this bill. There are legislative reforms that modernise the Planning and Development Act, focusing on a strategic planning model and new processes for significant projects. There are also regulatory changes and policy changes to update the planning policies for the state.

As outlined in the minister's second reading speech, the bill includes specific COVID-19-related changes, and they will have effect for the next 18 months. Members will be well across the fact that those changes include the ability for the Western Australian Planning Commission to deliberate on development applications for projects worth over \$30 million or comprising 100 dwellings, and commercial developments over 20 000 square metres. It would be interesting to know what modelling was used to arrive at those numbers and how they were decided upon. Given the constraints that those numbers impose, I tend to agree with comments from other members that this will not lead to a flood of projects being pushed through this new system in that 18-month period and will constrain them to some pretty major developments. Obviously, as part of these reforms, the minister can also make recommendations to the Premier for proposals that fall outside those constraints, and they can perhaps be pushed through, for want of a better term. Other members have talked about the fact that this raises what one would call a moral hazard, in that those recommendations certainly give rise to the possibility of all kinds of untoward things happening. I note that the latest edition of the supplementary notice paper issued this morning includes amendments to allow for better transparency and oversight of any of those decisions that are referred. It of course raises the possibility that political donations from developers and others in the community may be made by people who might benefit from those decisions. As members are well aware, in other states political parties have been banned from accepting donations from developers, so we must ensure that in this legislation, time constrained to deal with COVID-19, we still have some element of transparency and oversight of those referrals to make sure they are watertight. As I said, there are amendments on the supplementary notice paper to that effect, and we will come to them in due course when we reach the Committee of the Whole House stage.

As I said at the commencement of my contribution, the Nationals WA support this legislation. We are aware of the significant number of amendments on the supplementary notice paper, issue 5, today. I think we are at some nine pages of amendments, and I have to say that it never ceases to amaze me that the other place that we shall not name—it is the dark depths of the other place—debates legislation as perfect legislation, never needing amendment or change. Amendments are not accepted, yet when the bill arrives in this place the government moves nine pages' worth of amendments. It never ceases to amaze me that despite the theatrics of the other place, when a bill arrives in this house, we have a heck of a lot of work to do because apparently they are not particularly interested in doing it in the other place. I talked about this last night. We know there are many examples of legislation that has arrived here in apparently perfect, pristine condition—great legislation that should just be waved through—yet the Standing Committee on Legislation is currently inquiring into three bills, and has inquired into many other bills from this place that are clear examples of the fact that the legislation that appears here is often not perfect and needs much more rigorous scrutiny than it is getting in the other place.

We are doing our job in this place by scrutinising legislation and ensuring that when it passes this place, it is in the best possible form that it can be, and that we make the necessary amendments to ensure that the public can be comfortable about the level of scrutiny legislation has had and about its application. We are not going to rush this bill through here; we will do our job properly. However, as I said before, the Nationals WA are committed to supporting this legislation and I look forward to the contributions of other members and to Committee of the Whole.

HON COLIN TINCKNELL (South West) [10.40 am]: The Planning and Development Amendment Bill 2020 is an interesting bill. It is a mixture of some promise and some good things, but in this house we have to look for unintended consequences or mistakes. As Hon Colin de Grussa just mentioned, there are 46 proposed amendments to this bill, and counting. Some of those amendments have two or three parts, so an enormous number of changes have been put forward to try to make this bill a better bill. What mainly concerns me is that nearly everyone has said that they will support this bill. One Nation can only support this bill if many of those amendments go through. There is no way we can support this bill if certain amendments do not go through.

I would like to talk about this bill and what it actually means for Western Australians. Because it has been rushed through and because the government has an absolute majority in the lower house, very little debate went on, so the work has to be done here to try to improve it. I would like to let the Liberal–National opposition know that its support for this bill does not seem to be conditional upon these amendments going through, and I would like to remind it that the bill has some major problems. Its vote should be dependent on whether we can fix this bill.

The member for Cottesloe, David Honey, mentioned a few things in the other place that concerned me. I also heard very similar language from Hon Aaron Stonehouse yesterday. I refer to a *Subiaco Post* article of 30 May, which quotes Dr Honey and states —

Unique powers to approve random high-rise projects could leave senior politicians open to WA Inc-style corruption ...

...

“It was an extreme concern that someone could be subject to influence simply because of the people the Government will be communicating with.

Earlier in the article, Dr Honey is quoted as saying —

“People who have exclusive dinners of 10 people who pay \$10,000 a head to talk to the Minister for Planning about planning issues are more likely to get their stories across more,” Dr Honey said.

He also said —

“People who might be less honourable could engineer a situation in which they could foster the sorts of practices that people were concerned about with WA Inc.

“I think that is an extreme concern.”

...

The lack of transparency included no requirement for the minister to publish any decisions and no requirement necessarily for people to be informed that decisions have been made.

In announcing it, the Government had lulled the public by portraying the Bill as a tool for allowing residents to cut red tape and build a pergola without council permission, he said.

But the Bill contained no such provisions.

Dr Honey said it appeared also to give politicians unprecedented powers over projects of more than \$30million or 20,000sq.m.

“But a caveat refers to anything that the minister and the premier think is a significant development, or a development of state significance,” he said.

“That really means anything.

That is enormous power for a minister, and that holds some worries for me, especially considering what has happened in the Parliament and the government in the past.

The bill refers to a certain threshold. As Hon Rick Mazza pointed out, it is a threshold that means a dozen companies can use this bill, but it leaves out so many others. To my mind, it is a bill of the haves and have-nots, and that is something to be avoided. I thought the whole premise of the bill in the post-COVID-19 era was to get people back to work. If we open up the threshold, as Hon Rick Mazza suggested, it would hopefully bring a lot more jobs to Western Australians and allow regional Western Australia to take advantage of the legislation.

As members can see, there are some good things in this bill, and that has been mentioned in many members’ contributions, but there are also many things in the bill that we have concerns about. There is only one way to approach this bill: if the amendments do not go through, it should be voted out, because it will not do the job that the government has promoted it to do. The bill is a smokescreen. Unfortunately, the media is not really onto this, but there are a few people in the media who are. I can imagine the commentary in the coming days if the bill sails through without the amendments necessary to keep Western Australians safe and to make the bill fairer and better.

As a member of a party that has talked about reducing red tape and green tape ever since entering this place, I would like to support this bill, because it does some of that, but only for a select few. That is a major problem. I say to the government that we have been in economic trouble in this state for well over 12 months, and it is not just COVID-19 that has brought that on. Twelve months ago, the figures were not good. Employment, jobs, training and new projects had dried right up, so there is no reason why parts of this bill could not have been brought in earlier. There are many things in the area of red tape that could have been brought in earlier, so why the government waited until post-COVID-19 seems to be smoke-and-mirrors stuff. In the end, if this bill goes through without the amendments, it will benefit a very few major companies and many others will miss out. We will have a two-tiered system, which is unfair. Some people will be working under one system and others will benefit from this streamlining.

The motion about red tape I moved on behalf of One Nation was broad ranging, and we put on the record how important it is to make changes, yet there does not seem to be any real stomach for change in this place, from either the alternative government or the current government. Unfortunately, the cutting of red and green tape, which has been mentioned in this place, will be minor because it will affect only a few minor companies. It is not a serious attempt to make some serious changes to cut red and green tape.

Hon Rick Mazza brought forward a motion and we will talk about that a bit more, but it is important that we consider regional Western Australia under this bill. Developments worth \$30 million with more than 100 units, or whatever it may be, are not going to happen in Busselton, Geraldton or Kalgoorlie. They are not going to happen in regional WA. If this is so important to the Western Australian public, why would we not consider regional Western Australia under the bill? The threshold will not apply to regional Western Australia; it will probably apply only to metropolitan Perth, and that is pretty consistent from this government—a city-centric government that has not shown support for regional areas.

People could ask me how I am going to vote on this. I do not know; I will see what happens during the second reading debate and what happens with the amendments. Hopefully, more people will be able to benefit and more people can get jobs. That is what this bill is supposed to be about; it is not about a few people the government has already spoken to and done a deal with and is streamlining a bill for.

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [10.51 am] — in reply: I thank all those members who have made contributions thus far to the debate on the Planning and Development Amendment Bill 2020. I will categorise them into three groups: yeses, noes and maybes. I thank Hon Tjorn Sibma for his extensive contribution and his support for the legislation. I also thank Hon Dr Steve Thomas, and I accept his apology. I thank Hon Rick Mazza for his support and Hon Colin de Grussa for his acknowledgement that the Nationals WA will support the legislation. For the noes, Hon Alison Xamon, Hon Tim Clifford and Hon Charles Smith have indicated that they will not support the bill, and that, of course, is their right. The maybes are Hon Aaron Stonehouse and Hon Colin Tincknell. I hope that Hon Colin Tincknell gets what he wants out of this bill, but certainly this is a very important bill and I have a different view from him about what it will do and the significant effects it will have for the property industry in Western Australia.

In my second reading reply, I intend to respond to many of the questions that were asked, but certainly honourable members will have a chance to quiz me further when we get to the appropriate clauses during the committee debate.

I will start with Hon Tjorn Sibma. He wanted confirmation of what elements of the media announcement are in the bill, the next phase bill and what elements are in other legislative regulation or policy reviews for state planning policies. I will best answer that by using the words of the minister herself, and these are on the public record. The Minister for Planning has explained —

In relation to the media statements and media commentary, the legislation was developed as a package of reforms. Criticism was made about planning changes being sometimes ad hoc and a particular change might be made to regulations, a change to legislation, and another change to policies. We wanted to encompass that in an overall package. Members would have seen in the fact sheets provided at the briefings an attempt to say that this is the entire breadth of the reforms and we will implement them through changes to legislation in two parts: changes to two sets of regulations and changes to planning policies. That is the overall package, and we intend to proceed with those regulations as soon as possible

She went on to say —

There were seven fact sheets. The first was an overview with a map showing that this reform will be implemented in four parts: legislative change, change to the local planning scheme regulations, change to the DAP regulations and planning policies. Through those fact sheets into which we put a lot of effort, we outlined the proposed changes; for example, significant developments: this is the proposed change; why we are doing it; and how we are implementing it. The method of implementation will demonstrate whether it is legislative, regulatory or policy. They all interact; for example, one of the issues was community infrastructure. This legislation will give a new power for community infrastructure that will be picked up through a planning policy. In all those fact sheets, we identify all the broad changes and how they will be implemented.

I think there was a question about what games the minister was referring to. Surely not the amendments! As I understand it, the games that the minister was referring to was the repetitive questioning that was going on in the other place. Obviously, members down that end of the building behave differently from the way honourable members in this chamber behave.

There was a question about the response to the member's statement about the reinsertion of ministerial powers into the planning system. It is important to clarify that the only powers being made available through this bill are referral powers to an independent decision-maker and a conflict resolution power when there is a conflict between government decision-makers. It would appear to be a responsible and measured use of powers, but we acknowledge that there are different points of view, as was demonstrated in the second reading contributions.

What is the economic potential of the bill? Is this bill up to the task of economic recovery? Those questions are probably best answered by making it clear that economic recovery will be the result of the government pulling multiple levers to drive economic activity. Planning reform through this bill is one of those levers; the housing stimulus was another, and so on. Maybe the question is best replied to with another question: what would the parties opposite say about the government if it did nothing and was not being proactive about cutting red tape, implementing reform and trying to stimulate sectors of the economy such as the property and development sector?

How were the thresholds arrived at? That question was asked by Hon Tjorn Sibma, and I think Hon Colin de Grussa asked a similar question. Other jurisdictions were reviewed for their criteria for respective significant development pathways. The thresholds proposed in this bill are generally consistent with benchmark criteria set in other states. Consultation with local government authorities and the action plan for planning reform and its initiatives indicated that a development value of \$30 million and a yield of 100 or more apartments, or a minimum of 20 000 square metres of commercial space, was generally considered a significant development within local communities. The Department of Planning, Lands and Heritage also did an analysis of the last three years of development assessment panel considerations and applications. Broadly speaking, the intent was for the pathway to pick up the 10 to 15 per cent of higher value and often complex or contentious developments from the DAP pathway and bring them into this pathway, thereby freeing up the DAP pathway to consider the remaining 85 per cent unencumbered by the complex

and challenging ones, allowing greater focus on those projects and streamlining that assessment pathway. That, in turn, means that local governments will be assessing less complex development applications through their responsible authority reports; hence, they can put greater focus on their approval pathway—under \$2 million—and unlock a number of single and multiple dwelling approvals stuck in that system. The streamlining is not just in the significant development pathway, but also about assisting all the planning decision-making pathways.

Is the development assessment panel system broken? No. The DAP system is clearly identified as important to overall streamlining of the planning system. The significant development pathway will remove the contentious projects from that system and allow the DAPs to focus on their decision-making. We have made key reforms to the DAP system that are consistent with the “Action Plan for Planning Reform”, and I thank the honourable member for bringing everyone’s attention to that document. I hope members agree that it is good to see a government delivering on its commitment through legislative change. We will see increased transparency, greater consistency and a reduction in potential and perceived conflicts of interest through the changes to DAPs under this bill. I was pleased that Hon Tjorn Sibma acknowledged those positive reforms to DAPs in his contribution.

There was a question about why there is no statutory limit on the commission. We have seen with statutory time limits that the push has been for time frames to be met with little consideration for the implications of the decision-making. By that I mean that rather than resolving issues between referral parties or issues of development or design, the decision-maker has tended to condition-up developments. DAPs are meeting their 90-day statutory time frame, but to do so, they can place excessive conditions on developments, as there has not been the time to resolve these issues prior. Developers then challenge conditions in the State Administrative Tribunal, which then ties up the developments in a judicial system with no time frame, which, by practice, sees them referred back to the joint development assessment panel for reconsideration with no time frame. It is not reflective of the true time frame and creates huge uncertainty for industry.

Without a statutory time frame, the commission will try to resolve all these issues up-front, prior to a decision, which should result in a decision with fewer conditions and thus less likely to end up in the State Administrative Tribunal. End-to-end time from application through to construction starting will be significantly shorter. Although there is no mandated number of days for the commission to make a decision, there will be a legally defined deadline. The commission must make a decision as soon as is reasonably practicable. That will mean that the commission will be legally obliged to make a decision as soon as it possibly can—that is, quicker than the existing statutory deadlines, if it has all the relevant information.

There was a question about whether the Department of Planning, Lands and Heritage will be resourced to do the work. DPLH will be resourced with an additional \$4 million over the next two financial years, in addition to applicable application fees that will address resourcing requirements.

There was a further question about how close to the mark this bill will be to deliver the action plan principles; namely, planning creates great places for people, planning is easier to understand and navigate, and planning systems are consistent and efficient. Can I say, it is very consistent. The reform package included in this bill and the next one will deliver key elements of the action plan. In particular, this bill sets the groundwork for integrated decision-making on major development proposals, which will assist the development of a whole-of-government framework for planning of wider areas, such as urban corridors. The bill will also provide greater emphasis for state planning policies in the decision-making process and provide a greater line of sight between strategic planning and development outcomes. Further in this regard, it also provides clarity on the application of planning codes, such as the residential design codes. The bill will effectively elevate the R-codes and will ensure that they are read as part of all local planning schemes. This will create greater consistency and make this aspect of the planning system easier to understand and navigate. The bill also vastly improves the efficiency of the process for amending region schemes. It will provide greater clarity around the provision of community infrastructure to ensure that the expectations of the community are met and will support the creation of better planning outcomes.

I was asked to reconfirm that subdivisions, metropolitan region scheme amendments and specifically North Stoneville will not be considered through the part 17 pathway. I confirm that the part 17 pathway is applicable only to applications for the use of physical development, so the construction on land—for example, development applications. Therefore, other types of planning applications such as subdivisions, structure plans, activity centre plans, local development plans or scheme amendments will not fall under the part 17 system as they are not development applications. Hon Tjorn Sibma referred to this in his second reading contribution, but I can only confirm that the Minister for Planning said in the other place that her view is that the North Stoneville structure plan does not apply. I can read the words the minister uttered in the other place, which are —

No; this is for development applications. In the planning world, trying to define a development application versus a precinct is very difficult, but we are not using it for subdivisions, and it will not apply to North Stoneville. This is for DAs.

I was also asked whether I could reveal what I consider to be “substantially commenced”. Like the phrase “due regard”, this concept is already well understood and has a long history. The phrase goes back several decades at least, I am advised, to the Town Planning Regulations 1967. The term is used across the planning jurisdictions of Australia.

No-one familiar with the planning system will be surprised or indeed concerned about the use of that phrase. One will observe that the primary definition cross-references the existing definition in the local planning scheme regulations, and that is deliberate. It ensures that the concept that is being utilised here in part 17 is the one that everyone involved in planning and development is already familiar with. The definition of “substantially commenced” in the local planning scheme regulations is —

substantially commenced means that some substantial part of work in respect of a development approved under a planning scheme or under an interim development order has been performed;

I am advised that there is already well-established legal precedent on how the term will be applied in practice. The test to be applied is best summed up in the High Court decision of *Day v Pinglen Pty Ltd* [1981], in which the court observed, at paragraph 299 —

The facts must be such as to lead naturally to the conclusion that the commencement is not merely evident, but is substantial, that is, of considerable amount.

Further, it states —

A substantial commencement involves a commitment of resources of such proportions relative to the approved project as to carry the assurance that the work has really commenced.

In the case of *Day*, the matter concerned the construction of six town houses. The developer had laid down 11 per cent of a concrete slab, costing \$2 127.70 out of a total estimated cost of \$350 000 for the six town houses. Bear in mind that these are 1981 prices; we would not get those prices today. The works were also done out of sequence, so excavation should have occurred first. The court held that the project had not substantially commenced and was, in fact, a sham. The point of substantial commencement periods is to ensure that developers do not simply bank approvals. They need to commit resources in such proportions so as to give the assurance that the work really has commenced and is, therefore, likely to be carried out to completion.

I was asked whether there has been an audit of projects that have substantially commenced. I think the honourable member was suggesting that he does not believe that anyone checks. I am told that local governments pride themselves on ensuring compliance with development approvals. Most, if not all, local governments have compliance officers who regularly check developments and check that they are meeting approvals.

I was asked about the government’s reasons for its amendments. We were recommended to make a grand comment in appreciation of the explanation provided to us for the reasoning behind them. That does help the government in the consideration of those amendments. In this house, we operate differently. I am not going to reflect on the other place, but we do like to clarify as much as possible, noting the fact that eight parties are represented in this place, unlike the other place, which has fewer parties. I look forward to discussing those amendments when we proceed to the Committee of the Whole stage. I think that covers the general points and questions Hon Tjorn Sibma asked.

I thank Hon Charles Smith for his passionate second reading contribution. I do not think I have seen him as worked up in a debate thus far. I thank him for his contribution on behalf of the Western Australia Party. It is disappointing, of course, that he does not support and does not see the benefits of the bill. I would like to clarify that the bill does not remove the requirement to inform landowners of changes to local planning schemes, as purported by the honourable member. That is not the case.

The honourable member also made an erroneous statement that every single person who serves on the Western Australian Planning Commission has either worked for, or on behalf of, the Satterley property group. That statement is both false and, indeed, misleading. I wanted to place that on the record. Perhaps the honourable member may wish to google the Western Australian Planning Commission so that he can see the current membership of the board. He will see a number of directors general and other people on there, so perhaps he might consider withdrawing that accusation at some stage.

The honourable member raised concerns about transparency and accountability. I would like to emphasise that these issues are an important feature of the bill and are even reflected in proposed amendments. For example, when the commission makes a decision, it must provide written answers for that decision. The commission’s decision and reasons, in turn, have to be published on its website. Commission members will be held accountable for those decisions.

I thank Hon Dr Steve Thomas for his contribution and general support of the bill and, in particular, for his acknowledgment of the proposed amendments to the bill that relate to or concern the Environmental Protection Act. The member asked in his second reading contribution whether the minister is aware of any particular proposals that have been targeted by this legislation or whether a list is being developed for potential targets. I am certainly not aware of any particular proposals that have been targeted by this legislation, nor am I aware that a list has been developed that might potentially meet the thresholds. Proposals have been bandied about in the media, but it is not appropriate for the government to pre-empt the suitability of these new projects for this new pathway without them being appropriately assessed for suitability.

Hon Aaron Stonehouse acknowledged the need for reform. The honourable member has not clearly identified whether he supports or is against this bill. He is hedging his bets. However, I acknowledge his general support for reform and for streamlining processes, and his concerns around the centralisation of planning decision-making and what he believes is wrong with the current DAP system.

There was a question about whether regulations are dependent on the Planning and Development Amendment Bill 2020 and whether the regulations could be introduced without it. I think that the member wanted an answer to that during Committee of the Whole. A number of elements of the bill guide the full extent of what can be achieved through regulation or policy. For example, the establishment of planning codes impacts the residential codes and it is within the R-codes that the deemed-to-comply pathway for single houses, along with patios and pergolas, resides. The bill under part 11, clause 89, broadens the definition of “community infrastructure”, which then allows “State Planning Policy 3.6: Developer contributions for infrastructure” to allow for the inclusion of education or childcare facilities, community centres and sporting facilities et cetera to be provided as a community benefit.

The member may have said that his main concern is that the bill centralises power that was previously decentralised from the decision-making bodies with the Minister for Planning. I think the member went on to say that it opens the door to potential corruption. He then referred to days gone by and noted that there were no third party appeal rights. The Western Australian Planning Commission includes six directors general plus representatives from the Western Australian Local Government Association and experts. The directors general represent the areas of planning, transport, environment, water, housing and public sector management. All of them have many years’ experience and are subject to legal, professional and ethical standards as high ranking public servants. The nature of their employment as neutral public servants means that they are neither subject to the political pressure of a local government councillor, nor are they part-time members from the development industry, as is the case with most specialist development assessment panel members. It would be fair to say that the members of the commission are perceived as independent and trustworthy, possibly more so than those who are elected to council or appointed by industry to DAPs. That is not to say these members are inherently untrustworthy, it just means that if one is talking about degrees of trust, it would be fair to say that the commission takes premier position within the WA planning framework. Yes, the commission comprises directors general who, in their day jobs, report to various ministers, but the fact that they report to so many different ministers means that the chances of, say, the Minister for Planning or indeed the Premier trying to influence a particular outcome is extremely unlikely. The commission already makes wideranging decisions under the current planning framework, and, importantly, while local councils and DAPs apply to planning rules, the commission already helps to make those rules. The commission prepares state planning policies, determines structure plans and subdivision applications, prepares region planning schemes and amendments and advises the minister on all local planning schemes and amendments. The commission, in its current role, demonstrates that it is no rubber stamp. Therefore, in a sense, while the new powers under part 17 are extraordinary in terms of development applications, they do not necessarily represent an extraordinary expansion of the commission’s powers in terms of its current role under the planning system.

There was a question on proposed section 280 about the conflict resolution process and the power to direct agencies in contravention of legal instruments. I would like to reinforce that WAPC will be required to publish decisions and reasons for decisions. Recommendations made by the minister and cabinet are just a recommendation that a project has merit under this assessment pathway.

I was asked about Governor oversight and who the Governor takes advice or direction from. I will quote from the very extensive explanatory memorandum on this issue. I acknowledge the work that the advisers have put into it; it is expansive and a number of members have acknowledged that through the briefings. It states —

Section 284. Governor may amend or cancel approval granted by Commission under s. 274

This section provides an important degree of oversight and check on the Commission’s power. Although the Commission has been selected to exercise these more extraordinary COVID-19 recovery powers precisely because of its good reputation as a trusted and independent professional town planning body, this section nonetheless ensures such power is not unfettered.

This section enables the Governor (including acting on the advice of a current or future Government) to add, amend or remove aspects or conditions of any approval. The Governor also wields the ultimate check on power—he can cancel the approval in its entirety.

Nonetheless, given the certainty Part 17 aims to give to a developer (and any financiers and investors), especially reflected in the new Division 3 conflict resolution mechanisms, the Governor’s power should not be utilised except with very serious thought to the appropriateness of such an outcome. For this reason, the Governor’s order to modify or cancel a development earlier approved by the Commission under Part 17 will have to be communicated to Parliament and be subject to potential disallowance. Such an approach balances the aims of economic investment certainty with the right of the State, through both its executive and legislative branches, to retain ultimate oversight over the system.

Hopefully, that answers the member’s question.

I thank Hon Tim Clifford for his contribution during the second reading debate. It was quite clear that he has been quite close to the planning system for some time. His comments clearly outlined the detail with which he understands the bill—not just the COVID-19 component, but the whole bill—and how significant these other areas of reform are. As we know, and will continue to learn about today and for who knows how long after, planning is a challenging subject to explain. The member did a pretty good job of outlining some of the clear benefits under parts 3 to 17 in the bill. Even though the member is not supporting the bill, he acknowledged in his contribution the very good elements to the bill, which is appreciated. While we recognise that the honourable member is disappointed that the whole package of reforms has not been included in the bill, we need to emphasise that it is a package of reforms that include legislative, regulatory and state planning policy reforms, and they will continue to roll out across the remainder of this year. Many of the components that the member is concerned about are being progressed through regulations.

The honourable member had specific questions that I will now answer briefly. He wanted confirmation that there will be no change to local government members on geographic DAPs. We can confirm that the composition will retain the two relevant local government members from the local government area to which the development application applies, along with the three permanent member specialists involved. The member wanted clarification on whether any local government members are on the special matter DAPs. The exact details of who the special matter DAPs will comprise will be worked out in the regulations. However, I understand that the Minister for Planning has already stated publicly that it will likely be the chairman of the WAPC, the Government Architect and the president of WALGA, so local government will participate in that regard. The final number of specialist members and the total number of members is to be consulted on through the establishment of the regulations in support of those DAPS over the coming months.

The member asked me to clarify local government involvement in significant development pathways. The first acknowledgement is that two local government members are on the commission. Two further key points are also worth mentioning. The first is that the type of development application that will qualify under the part 17 pathway would ordinarily be determined by the development assessment panel. DAP applications were introduced in 2011 by the previous government. As we know, under the DAP system, local governments, especially the council, are already bypassed to some degree when making a decision. Proposed section 276(4) explicitly requires that WAPC consult any relevant local government and the commission must give due regard to those submissions. That reference to local government means the local government council, unless the council has delegated its powers and functions. In a meaningful way, part 17 will give a greater role to local governments, or at least to the role of councils.

The member asked if I could clarify the types of developments that will be considered as significant development projects. Although the prescriptive criteria that would apply under proposed section 271 are essentially types of residential and commercial development, the types of development that can be referred under proposed section 272 are broader than that. Proposed section 272 could capture industrial, tourism and other proposals. It could also capture residential and commercial proposals below the \$30 million threshold, especially in rural and regional areas of the state. But it is important to stress that proposed section 272 is not unfettered. Any proposal that a developer wants referred to the commission under proposed section 272 will need to be scrutinised by the Premier first—which is to say cabinet. A full cabinet referral process will apply before these broader types of development will be allowed to take advantage of the part 17 pathway.

The member asked if I could clarify the definition of public work exemptions. The current definition of “public work” in the Planning and Development Act cross-references the Public Works Act 1902. That definition, in turn, is found under section 2 of the PWA, which is over a century old and, in places, outdated from a modern planning perspective. Although the definition in section 2 mostly remains fit for purpose, it does not have sufficient breadth and flexibility to address future planning development needs in a new age of GPS-guided self-driving vehicles to some, yet to be known, key disruptors to society and the economy. The COVID-19 pandemic has emphasised the need for a power to expand the potential definition of public works as prescribed in planning schemes.

The member had a question about clarification on planning codes. In something of a quirk of the current planning system, state planning policies such as the R-codes can also be read into planning schemes through an incorporation mechanism set out at section 77(1)(b) of the Planning and Development Act. After such incorporation, the SPP is to be read as part of the scheme. As planning schemes have the status of subsidiary legislation, akin to regulations, SPPs in effect can be elevated beyond being mere policies and can take effect as though they are law. Despite that, recent judicial determinations have called into question to what extent an SPP such as an R-code ever truly becomes any more than a mere policy. This legislative amendment will address this through new part 3A, which will in effect govern prescriptive and mandatory policies such as the R-codes as new planning codes.

I thank Hon Alison Xamon for her contribution, particularly her comments on the need for more legible, consistent and efficient planning systems—I think they are the words she used. Indeed, these aspects form key pillars of the state government’s action plan for planning reform. I want to touch quickly on the question asked by Hon Alison Xamon about whether conflict resolution is needed to address the problem of a lack of communication across government departments. Currently, no framework exists to resolve these issues. This legislation proposes that instead of a developer spending months, or indeed years, being bounced around the system from government agency to government agency, and winding up in the State Administrative Tribunal or the courts, that a whole-of-government

approach be adopted up-front. As the explanatory memorandum points out, the purpose of this is not to let the government ignore important issues about traffic, the environment or heritage, or indeed any other matter; it is quite the opposite. The whole point is to ensure that all these matters are dealt with in an up-front, whole-of-government way and not in silos, which governments of all persuasions have been blamed of doing from time to time.

Among the very worst examples of red tape is that the same development can sometimes attract contradictory conditions imposed by two government agencies that do not talk to each other—for little real benefit. Part 17 of the legislation will address that. What is being proposed is new and innovative for development approvals, but the concept is not new to planning or environmental legislation. For example, for new planning schemes and scheme amendments, I might make a decision as Minister for Environment that conflicts with a decision of the Minister for Planning. Conflict resolution provisions are already in place that entail both ministers conferring and coming to an agreement. If they cannot agree, the matter goes to the government; that is, cabinet. In concept, part 17 has essentially been copied from the conflict resolution provisions set out in environmental legislation. It has been copied because, quite frankly, it is best practice.

I thank Hon Colin de Grussa for his contribution and for the support of the Nationals WA. He also acknowledged the work that went into the explanatory memorandum and the briefings that were given. I acknowledge the honourable member's comments about the role of local governments, particularly in the regions where they closely reflect the views of their communities. I answered his particular question earlier in my response to Hon Tjorn Sibma. Finally, I thank Hon Colin Tincknell for his contribution. Again, he is sitting on the fence, but I dare say we will soon know how he will vote on this bill.

I believe I have answered the questions raised by members in the second reading debate. A number of amendments are on the supplementary notice paper, so of course we will need to go into Committee of the Whole.

Division

Question put and a division taken, the Deputy President (Hon Simon O'Brien) casting his vote with the ayes, with the following result —

Ayes (24)

Hon Martin Aldridge	Hon Stephen Dawson	Hon Rick Mazza	Hon Aaron Stonehouse
Hon Ken Baston	Hon Colin de Grussa	Hon Michael Mischin	Hon Matthew Swinbourn
Hon Jacqui Boydell	Hon Sue Ellery	Hon Simon O'Brien	Hon Dr Sally Talbot
Hon Jim Chown	Hon Donna Faragher	Hon Martin Pritchard	Hon Dr Steve Thomas
Hon Alanna Clohesy	Hon Laurie Graham	Hon Samantha Rowe	Hon Darren West
Hon Peter Collier	Hon Alannah MacTiernan	Hon Tjorn Sibma	Hon Pierre Yang (<i>Teller</i>)

Noes (5)

Hon Robin Chapple	Hon Diane Evers	Hon Charles Smith (<i>Teller</i>)
Hon Tim Clifford	Hon Alison Xamon	

Pairs

Hon Kyle McGinn	Hon Colin Holt
Hon Adele Farina	Hon Nick Goiran

Question thus passed.

Bill read a second time.

Committee

The Chair of Committees (Hon Simon O'Brien) in the chair; Hon Stephen Dawson (Minister for Environment) in charge of the bill.

Clause 1: Short title —

Hon TJORN SIBMA: At the outset, I thank the Minister for Environment for the rather comprehensive clarifications he was able to provide to me and to all other members during his reply to the second reading debate. The course of the material traversed in everybody's contributions meant that some questions were serviced invariably a bit more comprehensively than others.

I want to pick up on a clarification the minister provided concerning the presentation of planning reform, as it is, through the three streams of legislative, regulatory and policy change. The issue I have is that although I understand that there are interrelations between those three streams, we have come here to scrutinise the bill and focus on the legislative component, quite obviously. I am seeking clarification regarding information provided in the second reading speech and how that information actually relates to the bill under contemplation here. It is under the section called "Cutting the red tape in the planning system" on page 9 of the second reading speech, as it was prepared for this house, at least. That makes reference to the Planning and Development (Local Planning Schemes) Regulations 2015

and says that reforms and changes to those regs will result in a range of positive outcomes. I am trying, however, to marry up those regulatory changes with what is in the bill, and I do so for this reason: the second dot point claims that a wider range of small residential projects will become exempt from planning approval, including minor extensions, patios, carports, shade sails and pergolas, making home improvements easier for home owners. Where can I find a direct reference to this enabling policy or regulation in the bill; and, is one contingent upon the other?

Hon STEPHEN DAWSON: I am trying to get a copy of the second reading speech that was handed out because the page numbers on my *Hansard* version are different. The bill does not specifically deal with those matters. They will be subject to further amendments to existing regulations. It is important to understand that this bill is just one part of the broader package that I spoke about. As explained in the explanatory memorandum, apart from this bill, a further bill will deal with other tranches of reform. I understand that a further bill is likely to be introduced in a few months. Amendments will also be made to the local planning scheme regulations and DAP regulations, and there will be further changes to policies. As the explanatory memorandum explains, emergency amendments have already been made to the local planning scheme regulations to deal with the impact of the COVID-19 pandemic on local governments, suppliers of essential goods such as toilet paper, as well as small and medium-sized businesses. This bill needs to be seen in that broader context of planning reform. We are ensuring that Parliament is made aware that this bill fits in with that broader planning context.

Hon TJORN SIBMA: For the sake of specificity, the claims made about the great enablement of small residential projects and renovations, as they relate to people's plans for patios, pergolas, carports and all the rest—the stuff of ordinary life—will not be de-bottlenecked or made easier to progress as a result of the passage of this bill. The passage of this bill, whether it is today or next Tuesday, will not, in and of itself, enable the claim being made at the second dot point.

Hon STEPHEN DAWSON: There is no specific amendment before us that deals with patios, but, as I indicated earlier, the whole package of reforms helps deal with that issue.

Hon TJORN SIBMA: I thank the minister. That is helpful. Obviously, the challenge the government has had is that the scope of planning reform is so vast that there is, I think, here in this bill and in the EM and in all the material that goes with it, an honest attempt to show how these parts interrelate with one another. Part of the challenge in providing that information, though, is that the mere deluge of information can be used by others to form a misapprehension about the substance of the bill. It was coincidental, but at least one industry association—I think it was the Housing Industry Association—lauded the government and talked in general terms about reform in the same week that the bill was introduced, and an inference was made that the passage of this bill would enable these small residential projects to go ahead. I want to clarify that this bill can be distinguished from the domestic application, which is claimed in the second reading speech. Why has the government included in the second reading speech of a bill that it introduced information that is not directly relevant to the bill?

Hon STEPHEN DAWSON: I refer the member to my previous answer, but I point out that this bill elevates the R-codes from a state planning policy to a provision, so that will be helpful in dealing with the issue the member raised earlier.

Hon TJORN SIBMA: I thank the minister. Would it be more accurate to say, as there seems to be a reference to it here, that people in the suburbs of Kingsley, Bicton, Kalamunda or whichever location members want to identify, who might be looking forward to their own domestic renovation projects, particularly now in light of a lot of the stimulus spending by the commonwealth and state governments that is directed their way, will not necessarily be able to avail themselves of an easier approval system to realise their hopes and aspirations domestically and that they will have to rely upon changes being made to the Planning and Development (Local Planning Schemes) Regulations 2015? Changes to that instrument are necessary for these intended changes for their aspirations to be realised. Is that a correct reading?

Hon STEPHEN DAWSON: Directly, yes, but, indirectly, this bill, of course, helps deal with that issue. I will say again that our action plan for planning reform includes amending the Planning and Development Act via the Planning and Development Amendment Bill, and making changes to regulations under the Planning and Development (Local Planning Schemes) Regulations 2015 and the Planning and Development (Development Assessment Panels) Regulations 2011 and also making changes to state planning policies. The package is all those things together. As I have said a couple of times now, this is the first part of that journey that will deliver all those things to the community.

Hon TJORN SIBMA: I thank the minister and I appreciate his patience in dealing with this theme of questioning. I am putting them for the reasons that I outlined in the second reading debate: in this chamber, we do not contemplate the vibe, the spirit of the times or the gist of the thing; we want to come to grips with the detail of the bill and its application. I am not here to give the minister a lecture. I thank the minister for at least confirming that the capacity to unlock the approvals bottleneck for small residential projects such as extensions, patios, carports and the like will be determined upon the appropriate changes being made to at least one regulatory instrument—the Planning and Development (Local Planning Schemes) Regulations 2015. My question is: what progress has been made to amend those regulations and when might that work conclude and be gazetted?

Hon STEPHEN DAWSON: I am told by Parliamentary Counsel's Office and government that it has the drafting priority. I cannot give the member a definitive time, but it is certainly being treated as one of the suite of COVID-19 responses, so it has the highest priority.

Hon TJORN SIBMA: I understand that the government is dealing with a range of competing high priorities. That is not a flippant point or a facetious observation, that is the reality, and I appreciate that. I just want to confirm that the passage of this bill, whenever it might occur, on this sitting day or the one subsequent, would not necessarily allow for people in the suburbs and towns of Western Australia to suddenly take advantage of a freer, more enabling approvals system that would permit them to undertake these residential projects, which is what is being referred to now. This might be a question that cannot be answered, but how patient should the community be for this change? Should community members hold off on making plans right now or should they wait until Christmas? Could these regulations to provide this great enabling of domestic projects potentially be drafted? Is there a target for the completion of this regulatory change?

Hon STEPHEN DAWSON: Far be it for me to suggest to Western Australian households that they should or should not do anything in their homes. We anticipate that in the second half of the year the regulations will be drafted and gazetted. I cannot give the honourable member anything more definitive than that. That is the time line we are working towards.

Hon TJORN SIBMA: I will continue the line of questioning only because these are examples that have been identified by the government in the course of explaining the overall reform package. I say again that this is a clever bill in political terms for its structure and substance. As the kids say, game recognises game to some degree. The government has done a very good job at presenting reform and explaining to different segments of the community, from regular people to industry association groups, what these reforms might mean for them. We have established that at the residential level, no great change will occur as a consequence of the passage of this bill. Similarly, I note that the reform package and this bill, announced at the same time, was—I will not say “sold”—communicated to small business constituencies in the following terms; that is, it would assist in their operations. One of the points made was included in the second reading speech, and I quote —

... the cash-in-lieu framework will be made more consistent across the state, allowing for a clear and consistent approach for cash-in-lieu payments, and the proposed regulations would also abolish shortfalls of up to 10 car bays, which can place a significant financial impost and considerations for any small businesses wishing to establish or grow ...

First of all, I commend the government on that measure, because that is an absolute irritation. I think that practice is an outrage, so congratulations on—I will not say “making”—intimating a desire to change that arrangement. I ask again: is that cash-in-lieu framework, as it relates to car bays specifically, directly referenced in this bill, yes or no?

Hon STEPHEN DAWSON: If only asking politicians to answer yes or no were a thing in real life! Of course, we never ever give a yes or no answer! As the second reading speech quite helpfully points out —

These reforms and associated changes to the Planning and Development (Local Planning Schemes) Regulations 2015 will result in ...

And it goes on to talk about the cash-in-lieu framework. It is mentioned in the second reading speech that the regulations are being drafted, and we anticipate having them drafted and, indeed, gazetted in the second half of the year. That will fix this issue.

Hon TJORN SIBMA: Again, it would be a fair reflection of the facts that, at least for the moment, small businesses will not be able to avail themselves of this positive change, and that any aspirational communication to the contrary, which is contingent on the passage of this bill, would be misleading or a mischaracterisation of the specifics in this bill. I am glad that the minister has clarified that, because this was another gentle encouragement provided to opposition parties and others that if we get in the way of this bill, we will be getting in the way of these positive reforms for small business and how dare we even give contemplation to that! It has now been revealed that that stuff is not in the bill at all. It is dependent on the regulations that follow this, and those regulations are at some mysterious stage of the drafting process and might come in by the second half of this year.

Hon STEPHEN DAWSON: I can confirm that the minister issued a notice of exemption in April, so I am advised that the provisions in relation to small business are currently in place, and the majority of them will stay in place until 90 days after the lifting of the state of emergency. We thought of that first, we dealt with the small business stuff first, and now we are progressing with the bill before us, and I am very hopeful that we will make good progress on it today, but we never know, we might be on this next Tuesday. Then, of course, we have those other things—the second phase later in the year and the changes to regulations—all as part of the package.

Hon TJORN SIBMA: I thank the minister because he has pre-empted where I was going to go next. I thought there were two options here. I wanted to reflect on those exemption notices that the minister issued very early on in the COVID-19 pandemic. This is still the other side of the time line here. Those changes have already been made under the pre-existing regulatory power—is that correct or not?

Hon STEPHEN DAWSON: I am advised that they were not made under the pre-existing power. We did amendments to allow for those.

Hon TJORN SIBMA: Nevertheless, in the second reading speech the minister referred to approvals reform that has already been completed and is therefore not contingent on the passage of this bill. Is that correct?

Hon STEPHEN DAWSON: It is only temporary, so, as I alluded to, that notice of exemption provided temporary exemptions that last for 90 days post the lifting of the state of emergency. They are only temporary and they will fall away.

Hon TJORN SIBMA: Noting their temporary application, will the passage of this bill or reforms and associated changes to the Planning and Development (Local Planning Schemes) Regulations 2015 result in a permanent change? Will people who are enjoying this temporary relief need to reapply in some way at the conclusion of the state of emergency plus 90 days or will they automatically be rolled into this new system?

Hon STEPHEN DAWSON: I am told that most will not have to reapply. If they apply now in this COVID-19 time frame, they will not have to reapply once the state of emergency is lifted later in the year.

Hon TJORN SIBMA: I will not pursue this line of questioning other than to say it would be appreciated if at some stage clarification is offered about how that would apply, whether some businesses would automatically transition into a new regulatory framework and whether those that would not would have to make some special application. If there can be clarification of that at some stage, it would be welcome. It would be appreciated.

Hon STEPHEN DAWSON: I can, of course, provide that information to the member at a later stage. I am told it is complicated. It depends on the circumstances of the application. There is some discretion, but we will certainly provide some further information on that at a later date for the member.

Hon TJORN SIBMA: I thank the minister. I want to move on, although still on clause 1. I want to understand, in finer detail, how community engagement will be improved as a consequence of this bill, because reference has been made to that throughout the debate. It is not entirely clear to me how that will be enabled or improved in any substantial way, so I seek clarification on that. I will start with one question. In a contribution made in the other place, the member for Belmont praised her own government, but she also said—and this is a slightly lengthy quote —

Community consultation is a really important element of the bill and will be very much welcomed by my constituency of Belmont. This bill will ultimately give residents a greater say in setting the future vision of their community. That is an important element as well, as it will give people an opportunity to feel a sense of ownership of the look and feel of the communities in which they live, play and work.

This is the important part —

This is principally done by extending the minimum period of community consultation for local planning strategies from 21 to 35 days.

This is a big bill, and I could have jumped over this aspect, but could the minister direct me to the part of the legislation that clarifies that the community consultation period for local planning strategies will be extended from 21 to 35 days?

Hon STEPHEN DAWSON: I am advised that that will be in the next bill. It is probably important to make the point at the outset that we should remember that this bill has 106 clauses, 105 of which relate to planning reforms that mostly have been openly discussed for a long time. Some of these measures were first canvassed in 2013, when Hon John Day was Minister for Planning, so they have been around for a long time. But in answer to the member's specific question, that will be in the second bill.

Hon TJORN SIBMA: I am not here to be petulant, I am here to be pragmatic, but I looked at that member's contribution and thought it was an interesting observation to make, because obviously certain classes of parliamentarian have received certain classes of briefing on the content of this bill and the government's intentions for the subsequent bill. I do not know whether that bill has even been through cabinet yet, but one cannot put oneself into someone else's mind and ask, "Why would that person know something that nobody else seems to know, and rely on information undisclosed to anyone else that is contained in the second tranche of legislation as a reason for supporting the first tranche of legislation?" Some of the agony, or the pain points, for members in this chamber who are a little undecided about where they fall on this bill are largely due to the bill being a number of things simultaneously, and to certain claims being made about community consultation that are inconsistent with the views and concerns put directly to them by community members. The minister may not be able to answer this question because he was not involved in the process; nevertheless, I am obliged to ask it: how did a member of government in the other place gain access to the content of the second bill when nobody else has had access to it? I have been asking for weeks about the content of the second bill, and nobody can tell me what is in it.

Hon STEPHEN DAWSON: I understand that the second part of the bill has not been drafted, but as is the case with every debate I have in here, I am normally the last person to find out! I do not have an answer, but perhaps the bill may well have initially gone to cabinet as a broader bill and may have been split into two, with one of those bills before us. There is potentially some drafting required around some elements of the next bill.

Hon TJORN SIBMA: Before I fulfil an obligation to have a communication behind the Chair, is it true to say that the improved community engagement referred to in the second reading speech and in the member for Belmont's contribution to the second reading debate in the other place is actually inaccurate and does not reflect this bill at all? That is the first, probably rhetorical, question. My second question is: to what degree has the drafting of the second bill been advanced, what is in it, and when can we expect to see it?

Hon STEPHEN DAWSON: I cannot comment on what the member for Belmont said or did not say in the other place, but local planning schemes currently have streams of consultation. That change was made by the previous government and I am told it works very well. This bill will extend that idea to region schemes and state planning policies.

Hon NICK GOIRAN: On 16 June, two days ago, I tabled a petition containing 1 502 signatures. That petition reads, in part —

We the undersigned are opposed to the redevelopment of the Glen Iris Golf Course, Dean Road Jandakot WA 6164, into residential housing and call for parliamentary oversight of any planning decisions being made in relation to the land by the Minister for Planning, the Western Australian Planning Commission and Local Government Authorities.

We therefore ask the Legislative Council to inquire into whether sufficient mechanisms are currently in place, to provide local residents with means for reasonable consultation and procedural fairness, and whether these mechanisms will be enhanced or diluted if the State Government's Planning and Development Amendment Bill 2020 is passed by Parliament unamended.

And your petitioners as in duty bound, will ever pray.

Which clauses in this bill will dilute the existing mechanisms of consultation and procedural fairness?

Hon STEPHEN DAWSON: The changes we are making are not about diluting consultation. We are removing the requirement to inform the community when preparing state planning policy. Let me go about it in this way. We are moving the process requirements for preparing or amending state planning policies from the existing act into regulations. The regulations will set out appropriate advertising and consultation processes, and those regulations will be subject to the oversight and potential disallowance of Parliament in the usual way. The reason we are doing this is to introduce streams or tracts for amendment, with different requirements depending on how substantial the change might be, similar to what the previous government did when it introduced complex, standard and basic tracts for amendments to local planning schemes.

I want to give the member a specific example and then I will go back to his question. "State Planning Policy 2.8: Bushland Policy for the Perth Metropolitan Region" has a map. That map forms part of the policy and depicts where all the Bush Forever land is. Not all Bush Forever land is reserved, which means that it is technically developable, although it would be fair to say that if a person's land is on that map, it will pose some additional challenges if they want to further subdivide or develop their land. The value of the land on that map might also be affected in practical terms. The policy seeks to strike a balance between protecting our bushland and retaining a person's right to develop their land. I am informed that on occasion, the Bush Forever map is wrong, so landowners will contact the department to request that the map be updated. Normally, it is just an anomaly—a line probably drawn incorrectly on a map. Sometimes it might be due to changes in circumstances. It is the sort of thing that should probably be fixed very quickly with minimal fuss. Unfortunately, these landholders are told that under the current system, there will have to be a formal amendment to the state planning policy. It will require formal advertising and assessment, the local government will need to be contacted, an advertisement will need to be placed in the newspaper, and copies of the amendment will have to be made available for inspection, and this will probably take several months, if not years. This is what the new regulations will help to fix. The amendment is not about disenfranchising community consultation; it is about ensuring that appropriate community consultation occurs, as set out in the regulations.

If that does not answer the honourable member's question and he is looking for a clause in the bill under which he could more appropriately ask questions about the Glen Iris Golf Course—having sat opposite the member, I try to work out the intention—I am told that he could ask a question on part 6, which deals with the region schemes, or on part 15, which seeks to make some changes to the minister's powers.

Hon NICK GOIRAN: The minister indicated, according to my notes, that the government is removing the requirement to inform the community whenever a state planning policy will be prepared or amended, but then he said that the government is not diluting consultation. How are those statements consistent?

Hon STEPHEN DAWSON: It is going from the act into regulations. The reason is to make it more nimble so that we can deal with issues and concerns raised by the community as they arise rather than going through what is now quite a cumbersome process to make changes.

Hon NICK GOIRAN: The minister is saying that the government is not removing the requirement to inform the community; it is just shifting the place in which it is housed. At the moment, it is housed in the act. The government wants to allow things to be more nimble and wants to house it in the regulations. Otherwise, the consultation will be the same; the community will be informed in exactly the same way and there will be no dilution whatsoever. Is that what the minister is saying?

Hon STEPHEN DAWSON: I am advised that, generally, it will be the same. It will be different in the example that I gave, which was about an individual who had an issue with land, but, generally, the consultation will be the same.

Hon NICK GOIRAN: While the government is saying, “Generally, the consultation will be the same”, and it just wants to do this because it would like to be nimbler, there are 1 502 pretty agitated Western Australians who have taken time to sign a petition. I am sure the minister understands their nervousness when they are asking for some specificity and the government’s answer is, “Generally, the consultation will be the same.” Keep in mind, minister, that at the heart of the concern of these 1 502 constituents and petitioners is that they are not thrilled with the existing levels of consultation, let alone do they want to hear that a bill that might dilute those existing mechanisms is flying through Parliament at the moment. The minister mentioned that one desire of the government is to carve out the consultation processes from the act and, instead, house it in the regulations. Which clause of the bill will do that? Which clause of the bill carves out the consultation from the act for it to be housed in regulations?

Hon STEPHEN DAWSON: For region schemes, it is clause 27, on page 45, and for state planning policies, it is clause 64 of the bill, on page 63.

Hon TJORN SIBMA: I was temporarily required outside the chamber, so I believe I was not in a position to receive the minister’s answer to my question about the development of the second planning bill insofar as it may or may not relate to community engagement. I again apologise if the minister has already answered this, but if he has not, this gives him another opportunity.

Hon Donna Faragher: I think he avoided it.

Hon TJORN SIBMA: Can I get a commitment from the government that it will at least introduce the second bill before the end of the parliamentary year?

Hon STEPHEN DAWSON: I would love to be able to give the member that guarantee, but I cannot at this stage. It is with the Parliamentary Counsel’s Office, being drafted. I note that Hon Nick Goiran brought to the chamber’s attention yesterday that the PCO has some capacity at the moment, so perhaps we will be very lucky and priority will be given to drafting a bill as soon as possible.

Hon TJORN SIBMA: I take that as a maybe—to be advised. I infer from the minister’s answer that, indeed, something is being drafted to the degree that at least some members of Parliament have had privileged access to some content in that bill. It would be nice to at least have some early indication of the content and extent of that second piece of legislation to facilitate the passage of bills in some sort of professional manner.

I use that as my lead-in to this question: with whom and at what time, and how specifically, was consultation undertaken on the drafting of this bill? By that, I mean this bill, not the reform process overall. When did consultation on the content, the substance or the intent behind this bill take place? With whom did the minister consult?

Hon STEPHEN DAWSON: I am not sure whether the honourable member was in the chamber or away from the chamber on urgent parliamentary business when I advised that it was important to remind the chamber that the bill has 106 clauses, and that 105 clauses relate to planning reforms that have mostly been discussed over a long time. Some of those measures were first canvassed in 2013 when Hon John Day was the Minister for Planning. Significant comprehensive public consultation and extensive stakeholder engagement took place on the concepts and principles of the proposed amendments to the Planning and Development Act in 2013 and 2018 through previous and current planning reform processes. That included consultation in 2018 on Evan Jones’ independent planning reform green paper, along with the government’s response, released in August 2019, the “Action Plan for Planning Reform”. The concepts and principles were also outlined and discussed with state agencies in 2019 through briefings on the action plan and stakeholder reference groups on planning reform. Stakeholder reference groups included representation of all state agencies, key industry bodies and local governments.

Proposals formulated in direct response to the need to effectively support recovery from the impacts of the COVID-19 pandemic and to provide economic certainty have had limited opportunity for wider consultation due to the current restrictions in place. All feedback received through the forums that I have mentioned has been taken into consideration in the formulation of the proposed bill. Further briefings and consultation, I am advised, was undertaken during drafting with WALGA, peak industry development bodies and planning practitioners. The Department of Treasury and other state government agencies were involved in the referral process. However, the COVID-19 pandemic was declared in March and the bill came to Parliament in May. There was a two-month window in which things were closed down, so that was a restriction.

Hon TJORN SIBMA: I accept all that. It is to some degree understandable. I am not being difficult here. Consultation on reform takes a long time, particularly when undertaking a lot of reform. I have read all the material, but perhaps I will start with a simpler question. This might be the place to start: when did cabinet approve the drafting of this bill?

Hon STEPHEN DAWSON: My advisers do not have that information before them, but we will seek to ascertain it and provide it at a later stage of the Committee of the Whole.

Hon TJORN SIBMA: I appreciate the minister's constructive response to that question. These facts are not always easy to ascertain. If it might be of some assistance to the staff facilitating the minister's offer to get back to me, I might guide them in their efforts. It would be useful for everybody to understand the consultation that went into this bill and the date on which cabinet made that determination. I am interested in the formal consultation that took place, in the very least, in that window between the cabinet decision to go ahead with this draft and the introduction of the legislation in the other place. That is probably a very limited window of time. I would like to understand with whom government consulted and when, and whether any parameters were put around those briefings. For example—I am not making any accusations—was anybody subject to signing a non-disclosure agreement or a confidentiality agreement in the course of those deliberations?

Hon STEPHEN DAWSON: That was good guidance, honourable member. I will certainly see whether we can provide the member with an answer to that level.

Hon TJORN SIBMA: I am not doing this to delay the bill's progress; I am trying to understand how it was constructed in certain ways because I have questions around threshold setting. Hon Rick Mazza has an amendment on the supplementary notice paper that suggests we alter thresholds downwards to provide a broader application for this streamlined approval treatment. We got to a position like that because people were possibly not in a position to fully comprehend the substance of the bill. While we are automatically going to get a response from anybody engaged in any constructive, productive commercial venture when they hear about reform—de-bottlenecking and the taking out of red tape—of course they will be quite energised by that prospect. But again, the devil is always in the detail. I have received correspondence from the Western Australian Local Government Association and the Urban Development Institute of Australia, and joint correspondence from the WA division of the Property Council of Australia and the Master Builders Association. I give credit to all those groups taking different approaches to the dimensions of this legislation. They have identified issues they have some difficulty with, and matters that they think should be included or excluded. It seems to me, and it is probably consistent with the government's narrative, that the COVID-19 emergency response under which the government put this legislation together, forced, of necessity, some sort of arbitrariness in its decision-making. I want to return to this because we have to deal with the substance of this bill and its implications. I want to understand the consultation process that went into this bill so that I can better ascertain what consultation process the government is almost now obliged to enter into as it drafts a second piece of legislation. This is where we lose time. We spend time in Committee of the Whole dealing with different interpretations or levels of discomfiture or comfiture for certain provisions in a bill. When the bill came to the other place, it was fully formed and perfect; it needed no amendment. I know that things change—we understand that. But in the rush to pass this bill, I am guiding the chamber against overcorrecting and meeting an arbitrary threshold set with another set of arbitrary figures. But we will have that discussion later on. I want to put into context why I am very interested in the formation of the bill and who was consulted and when.

During consultation on this bill, some expectations would have been set. I will deal specifically with the special COVID-19-related provisions of this bill, particularly as they relate to the streamlined approvals process and how that will be enabled. I will ask a simple question of the government. I think that that part of the bill will be advanced the day after royal assent, which I assume will happen sometime in July, but we cannot predict these things. Has the department made the regulatory changes to give effect to this provision? I think the answer to that is probably no. Can the minister at least give industry some guidance as to when it might be able to submit a form to apply for consideration under this streamlined approvals system; and, if the department is not ready two days after royal assent, when might industry be in a position to jump into this system?

Hon STEPHEN DAWSON: I am told that it should come into place the day after the bill receives royal assent.

Hon TJORN SIBMA: What is specifically meant by that? For argument's sake, does that infer that if a developer is ready to lodge a development application at or above the threshold that this chamber ends up setting, the department will be able to deal with that application on the very next day—yes or no?

Hon STEPHEN DAWSON: Yes.

Hon TJORN SIBMA: What kinds of information or forms and staffing or resources will be necessary to enable that?

Hon STEPHEN DAWSON: I am told that there is a new application form. The developer essentially needs to provide the same information as they currently do, but the extra bit is that it now has to tell the commission why it thinks it should be able to avail itself of the new pathway. I think I previously mentioned in my second reading reply that \$4 million of additional resources will be provided to the Department of Planning, Lands and Heritage over the next two years to establish this new part 17 assessment team. DPLH is likely to seek new personnel with specific background in assessing significant development applications, especially from the local government sector. That is all I have for the member at this stage.

Hon TJORN SIBMA: For clarity's sake, insofar as the conforming development applications are consistent with the threshold levels set in the bill, I take at face value that the government has undertaken that the department would be prepared and ready to accept an application that conforms. There will be—this is my expression; the

government might have a different construction—nonconforming applications because the government is writing into this bill the capacity to refer projects that might be deemed to be of state or regional significance. For example, this happens in the tourism industry. I have had briefings with people who say that the state government and all instrumentalities comprehend tourism accommodation. That is almost a linear construct; it is not very difficult to put together. For something like a tourism attractor—the magnets that we want; whether it is a wave park, a cable car, a zip-line or any other kind of exciting new thing—an avenue is not necessarily available. I see those people being serviced only by this regional or state significance window of application, potentially. I imagine there will be others in the agricultural industry and in all kinds of sectors. Is the government equally prepared to accept and contemplate those matters? For example, would one have to fill in a form?

Hon STEPHEN DAWSON: Yes, there will be a form—I think I mentioned that earlier—and there will be guidelines to help applicants fill in that form. Obviously, there will need to be guidance on how it might get to the cabinet process.

Hon TJORN SIBMA: I thank the minister for his confirmation. I do not want to jump ahead clauses unnecessarily; suffice to say it would be to the advantage of everybody that clarity around that framework, which might guide the decision-making of cabinet, would be very useful. I think that framework should be objective and understandable and public facing. My fear about these determinations being made by cabinet is that there will invariably be the invocation of cabinet-in-confidence protections around divulging too much information, which would shed light on the decision-making process. I will leave that as a comment rather than necessarily a question. I indicate that I personally have no further questions at clause 1.

Hon TIM CLIFFORD: I have a question about the economic projections, specifically jobs. Announcements have been made about stimulating the economy or retaining jobs in certain sectors. Has any modelling been done about how many jobs that could potentially save? Given there has been a lot of talk around jobs falling in the construction industry in the next six months, surely some level of background work would have been done to see exactly how many jobs—for example, electricians—might be protected through this legislation going forward.

Hon STEPHEN DAWSON: No, we do not have any modelling. It is difficult, and a little like: how long is a piece of string? Potentially, projects could benefit from the new pathway, but until they come forward, we do not know what the benefit is.

Hon COLIN TINCKNELL: I just want some clarity about projects of state and regional importance, or even projects of significant importance. In the interests of transparency and clarity, can the minister explain what that means?

Hon STEPHEN DAWSON: The term “state or regional importance” is deliberately broad, precisely to ensure a degree of flexibility. It is especially the case with proposals in regional areas or in new major tourist projects that may not otherwise fit neatly into established criteria. Within the planning context, State Planning Policy 2.5 already defines it as a land use, area or issue of significance to a planning region by virtue of any or all of the economic, social, cultural or environmental values for that land use area or issue. I am advised that the commission is developing a further formal policy on the matter. The criteria being considered include the following factors. Public interest: is there a need for urgency and would the public interest be served by the referral? Jobs: Does the project create local jobs during planning and construction phases? Will the project result in local jobs on an ongoing basis? Investment certainty: To what extent is funding for the project secured? Is finance for the project fully committed? Constraints: Are there key site or other constraints that mean it is unlikely that a determination can be made within the usual time frame? Are there flooding, bushfire, contamination or ecology concerns? Can these be resolved or suitably mitigated? Timing: Can a decision on the project be made quickly? Can the project commence within six months of receiving approval? Public benefit: can the project deliver or support the delivery of public benefits—for example, affordable housing or significant public space? There will be a further tweaking of these, but it is important to stress that there has been some thinking on this issue already.

I have some examples from the past that could have met the criteria. In the Shire of Three Springs, there was a proposal for a photovoltaic solar farm. The Woolstores Fremantle Shopping Centre and car park potentially met the pathway. Also in the Shire of Three Springs was another solar farm, tourist area and temporary workers’ accommodation. They are examples of what has happened previously, and if they come forward again, they could potentially benefit from the pathway.

Hon COLIN TINCKNELL: I thank the minister for providing a little clarity around what that means. In a similar sense, lowering or removing the threshold could achieve a similar result in having a larger number of proposals. Is the Minister for Planning’s department able to take a larger number of proposals if the threshold is lowered or reduced? Is it because of a possible lack of capacity at the minister’s department that this is why the threshold is as it is?

Hon STEPHEN DAWSON: I just confirm that the honourable member is asking about that \$30 million threshold being lowered —

Hon Colin Tincknell: Yes, or even removed.

Hon STEPHEN DAWSON: — or the resourcing removed. If that \$30 million threshold were removed, we would probably have about twice the number of applications before the commission than we would with that \$30 million threshold in place. We think that is about 60 projects a year. That is an estimated figure; of course, it is a guess, but that is what we estimate at this stage.

Hon COLIN TINCKNELL: I thank the minister. That gives us a little bit of clarity.

I will move on to another area—statutory time frames and assessments. Would it not be a good idea to review this program in six months or have an opportunity after 60 days or 90 days to review it, but to at least have a six-monthly review? At this stage, there is no review plan.

Hon STEPHEN DAWSON: The program goes for only 18 months and is in response to the COVID-19 pandemic, so we do not see a need to review it in six months.

Hon NICK GOIRAN: Does any clause create a new right of review for a proponent?

Hon STEPHEN DAWSON: Part 17 has the same review rights as the existing act, but there is a new dispute resolution provision, which is under clause 4.

Hon NICK GOIRAN: Does any clause, including whether it is clause 4 or otherwise, modify an existing right of review for a proponent? I want to distinguish that from the previous question I asked, which was about the creation of a new right of review for a proponent. I want to be clear on whether any clauses modify an existing right of review.

Hon STEPHEN DAWSON: No, they do not, honourable member.

Hon NICK GOIRAN: To be clear, we are told that in the bill before us, any existing rights of review for a proponent will be maintained in part 17 and there is no modification of those existing rights of review. They will be maintained by part 17. Not one element, not one iota, of the existing review provisions will be modified. They will be maintained in their entirety, as they are at the moment. Let us be clear about what we are saying. The existing rights of review for a proponent will be maintained in their entirety by part 17. That is the advice that we are being —

Hon Stephen Dawson: That is a different question.

Hon NICK GOIRAN: Okay. That is the question I am asking. Does any clause modify an existing right of review for a proponent? I understood that the answer was that part 17 will maintain the existing rights of proponents. If there is a modification or anything shifty going on, I want to know about it now before we move past clause 1. I will paraphrase the advice that I understood the minister gave, and if a correction is needed, we can deal with that now before we get into any further complications. My understanding is that, first, the minister is saying that part 17 will retain all the existing rights of review for a proponent, without modification. Second, the minister is foreshadowing that when we get to clause 4, we will deal with an element that will create a new right of review. They are the two elements of the bill that deal with the rights of review for proponents. I seek confirmation from the minister whether that is the case. If the minister needs to correct that, now would be an excellent time to do so.

Hon STEPHEN DAWSON: Proposed section 283 replicates the current State Administrative Tribunal appeal rights, but under the COVID provisions, part 14 of the existing act is turned off. At proposed section 283, the existing rights are being tweaked. Under the COVID provisions, the minister loses their call-in power under section 246 of the act. From a proponent's perspective, the same process applies, but, to be clear, the minister loses that call-in provision that the minister currently has.

Hon NICK GOIRAN: Forget about the minister and the minister's call-in power for the moment; I am talking about the rights of review for a proponent.

Hon Stephen Dawson: If you are being technical, could the minister losing her call-in power be to the detriment of the proponent? I am not being tricky; I am just trying to answer your question in the best way I can.

Hon NICK GOIRAN: That is fair. The minister is saying one could argue that the proponent knocking on the minister's door and asking to call it in is a type of review and that will be, as I understand it, temporarily turned off because of the COVID-19 pandemic.

Hon Stephen Dawson: Only for this pathway.

Hon NICK GOIRAN: Only for this pathway. Will that be for a period of only 18 months?

Hon Stephen Dawson: Yes.

Hon NICK GOIRAN: With that exception or, shall we say, modification, all the existing rights of review for a proponent will be maintained, courtesy of part 17 of the bill. No? If the answer to that is there will be some difference, let us get this right before we move forward.

Hon STEPHEN DAWSON: What I told the honourable member is correct, but we are making further tweaks. At the moment, section 238 of the Planning and Development Act says that a State Administrative Tribunal member has to have some qualifications. Under this bill, under proposed section 283(3), for this pathway there needs to be a judicial member, so there will be a change in who can hear the case.

Hon NICK GOIRAN: It is reasonable for the minister to describe that as a “tweak”, because I think that is right. That is really not at the heart of the question of making sure that the proponents’ existing rights of review are maintained. I thank the minister and his advisers for drawing my attention to that level of detail. If potentially a different individual is involved in that review process, it will be appropriate for us to get it clear. At its core, the existing rights of review for proponents will be maintained courtesy of part 17, with the exception of the modification of the temporary turn-off of a minister’s call-in power. Otherwise, the existing rights of review will be maintained. Under clause 4 we will shortly be examining a new right of review for a proponent, and we will deal with that when we get to it. We have just dealt with the rights of review for a proponent. Does any clause in the bill modify any existing right of review for any other person?

Hon STEPHEN DAWSON: No, honourable member.

Hon NICK GOIRAN: Will any clause in the bill modify any existing provision for policies and schemes to be applied, in that now, courtesy of the bill, they will need to have been given due regard?

Hon STEPHEN DAWSON: Would the honourable member mind repeating that question? We are trying to work through it.

Hon NICK GOIRAN: As it happens at the moment in certain circumstances, schemes and policies have to be applied. But I want to know whether in any circumstance at the moment a plan or a scheme needs to be applied, this bill will now lessen that to simply have due regard. For example, maybe the commission will be able to give due regard to a scheme or a policy, whereas perhaps at the moment it has to apply the scheme; it does not simply get to have due regard for it, but actually has to apply it. There is a significant legal difference between “due regard” and “applying”, and I want to make sure that we are clear whether there are any clauses in which there is an attempt to lessen applying the scheme or the policy and instead simply have due regard for it.

Hon STEPHEN DAWSON: In clause 4, proposed section 275(5) makes it clear that the commission can do anything a normal decision-maker can do, which means that just as a normal decision-maker would, the commission can consider those legal instruments. Proposed section 275(6) makes clear that the commission must give due regard to those instruments if they are relevant considerations; that has been made explicit in the provisions. Obviously, as the member would know, “due regard” has an established legal test in its proper, genuine and realistic consideration. I am further advised that the commission’s powers here are not really that new. Similar powers of discretion and variation already exist in the planning system, and this includes things in relation to public works, heritage variations, alternative R-code approvals, pathways, ministerial call-ins and general local planning scheme discretion. Ninety-nine per cent of existing planning schemes have such discretion, so part 17 is an extension of those existing concepts.

Hon NICK GOIRAN: I thank the minister for drawing our attention to proposed section 275 in clause 4, and in particular proposed section 275(6), because it is a good example of what I am talking about. My question at clause 1 is to identify which clauses in the bill, if any, will result in a decision-maker, who currently needs to apply the scheme or the policy, not having to apply it as a result of this bill, but simply having to give it due regard, which is a lesser standard. I want to identify in which clauses that might be. The minister has kindly drawn our attention to clause 4 as an example, and in particular proposed section 275(6). Is that one of the clauses in the bill in which that standard will be dropped from “application” to “due regard”?

Hon STEPHEN DAWSON: I am told that, yes, this is an example of where the application of it will be made more flexible. The member used the word “dropped”, but it will change.

Hon COLIN TINCKNELL: I will be brief; I have only one question. We belong to a democracy system that has lots of checks and balances. I have one principal concern about the potential that this bill could foster corrupt practices, because there will be so much power with one or two individuals. Can the minister give this chamber and the public of WA some assurance, or is there a mechanism in the bill that protects the people of WA in case that power is abused? Are those checks and balances in this bill to protect the people of WA?

Hon STEPHEN DAWSON: I will answer this way: the commission includes six directors general, plus representatives from the Western Australian Local Government Association and experts. The directors general represent Planning, Transport, Environment, Water, Housing and public sector management. All have many years’ experience and are subject to legal, professional and ethical standards as high-ranking public servants. The nature of their employment as neutral public servants means that they are neither subject to the political pressure of a local government councillor nor part-time members from the development industry. The members of the commission are perceived as independent and trustworthy. Those directors general are obviously captured by the Public Sector Management Act at the moment, so if they do something untoward, there are significant penalties. The Corruption, Crime and Misconduct Act would also apply. There is significant legislation with penalties already in place should someone do the wrong thing. It is also important to make the point that the commission’s decisions and reasons need to be published, and that gives them a level of scrutiny that they would not have if they were not published, so it is transparent in that way. As I said, these are significant people—directors general who have been in the public sector for a long time and are delivering. They are trustworthy people.

Hon NICK GOIRAN: Noting the time, can I take this opportunity to ask the minister two questions that he might take advice on over the adjournment. The first is: will any clause in the bill allow the minister to give directions to the Western Australian Planning Commission and other agencies, requiring them to act even if those actions are beyond power? The second question is: will any clause in the bill reduce existing capacity to access the courts by way of judicial review?

Hon STEPHEN DAWSON: There is one minute to go. I am advised that the answer to both of those questions is no. I was given a very forthright response that time.

Sitting suspended from 1.00 to 2.00 pm

Hon TJORN SIBMA: It was not my intention to open up any further lines of inquiry in addition to the questions that I have already put to the minister at this clause, but I might ask a few tidy-up questions, if no-one else is keen, to explore some matters in clause 1 ahead of the rest of the bill. First of all, I was wondering whether there was an answer to the question that I asked about the decision-making process in cabinet to draft this bill.

Hon STEPHEN DAWSON: I was told that approval to draft was given on 27 April and approval to print was given on 15 May.

Hon TJORN SIBMA: The supplementary question I asked previously was: in light of that new information, which I appreciate, whether the government is in a position to advise the consultation it undertook with specific reference to this bill after permission to draft was provided, which the minister has indicated was 27 April

Hon STEPHEN DAWSON: I am advised that an industry briefing took place on 30 April with the Planning Institute of Australia, the Housing Industry Association, the Master Builders Association of Western Australia, the Urban Development Institute of Australia, and the Property Council of Australia in attendance. The issue went back to cabinet on 15 May and the bill that is before us now came out of that.

Hon TJORN SIBMA: I thank the minister for providing the sequence. So that I can understand it, on 27 April, cabinet granted approval to draft the bill; on 30 April, quite quickly afterwards, an industry stakeholders' consultation meeting was convened; and on 15 May, the bill was in sufficient shape and permission to print was sought.

Hon STEPHEN DAWSON: I have been further advised that permission to print was given on 22 May, so I misled the member earlier. No, it was on Monday, 25 May, that approval to print was given.

Hon TJORN SIBMA: I thank the minister. I am going to take it as an operating assumption that the information that has been passed along is correct. However, I am trying to reconcile it with my understanding of the Minister for Planning's attempt, prior to 25 May, to read in the bill in the other place. On 27 April, permission to draft occurred, and on 25 May, approval to print was provided—presumably that is a Monday. The week before and plus one day, on Sunday, I started getting messages. I am a little confused about the status of the bill in terms of the cabinet approval that had been granted at the very time at which the minister was intending to introduce the bill and proceed through all stages of reading it in in the week preceding approval to print. I am trying to reconcile that the bill had not been fully endorsed by cabinet before there was an attempt to read it in. I am trying to get a sense of what shared cabinet ownership there could possibly have been, let alone caucus consensus, prior to this bill being introduced for our contemplation. Could the minister elaborate, please, because I find that time line difficult to reconcile?

Hon STEPHEN DAWSON: I am seeking further advice on that, honourable member.

Hon TJORN SIBMA: I thank the minister. Is the minister seeking a further answer to the last question?

Hon STEPHEN DAWSON: Yes.

Hon TJORN SIBMA: I will sit down.

Hon STEPHEN DAWSON: Honourable member, I apologise. It has been guaranteed that it went to cabinet on 18 May, the opposition were offered a briefing on 19 and 20 May, and it was read in on 20 May.

Hon TJORN SIBMA: I understand. I thank the minister for that clarification. There is a lot going on all at once and it is very easy to lose grip of the time line. I appreciate that; nevertheless, I am interested in the briefing that the minister mentioned that was provided to industry three days after. I think 30 April was the prior advice. Presumably, that was a meeting initiated by the minister or her office?

Hon STEPHEN DAWSON: I am advised that the member is correct.

Hon TJORN SIBMA: In addition to the stakeholder groups identified, who else was present from government, either from the Western Australian Planning Commission or the minister's office, at that meeting?

Hon STEPHEN DAWSON: In light of this line of questioning, I am going to switch out advisers, because I think we may get swifter movement, if that is okay. I ask the assistants to help facilitate the change of advisers for me, please.

From the top of my advisers' heads, to the best of their recollection, in attendance were Kathy Bonus, the chief planning adviser; Gail McGowan, the director general of the Department of Planning, Lands and Heritage; the minister; and the minister's advisers, Mr David McFerran and Ms Emma de Jager.

Hon TJORN SIBMA: I thank the minister. Were minutes of that meeting kept?

Hon STEPHEN DAWSON: I am advised that minutes were not kept.

Hon TJORN SIBMA: Were any conditions placed on the attendees of that meeting insofar as divulging the substance or contents of that meeting; and, if so, could the minister elaborate on what those conditions might have been?

Hon STEPHEN DAWSON: I am advised that those present were asked not to take any written information from the room.

Hon TJORN SIBMA: One would therefore conclude that written material was distributed at that meeting. Would that be a correct assumption?

Hon STEPHEN DAWSON: There was some written material shown to attendees.

Hon TJORN SIBMA: Could the minister precisely identify the material that was distributed at that meeting, please?

Hon STEPHEN DAWSON: I am told that it was the broad framework of the bill, so the key principles that the drafters were working on. Because the issue had not been back to cabinet for a decision, it was not appropriate for information to be taken away, because it was still under consideration.

Hon TJORN SIBMA: Minister, I assume that, effectively, there was a request that no written material that was distributed or revealed in the course of that briefing by the government be taken from the room. Was there also a request that no notes be taken at that meeting, or is that an incorrect assumption?

Hon STEPHEN DAWSON: I am advised not to the advisers' recollection, no.

Hon TJORN SIBMA: How long did this specific meeting last for?

Hon STEPHEN DAWSON: To the best of our knowledge, it went for about 90 minutes.

Hon TJORN SIBMA: Was the minister present for the entirety of those 90 minutes or thereabouts—the whole length of the meeting?

Hon STEPHEN DAWSON: I am advised thereabouts, honourable member.

Hon TJORN SIBMA: In broad terms, could we be enlightened about the particular issues or responses that were elicited by those industry stakeholders during the course of this meeting?

Hon STEPHEN DAWSON: Unfortunately, honourable member, I cannot divulge that information. I do not have it, but also, without checking with those who were present, it is not appropriate to talk about what they might have spoken about.

Hon TJORN SIBMA: I accept that. I might ask a more specific question about the issue of the thresholds of this bill and how they might be set, which we will inevitably come to as a result of amendments moved by Hon Rick Mazza. Some movement in that dimension will probably end up in a reasonable place. Specifically, on the issue of thresholds as they relate to the financial cost component, the net lettable area or the dwelling yield, was the government's position on that matter briefed to the stakeholders; and, if so, what was their response?

Hon STEPHEN DAWSON: I am advised that it was a fairly open discussion. The minister sought feedback on the appropriate thresholds. I understand organisations were able to have a think about it and provide their feedback to the department.

Hon TJORN SIBMA: I anticipated that something like that would have occurred. The four stakeholder groups that the minister mentioned were, I think, the Planning Institute Australia, the Housing Industry Association, the Property Council of Australia and the Urban Development Institute of Australia. I want to make sure I am not missing anybody.

Hon STEPHEN DAWSON: There was a fifth one. It was the Australian Property Institute, the HIA, the Master Builders Association, the UDIA and the Property Council of Australia.

Hon TJORN SIBMA: We almost have a full complement of acronyms, I think, though not the whole way. Subsequent to this meeting, did one or all of those five stakeholder groups provide feedback, either through the minister's office, the department or the Western Australian Planning Commission, on the issues that were canvassed at that meeting prior to the bill being introduced into the other place?

Hon STEPHEN DAWSON: We do not have that level of detail with us. I am aware that some of those organisations made contact with the department and some made contact with the minister's office. As to who did what, I do not have that information available.

Hon TJORN SIBMA: I want to elicit that information, if I can, because the industry response to the intent of the bill has generally been quite positive. Nevertheless, in drafting policy, legislation or regulations, a line inevitably has to be drawn somewhere and, obviously, one finds oneself on either side of that line. I would like to understand whether any of those industry representatives put observations about the effectiveness or efficiency of the land assembly side, the metropolitan region scheme or structure planning procedural side, because this bill deals specifically with built form development applications. The government has consistently ruled out that this would apply to a new structure plan, a subdivision or a rezoning of a MRS. Were any of those issues raised at that meeting? For what reason did the government exclude those kinds of considerations, if indeed these considerations were put to it at this forum?

Hon STEPHEN DAWSON: Yes, representations were made. Structure plans and scheme amendments have quite different applications to land development applications. Structure plans are master planning documents with a legal status akin to policy documents, such as state planning policies. As planning schemes have the status of subsidiary legislation, the scheme amendment is in fact a type of legislative process. Structure plans and scheme amendments are also a very extensive process, much more extensive, and they impact multiple landowners. We do not believe that grafting structure plans and scheme amendments into this bill, or into the part 17 process, would have been an easy fit. There might be a different or easier way to achieve similar outcomes. It was discounted.

Hon TJORN SIBMA: I thank the minister for that clarification. The commitments entered into at this meeting specifically lead me to my question: were any commitments made by the government during the course of this meeting; and, if so, could the minister please elaborate on those commitments?

Hon STEPHEN DAWSON: I think a commitment was made that we would consider the feedback that they would give us, but that was the extent of it, to my knowledge.

Hon TJORN SIBMA: Were industry stakeholders present at that meeting also given an insight into the government's preferred timing for the introduction and passage of this bill?

Hon STEPHEN DAWSON: I am advised that those present were told that this bill would form part of the state government's COVID-19 response.

Hon TJORN SIBMA: Is there a reason why the representation of that meeting was as it was? Was a representative from the Western Australian Local Government Association invited to that meeting?

Hon STEPHEN DAWSON: I am advised that WALGA was briefed through three prior informal sessions and was provided a draft bill at the same time as the honourable member, but there was a different conversation, plainly because it is a different organisation. Those five that I previously listed are all in the property development space.

Hon TJORN SIBMA: Yes, I understand the distinction, minister, but the obvious point is that the implications and the impact of this bill cut across all different stakeholder groups, including WALGA, but more specifically local governments, which comprise its membership. Could the minister please indicate the specific dates of the three meetings, I think, that he identified in his answer?

Hon STEPHEN DAWSON: No, I do not have that information before me, honourable member, but it was three informal sessions.

Hon TJORN SIBMA: Who was the WALGA official who represented the organisation at those three meetings?

Hon STEPHEN DAWSON: I am advised that the CEO, Nick Sloan, was involved in two of those sessions. I also understand that Vanessa Jackson and Mark Batty were involved in a third session.

Hon TJORN SIBMA: Similarly, were any conditions around the disclosure of information put around those meetings at all that would circumscribe even communication of the essence of what was discussed to a broader audience in the local government sector or within WALGA itself?

Hon STEPHEN DAWSON: I am aware of the details of only one of those sessions. In that session, the same type of thing happened as occurred with the other five organisations; that is, they were spoken to about the key principles that the drafters were working on. The information was obviously relayed to them. They were not directed to speak to anybody further. That relates to only one session; I have no detail about the other two sessions.

Hon TJORN SIBMA: Were any minutes of those three meetings taken?

Hon STEPHEN DAWSON: Not to my knowledge, certainly not in the meeting when my adviser was present. I understand that no minutes were taken at either of the meetings.

Hon TJORN SIBMA: Perhaps when the minister is able, because we will get past this very quickly, would he please table the times and dates at which those three consultation meetings with WALGA occurred?

Hon STEPHEN DAWSON: Yes, I am happy to provide that information provided that it does not hold up the progress of the bill.

Hon TJORN SIBMA: Did those organisations that were mentioned so far during this line of inquiry constitute the entirety of organisations that were consulted on the development of this bill between the dates that we have already identified?

Hon STEPHEN DAWSON: We cannot say. We do not have that information before us. Along with the other information sought, I am happy to find out who else might have been consulted, bearing in mind it is within those dates because, obviously, as I alluded to, 105 of the 106 changes in the bill have been around variously since 2013.

Hon TJORN SIBMA: I have a final question along these lines. It refers to the bill that is to be drafted. Can the minister advise whether consultation has commenced on the drafting of this next bill; and, if so, with whom has the government consulted?

Hon STEPHEN DAWSON: I am advised that it would have been mentioned in those briefings that a second bill was on the way. I understand that there will be standard consultation on the second bill. Obviously, because of the COVID-19 pandemic, we had a shorter period in which to consult. It is anticipated that a second piece of legislation will be brought forward later in the year. There will be fulsome consultation on that legislation.

Hon NICK GOIRAN: I have one last question about clause 1. It is a follow-up to an answer that was given before lunch. One of the two questions I asked was: will any clause in the bill allow the minister to give directions to the planning commission and other agencies requiring them to act even if those actions are beyond power? The minister might remember that it was one of two questions I asked. I suggested that some advice be taken over the lunchbreak but the minister kindly provided a rapid response. I want to draw his attention to clause 4 and, in particular, proposed section 281(6) on page 24 of the bill. It states —

The decision-maker must comply with the direction —

Remember, minister, this direction has been given by the minister to the decision-maker —

- (a) even if that involves doing something, or omitting to do something, that, apart from this subsection, the decision-maker could not do, or could not omit to do, under any legal instrument; and
- (b) without limiting paragraph (a), despite any time limit that would, apart from this subsection, apply under any legal instrument in relation to anything to which the direction relates.

I would have thought that that was exactly one of the clauses that would relate to the question I asked earlier. I seek the minister's clarification on that and ask whether there are any other like clauses in the bill.

Hon STEPHEN DAWSON: I am advised that, as set out in proposed section 281(1)(b), the decision-maker is not the commission. The commission is defined, so the decision-maker is not the commission.

Hon NICK GOIRAN: I reiterate my question. I appreciate that the minister does not have the *Hansard* and it was all done very quickly before lunch. I asked: will any clause in this bill allow the minister to give direction to the planning commission and other agencies, requiring them to act even if those actions are beyond power? The minister quite correctly drew to my attention the fact that the definition of “decision-maker” at proposed section 281(1)(b) does not appear to include the commission but includes a person or body. I would have thought that would be captured by the essence of my question or the particular provision of my question when I referred to other agencies. I want to be clear: are there any clauses in the bill that allow the minister to give directions to, let us say for the purpose of this exercise, anyone? Can the minister give directions to any person requiring them to act even if those actions are beyond power; and, if so, what are those clauses?

Hon STEPHEN DAWSON: I apologise because I had the question written down before the break as any clause in the bill that allowed the minister to direct the commission. We did not take notice of “any other agency”. Absolutely, the answer is no in relation to the commission. In relation to other agencies, the answer is yes. If we misunderstood the question and I misled the chamber, I apologise.

Hon NICK GOIRAN: I thank the minister. There is no problem because it was rushed prior to the lunchbreak. I wanted some clarification. Is the provision that I have identified at clause 4, proposed section 281(6), the only one of these types of provisions in the bill that will allow or require a person to comply with a direction from the minister that would otherwise be beyond power? I want to see whether this is a one-off aberration in the bill or whether some sort of systemic pattern is emerging.

Hon STEPHEN DAWSON: I am told that proposed section 282 is similar to proposed section 281. Further, proposed section 275(4)(b) is similar, although it does allow an additional degree of flexibility. For example, at the moment, if there was a requirement to consult the Heritage Council of Western Australia and it had to reply within, say, 42 days, a direction could be given that it reply within 24 days.

Hon NICK GOIRAN: Just to be clear that we are referring to the same things here, when the minister said “further at proposed section 275”, does he mean “earlier at proposed section 275”? The reason I say that is because, as the minister will appreciate, this bill amends a number of provisions in a number of acts, and I want to be clear that we are referring to clause 4. In other words, if I have further issues about this, is clause 4 the place to deal with it?

Hon STEPHEN DAWSON: Yes.

Clause put and passed.

Clause 2: Commencement —

Hon NICK GOIRAN: I move —

Page 2, after line 10 — To insert —

- (2) However if a provision of this Act does not come into operation before the end of the period of 10 years beginning on the day on which this Act receives the Royal Assent, the provision is repealed on the day after that period ends.

I will provide a brief explanation to save the time of the chamber. This is what I would like to think is becoming a customary provision. I thank Hon Michael Mischin, who is the original author of this provision. As members will be aware, this amendment will ensure that if any provisions do not come into effect in the next 10 years, they will be repealed.

Hon STEPHEN DAWSON: I indicate that the government does not oppose this amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 3 put and passed.

Clause 4: Parts 17 and 18 inserted —

Hon TJORN SIBMA: We will probably stay parked in this clause for some time to make progress and seek clarification. I indicate to the minister that I have a number of amendments to clause 4 listed on the supplementary notice paper, as do other members. I hope that we can get through them in an orderly way. I will sit down, because I know that Hon Rick Mazza is very keen to move his amendment, which appears well ahead of mine.

Hon RICK MAZZA: I might look for a bit of direction from you, Mr Deputy Chair, on this clause. This is a consequential amendment to a substantive amendment that appears as amendment 46/4. My question to you is: do we defer a couple of the inconsequential amendments and recommit the bill at a later stage or do we progress in chronological order, given that there is general agreement from the majority of members that they support amendment 46/4?

The DEPUTY CHAIR (Hon Martin Aldridge): I cannot make a decision about whether a clause is deferred or recommitted; that is a decision of the chamber. The matter you raise is that your amendment 43/4 is linked to the more substantive amendment 46/4. Similar to the way in which the chamber has dealt with other bills recently, I will allow some latitude for you to canvass the substantive amendment now so the chamber can make a decision on the first amendment, which will inform the chamber later.

Hon RICK MAZZA: Mr Deputy Chair, just to be clear, do you want me to move my amendment 46/4, which is the substantive amendment?

The DEPUTY CHAIR: You will move the amendment 43/4 and I will allow you to speak to the two related amendments as one. The chamber will then make a decision on amendment 43/4, which will then inform, I suspect, how the chamber will consider amendment 46/4 at a later time.

Hon RICK MAZZA: I think I have got that. Thank you, Mr Deputy Chair.

Amendment 46/4 seeks to ensure that any project with an estimated value of \$10 million or more within the metropolitan region, or an estimated value of \$5 million outside the metropolitan region, would comply and would not have to meet any other criteria. The consequential amendments relate to removing the criteria for 100 or more units or 20 000 square metres, as it applies to warehouses and industrial-type developments. With that, I move —

Page 4, lines 7 to 13 — To delete the lines.

Hon TJORN SIBMA: I seek some guidance. It is one thing to deal with amendment 43/4, which, itself, is contingent on some consensus on or determination of the member's substantive amendment at 46/4. I will do this now unless I am told to sit down and wait for the appropriate opportunity. If we are going to deal with the substance of amendment 46/4 now, I seek confirmation of the government's interpretation of this. I was led to believe—I might be wrong; I do not want to ascribe views to anybody who is not in our party—that consensus was reached behind the Chair that, should the threshold be dropped, it would be lifted to \$20 million. I understand that, behind the Chair, the government was keen to accept that position and would move an amendment to the amendment to that degree. That might be wrongly constructed in my mind. I think it behoves everybody that we get clarification of what the government is going to do, not so much with the principle of lowering the threshold, but on the level of threshold that is likely to be established. If the minister can confirm where we are going with this, that would be appreciated.

Hon STEPHEN DAWSON: Mr Chairman —

The CHAIR: If you would just give me one moment, minister, because there has been a change of Chair. I understand that Hon Rick Mazza has now formally moved at page 4, lines 7 to 13, to delete the lines, so the question is that the words proposed to be deleted be deleted. Obviously, this amendment, and several of the other amendments, relate to clause 4. Therefore, minister, it is perfectly logical that we canvass the central issues implicit in the amendment, and members should be free to do so. Minister, your comments, please.

Hon STEPHEN DAWSON: Thank you very much, Mr Chairman. The honourable member stole my thunder. I was about to indicate what the government is going to do, and the member has probably told the chamber what I am going to do. The member is certainly correct.

Hon Tjorn Sibma interjected.

Hon STEPHEN DAWSON: We have very little fun in this place, and I have some good news to deliver, but my thunder was stolen—no apology needed!

The CHAIR: Order! The minister has good news, apparently.

Hon STEPHEN DAWSON: I appreciate the latitude that has been provided by the Chair. The amendments standing in the name of Hon Rick Mazza at 43/4, 44/4, 45/4 and 46/4 are, of course, all interrelated, with 46/4 being the substantive amendment. The government is very keen to work constructively with honourable members in this place. We appreciate the confidence, I guess, that Hon Rick Mazza has in the WA Planning Commission by moving an amendment that seeks to lower the threshold to \$10 million. However, there has been discussion behind the Chair, and my intention is to support amendments 43/4, 44/4 and 45/4, and to move an amendment to 46/4 that would delete \$10 million and substitute \$20 million. We think that would be a reasonable outcome. The risk of lowering the threshold to \$10 million is, quite frankly, that we would shift the balance and put too much work through the special pathway. The figure of \$20 million is one that we could support and that could still deliver the outcomes that are sought through the amendment bill before us.

Hon ALISON XAMON: I am afraid that it would appear that the good news is relative. The Greens are not enamoured with the news from the government about how it intends to treat the proposed amendment from Hon Rick Mazza. I reiterate the concern of the Greens about the creation of this pathway in the first place. Therefore, the idea that the threshold is proposed to be lowered even further does not instil confidence. It is redefining “significant” to a substantially lower level than is anticipated by the bill. The concern of the Greens is that it will expose more projects to the transparency and oversight risks that my colleague Hon Tim Clifford and I have identified within this legislation and have already outlined to the chamber.

I note also that the Department of Planning, Lands and Heritage is working within a \$4 million budget to set up a new team to support the WAPC to make assessments, based roughly on last year’s numbers, of the 50 or so applications that would have met the criteria as defined originally within the bill. I ask the minister to confirm how many applications would meet the proposed \$20 million threshold, and can I also please get confirmation that the budget would support that increase?

Hon STEPHEN DAWSON: I am advised that based on data for last year, 2019, the development assessment panels determined 89 applications that would fit a threshold of \$20 million for the metropolitan area and \$5 million for regional areas. That was approximately 63 metro projects and 26 regional projects.

Hon ALISON XAMON: Can I confirm that we are looking at almost double the number that was originally anticipated with the \$30 million threshold? What sort of increase in numbers are we talking about?

Hon STEPHEN DAWSON: Originally, I said 60. I am now saying 89. The honourable member might not have been very good at maths, but that is not a doubling. It is 30 more, which is a 50 per cent increase on the previously proposed threshold.

Hon ALISON XAMON: I confirm that I was actually in advanced maths at school—I just thought I would let the minister know that—and as I have said that to the chamber, people will know it is not a lie. The number that I had was 50-odd, which of course is slightly under the 60 that has been claimed here, but it is still a significant increase. The second part of my question was about whether the original budget allocation that has been put aside to set up the team that will manage these new projects will facilitate the increased threshold, or whether more moneys are likely to be required to deal with the additional workload.

Hon STEPHEN DAWSON: Obviously, I am not the minister with responsibility for the bill, and, indeed, this bill has not gone through the Expenditure Review Committee of cabinet, but I am advised that if this amendment is passed, we will work through the implications for the budget. The likelihood is that should additional moneys be required, further support would be sought from Treasury.

Hon ALISON XAMON: I recognise that the minister has not yet gone through the processes to fully determine the implications of the proposed amendment, but is there an approximate indication of the additional moneys that would need to be sought in order to meet the amendment in front of us?

Hon STEPHEN DAWSON: Not at this stage.

Hon COLIN de GRUSSA: Just to continue with the theme of establishing some numbers around these possible projects, the minister said 60 under the scheme as originally proposed in the bill. Does the minister have the numbers around how many of those would have been regional projects?

Hon STEPHEN DAWSON: I do not have a breakdown of the approximately 60 applications that fit the current threshold. I have breakdown figures only on the possible \$20 million or \$10 million thresholds. I do not have the initial breakdown. If I can find that, I will provide it, but it is not available to me at this stage.

Hon COLIN de GRUSSA: I thank the minister for that. In terms of what would happen under the \$5 million threshold as proposed in the amendment to this clause, is there any geographic breakdown of where those projects might be, or is there a number of projects in regional areas that would fall within that threshold?

Hon STEPHEN DAWSON: There is not. These figures are based on the 2019 data. It is what we have had previously. We do not know what is ahead of us or what will be before us, because, obviously, we are not sure what projects are out there or might come forward if the threshold is changed.

Hon COLIN de GRUSSA: In terms of the threshold that is proposed in this amendment, would the government consider it fair to say that a project of \$5 million in value in, say, a small wheatbelt shire would be a very significant project? Perhaps a project of \$5 million in Karratha, for example, would not be such a significant or big project. Is there a view on that?

Hon STEPHEN DAWSON: That really is a value judgement. It is fair to say that it is more costly to build in regional Western Australia generally. It is more costly to build in certain places in regional Western Australia. Although a \$5 million project in the wheatbelt might be significant for that town, travel costs and transportation costs et cetera are involved, and, really, we are not dealing with apples and apples. However, we have settled on a \$5 million threshold for regional Western Australia, and it is hard to go anywhere else with it.

Hon COLIN de GRUSSA: Why then is it necessary to have a separate threshold for regional areas, or areas outside of the metropolitan area, when there is already a referral pathway in this legislation?

Hon STEPHEN DAWSON: I am not sure whether this answers the question, but we are keeping a referral pathway for any proposals that fall outside the box. But I think members' concerns will fall away if this amendment is passed. I do not think there is anything to worry about in that regard.

Hon TJORN SIBMA: This might be a leading question, and we will probably get to it when the amendment to the member's substantive amendment is put by the government, but while I have the opportunity, I want to follow on the line of questioning that Hon Colin de Grussa put to the minister, because it is not an inconsequential consideration. It is obvious, quite clearly, from the way that the bill is presented that at the time the government set those thresholds, initially it contemplated the potential for proposals to fall outside the thresholds but, nevertheless, be on some measure meritorious. My concern is with that original window of opportunity being reasonably ill-defined and there not being a commonly understood threshold or set of criteria by which we might enter it. I do not want to pre-empt what I will say at the appropriate opportunity, but, just on this point, I want to know whether that capacity to designate a regionally significant or state significant project is actually required at all in light of these thresholds being set. I see that one of the advantages is that at least a minimum floor has been established that might—if I might be a little bit pejorative—serve as a filter that prevents less meritorious and potentially lamentable projects from getting a look-in in this expedited system. I am just trying to get a sense. It might be too early to judge this, but will the minister proceed with this regional/state significant approvals pathway outside the threshold now that these new levels are being set?

Hon STEPHEN DAWSON: The substance of the honourable member's question is correct, but we are still keeping a referral pathway. The likelihood is that it may not be used often or, indeed, it may rarely be used in regional Western Australia, but the minister's and the government's view is that it would be helpful to have because at some stage there may well be some weird tourism proposal, for example, that would benefit from such a pathway.

Hon TJORN SIBMA: No doubt what the minister meant to say was a unique, novel proposition; a one-of-a-kind—a real attractor.

Hon Stephen Dawson: No, I meant “weird”, but “unique” is another possible word for it.

Division

Amendment put and a division taken, the Chair (Hon Simon O'Brien) casting his vote with the ayes, with the following result —

Ayes (24)

Hon Ken Baston	Hon Donna Faragher	Hon Martin Pritchard	Hon Matthew Swinbourn
Hon Jim Chown	Hon Laurie Graham	Hon Samantha Rowe	Hon Dr Sally Talbot
Hon Alanna Clohesy	Hon Alannah MacTiernan	Hon Robin Scott	Hon Dr Steve Thomas
Hon Peter Collier	Hon Rick Mazza	Hon Tjorn Sibma	Hon Colin Tincknell
Hon Stephen Dawson	Hon Michael Mischin	Hon Charles Smith	Hon Darren West
Hon Sue Ellery	Hon Simon O'Brien	Hon Aaron Stonehouse	Hon Pierre Yang (<i>Teller</i>)

Noes (7)

Hon Martin Aldridge	Hon Robin Chapple	Hon Colin de Grussa	Hon Alison Xamon (<i>Teller</i>)
Hon Jacqui Boydell	Hon Tim Clifford	Hon Diane Evers	

Pairs

Hon Adele Farina	Hon Colin Holt
Hon Kyle McGinn	Hon Nick Goiran

Amendment thus passed.

Hon Dr STEVE THOMAS: I move —

Page 4, line 21 — To delete the line.

We discussed this during the second reading debate. My view is that it is unacceptable to remove the Environmental Protection Act as a part of this process, and I am very pleased to see that the Minister for Environment has convinced his cabinet colleagues to agree to that position. I think that is a win for the environment. For those members who missed a riveting second reading contribution, I asked the Minister for Environment how many proposals that would have met the thresholds would have been assessed under the Environmental Protection Act and at what levels. The answer came back that two proposals would have met the threshold and that neither went to formal assessment. It was deemed that they did not need to be assessed. In terms of the minister's answer it is the case that there are nil projects or proposals that were blocked by the Environmental Protection Act that would have met the threshold. For that reason, I seek to remove the Environmental Protection Act as a legislative instrument that can be ignored. I thank the minister for taking the same position. I ask members of the chamber to support the amendment to remove that legislation from this bill.

Hon STEPHEN DAWSON: I indicate that we are in support of this amendment. As Hon Dr Steve Thomas indicated, I had placed a similar amendment on the supplementary notice paper. The purpose of the amendment is to clarify that the Environmental Protection Act will not be captured by new part 17 and it does that by altering the definition of "legal instrument". I agree with Hon Dr Steve Thomas and will support his amendment. I further flag that the Parliamentary Counsel's Office has recommended that if this amendment is passed, further changes will be required. Simply deleting the reference to the Environmental Protection Act in proposed paragraph (b)(ii) will not be enough. Even with that deletion, the Environmental Protection Act could still be covered under proposed paragraph (c), which refers to "any enactment, other than this Act". The Interpretation Act defines an enactment to mean any written law, and the Environmental Protection Act is clearly a type of written law. I indicate that I have further amendments on the supplementary notice paper at 15/4, 17/4 and 19/4 that are linked to this. I will support this amendment, and for those who support this amendment, hopefully they will support those further amendments.

Hon NICK GOIRAN: My question flows from the response that has just been provided by the minister and the advice that he has been given by, I think, parliamentary counsel, or some legal adviser anyway. If that is the case, why do we need proposed paragraph (b) in the definition of "legal instrument" at all? The advice that the minister has been given and has advised the chamber of is that if we delete proposed paragraph (b)(ii), which deals with the Environmental Protection Act, there is a concern that, as the bill currently reads, it will be captured by proposed paragraph (c). By definition, it follows that the enactments in proposed paragraphs (b)(i), (iii), (iv) and (v) would also be covered by proposed paragraph (c). I do not think that the advisers can have it both ways. Either the enactments listed under proposed paragraph (b) are captured by proposed paragraph (c) or they are not. I would think that one way in which proposed paragraph (c) could be interpreted would be to say that Parliament has gone out of its way with proposed paragraph (b) to list those matters. The dialogue that is happening right now about this matter should be noted, and it is not the intent of the Parliament that the Environmental Protection Act 1986 be included. I seek clarification on that because, otherwise, it seems as though proposed paragraph (b) of the definition of "legal instrument" is entirely unnecessary.

Hon STEPHEN DAWSON: Wiser people than me advised me, but I am told that proposed paragraph (b) technically need not exist. Its sole purpose is to aid readers by referring them to the most common enactments that interact with or influence planning decisions.

Hon NICK GOIRAN: I do not find that satisfactory. I think that the entirety of proposed paragraph (b) could be deleted. Be that as it may, I will leave it to others to determine those things. The government has come late to the party that has been started by Hon Dr Steve Thomas and has now joined his party by deciding that the Environmental Protection Act 1986 should not be mentioned here as a legal instrument. Somebody in the government must have decided at the first instance that it was sufficiently important to go out of their way to put it in the bill in proposed paragraph (b). I do not want to quibble with the minister about that. My question is: if we are now as a chamber being told by the shadow Minister for Environment, and I take my lead from him in this respect, and by the Minister for Environment that we should carve out the Environmental Protection Act 1986, why should we leave in the other acts that are listed?

Hon STEPHEN DAWSON: The Environmental Protection Act is a special case in Western Australia. I think it is section 5 of that act that states its pre-eminence. The amendment ensures that the Environmental Protection Act retains its pre-eminent status as the primary legislation to protect Western Australia's environment. The bill has been drafted to deliver conditions for a rapid recovery in this state, and it is not since 1929 that we have faced circumstances such as we have faced recently. It was never the intention for this bill to override the requirements of the Environmental Protection Act. In fact, it retains a requirement for proponents to comply with the Environmental Protection Act processes to achieve environmental approvals. However, to put it beyond doubt that we remain steadfast in our commitment to good environmental management, we seek to remove reference to the Environmental Protection Act.

Hon NICK GOIRAN: I understand that. I would like clarification that the government is saying that it does not want to override the Environmental Protection Act because it has important provisions that it does not want to override. By implication, the minister is saying that the government does want to override the Heritage Act. For the purposes of this legislation, it does not care about heritage, but it cares about the environment. That implication is made by what we are doing here right now. I profess to have no expertise in the area of heritage, but I make the point, as a lawmaker and a legislator, that if we are about to carve out the Environmental Protection Act because we are saying that it is a special act and that it has a special place in Western Australia and in the hearts of members, then the Heritage Act apparently does not have a very special place in the hearts of members. I would like some clarification from the government about this particularly, minister, and I drive home this point. Somebody in government, including every single cabinet minister, on a date that has been extracted by Hon Tjorn Sibma, at some point in time decided that they specifically wanted these five acts to be listed—all five of them. They went out of their way. I know that cabinet ministers will have read the bill in detail. They would not have felt rushed in any way, unlike other members. They certainly would have jostled with the Minister for Planning and would have made sure that the Minister for Planning did not simply get her way by presenting whatever she liked to the cabinet table and having it approved. I am sure that none of that would have happened. Someone has decided that all five acts must be specifically mentioned. Now we have the government coming to the Hon Dr Steve Thomas party—excellent party that it is—and saying that it no longer wants to include the Environmental Protection Act. I am asking for some clarification about why the Heritage Act should be treated differently.

Hon Dr STEVE THOMAS: Before the minister responds, I thank Hon Nick Goiran for his comments. He is absolutely right. In the amendment that I have moved, it is absolutely the case that I expect the Environmental Protection Act to be treated as a separate entity and a higher act than the other acts that are listed in that process. That is absolutely the case. I think the Environmental Protection Act protects the future of Western Australia, whereas many of the other acts, in my view, can be managed under the auspices of the Department of the Premier and Cabinet process. It is absolutely the case that I have highlighted a specific act.

I also take the opportunity to say to the Minister for Environment that it is absolutely my intent to support his further amendments. They are good amendments; they follow up. If I had the assistance of parliamentary counsel, I probably would have ended up including those as well; unfortunately, this was a fairly rushed process for me. But it is absolutely the case that I have highlighted the Environmental Protection Act as a special case. I am very pleased that the government has seen that and also agrees that the EP act is a special case. I thank the minister for his subsidiary proposed amendments, which will come up, and I ask all members of the chamber to support those amendments when they are proposed.

Hon STEPHEN DAWSON: I thank Hon Dr Steve Thomas for his contribution. Honourable member, we are not saying that the Heritage Act is not important, but we are acknowledging the pre-eminence of the EP act. As I have previously stated, the EP act has been treated to a higher degree and has had a more prominent role in state legislation than other legislation previously, and it is our intention to keep that into the future.

Hon ALISON XAMON: It should come as no surprise to anybody that the Greens will of course be supporting the amendment as proposed by Hon Dr Steve Thomas. I look forward to receiving his membership application for the Greens. We certainly accept that the EP act must be treated as a pre-eminent act within this state, and I hope that continues to be the case in all legislation that comes before this place. I am not going to hold my breath. I do want to say, though, that I still remain concerned about the inclusion of acts such as the Contaminated Sites Act and the Heritage Act, as well as the Swan Valley Planning Act and other important acts. I certainly take the point of law made by Hon Nick Goiran that it raises the question of why these are even here in the first place, but as the Greens are not supportive of the inclusion of any of these acts in the first place, that is not where I am going to be focusing my energy. However, we will absolutely be supporting the amendment in front of us, as well as the subsequent amendments to give effect to it.

Hon RICK MAZZA: I, too, rise to support the amendment that has been proposed by Hon Dr Steve Thomas. I take on board some of the comments made by Hon Nick Goiran about the other acts that are defined within the bill. However, if we were to remove any of the other acts, I think it would greatly diminish the effectiveness of this bill and the proposed cutting of red tape. I am quite convinced by Hon Dr Steve Thomas that the other acts can be managed. Contaminated sites can be managed; obviously, there will be requirements to remove contaminated soil and replace it. I am quite comfortable with the other acts that are in the bill, and I support the amendment of Hon Dr Steve Thomas to remove the Environmental Protection Act.

Amendment put and passed.

The CHAIR: Proposed amendment 14/4 on the supplementary notice paper will now not be proceeded with. There is a further amendment proposed by Hon Tjorn Sibma.

Hon TJORN SIBMA: I want to begin by following the thread of the conversation. We have just come to a very sensible resolution concerning the striking out of the reference to the Environmental Protection Act 1986 and identified that in the scheme of all acts, this occupies a very special place. I think, in the course of doing that, and continuing the logical thread put by both Hon Rick Mazza and Hon Nick Goiran, what then is the logic and purpose

for the inclusion of the Contaminated Sites Act, the Heritage Act, the Swan and Canning Rivers Management Act and the Swan Valley Planning Act? The answer that has been provided is that these acts are effectively—this is my construction—the source of the mischief. That is a phrase someone put to me this week. These acts are the source of the mischief in the orderly and timely determination of planning approvals. This is where the rub points are. These acts are the origin of most of the problems. I am prepared to accept that to some degree, as long as we can substantiate it in proportional terms. How much of a problem has the operation of the Contaminated Sites Act been on projects of the scale that we were contemplating initially and are about to include after this point? The same goes for each of the acts listed there. I am not asking this question to be obtuse or to extract more big data from the government, but we need to have the justification for this tested when we have the opportunity. I also reflect on this: whether a member is in government, opposition or any other party, people will complain to them quite regularly about approval systems and red tape in a general sense. Members could ask, “What specifically is the problem here? Give me a time and motion study. Where could you objectively identify there being a problem, and is the problem a cultural issue, a personal interpretation issue or a professional credibility issue, or are you just making excuses for the fact that you did not do your paperwork properly and nobody in their right mind could actually approve your proposition?” If we could at the very least identify which of these acts listed here proportionately carries the biggest load of disgruntlement, upset or obstruction, that would be very, very useful, because that has largely informed why I have included the Local Government Act in my amendment on the supplementary notice paper, and I will explain a bit about that next. But if the minister could provide some insight not in qualitative terms—we have that already—but quantitative terms, that would be very useful.

Hon STEPHEN DAWSON: I am told that these acts place an obligation on the commission when making a decision. The Contaminated Sites Act relates to memorials on title and the Heritage Act relates to a heritage agreement. This bill will allow for a more flexible approach. We will not ignore those acts, but this will allow more flexibility. I understand that the biggest offender that causes the most issues, if the member was going along those lines, is probably the Heritage Act.

Hon TJORN SIBMA: That is really useful information to know. Sometimes we can take a scalpel rather than a sledgehammer to legislation. The government could have possibly dealt with the interface of the Heritage Act three years prior to the presentation of this bill, if that act, as the minister told me—I have every reason to believe him—is the prime suspect or major offender of mischief that occurs in the orderly processing of development application determinations. Is that the case across the spectrum of planning determinations made, or is that specifically the case for the kinds of significant developments that are contemplated in this legislation? This is an important question, because the government is creating a streamlined approval system for an identified subclass of significant developments that we are about to effectively determine by the dollar value, which is fair and reasonable. Does the Heritage Act have a disproportionate impact on a structure plan and does that impact, to a large degree, redevelopments up and down St Georges Terrace, for example?

Hon STEPHEN DAWSON: Just to be clear, this does not involve structure plans; however, I am told that it is site specific. Larger complex developments are most likely to equal larger complex impacts.

Hon TJORN SIBMA: Would it be possible to provide the last two or three problems, or some case studies at least, regarding the operation of the Heritage Act and its interface with determinations made on development applications? At the very least, this would be useful information. I imagine that it would be within the capacity of the government to extract that kind of information, because these kinds of cases might end up at the State Administrative Tribunal and we could just look at the hearings listed as one metric. That is one question, I suppose. My next point is: if the logic of the listing of these acts, in particular the Heritage Act 2018, is to focus the mind on the enactments that cause the majority of trouble, as I have asked over the course of the last week through questions without notice, what about the Main Roads dimension? Main Roads WA features significantly within the Department of Planning, Lands and Heritage’s own reform approvals information material as being the source of a substantial degree of irritation. I have been advised that it is not the Main Roads Act 1930 but the Local Government (Uniform Local Provisions) Regulations 1995 that is apparently the source of the mischief. I would like to get a sense of the proportion of the encumbrances, dysfunction or obstacles in the approval space that are caused by the application of those regulations compared with any of these other enactments that the bill has listed, and specifically the Heritage Act 2018. I have not been in this shadow portfolio very long, but nobody has yet complained to me about the Heritage Act to the degree that they have complained about the conduct of Main Roads WA. I find this dissonance worthy of interrogation at the very least.

Hon STEPHEN DAWSON: I do not have those numbers that the honourable member is asking for about heritage and how much of an issue heritage is. I am sure that that is easily available. Heritage is obviously in the same department as planning, but I am not sure how the information is tracked or whether it is available. However, I will ask the question, and if, at a subsequent date, I can provide something to the chamber, I will. I am not undertaking to provide it before the passage of this bill, because it might take a bit longer than that. The member is, of course, correct when he said that when people have issues with road access, they think the Main Roads Act is involved, but it is not; it is the Local Government Act. The member obviously has an amendment on the supplementary notice paper to insert the Local Government Act 1995. I am in a position to indicate that we will support that amendment. We certainly highlight the issue with Main Roads WA in the action plan that I mentioned previously.

Hon TIM CLIFFORD: I might have missed it within the bill, but if a decision is made to bypass any one of the acts that the previous member mentioned, whether it be the Heritage Act or the Contaminated Sites Act, will reasons be given by the minister or the Western Australian Planning Commission? It would be great to know that.

Hon STEPHEN DAWSON: The commission must give reasons for its decision and publish those decisions.

Hon NICK GOIRAN: Further to this line of questioning, it is not just the commission that has a stake in all of this. Correct me if I am wrong, but following on from our line of questioning on clause 1, will the minister not have the power to direct an agency or a person to comply and do something that is currently out of their power? There is a long list of acts and we are about to add another one. Has the honourable member moved his amendment at this stage?

Hon Tjorn Sibma: Not yet.

Hon NICK GOIRAN: Not yet. There is an intention in an amendment on the supplementary notice paper to reference the Local Government Act. Does that mean that the minister will be able to direct a local government to make a decision that would ordinarily be outside of their power?

Hon STEPHEN DAWSON: Yes, the member is correct: the minister can do so with the agreement of the Premier. Essentially, cabinet can override the conflict resolution provisions. The Western Australian Planning Commission may well put certain conditions on the project. If another agency says something to the contrary, the minister and, indeed, cabinet have the power to override that. However, there are some amendments on the supplementary notice paper—we will get to them later—such that if something were to happen, that decision would be published.

Hon NICK GOIRAN: I will use this as an example. The minister is saying that the minister can direct a local government to act outside a power or beyond power. There was some discussion with Hon Tim Clifford about whether reasons would be given but he was discussing the commission. Be that as it may, what was the feedback from WALGA and local governments about the notion that the minister can direct them to act beyond power?

Hon STEPHEN DAWSON: First, it is not the minister directing. As I indicated earlier, the Premier has to agree, so it would in effect be the cabinet. The issue is not normally with local governments; it often relates to Main Roads. Quite often, local government is the meat in the sandwich. This new power would allow cabinet to direct another agency to do something in line with the Planning Commission's decision.

Hon Nick Goiran: Including local government.

Hon STEPHEN DAWSON: It does include local government. In relation to consultation, I am not aware of what they said. My advisers who are present are not aware of what feedback they provided.

Hon NICK GOIRAN: To conclude on this point, if the government is not aware of the feedback, is that because no feedback has been sought or that some feedback has been sought but it is not readily available at the moment? I am having a wild guess but I could not imagine that local governments would be enamoured or doing cartwheels over the idea that the minister, subject to the Premier and cabinet, will tell them to do something beyond power. It is not just a case of telling them to desist from doing something. It includes a provision; we will get to that later in clause 4. It provides that a person must do something that is currently beyond power. It is not a case of just cease and desist. It is not just the Premier, Mr McGowan, who currently loves all the restrictions and telling people what they can and cannot do—we know that —

Hon Alannah MacTiernan interjected.

The CHAIR: Order! Just ignore interjections and address me, Hon Nick Goiran.

Hon NICK GOIRAN: Thanks, Mr Chair.

It is not just the case that the Premier can tell somebody to desist from doing something. As I read this part of the clause we will get to in a moment, it can force the person to do it by saying, "You must do this." That is the context in which I ask for the status of the consultation with local governments. I assume that local governments would be quite wild about this. Maybe it is the case that the government has not spoken to WALGA or maybe it has not consulted local government. Maybe it has and it does not care what the response is. Can we get some clarification? If the answer is that the information is not readily available now, that is fine, and maybe an undertaking could be given to inform us at a later stage.

Hon STEPHEN DAWSON: I am not sure whether this answers the member's question, but it is an important point to make. At the moment, Main Roads essentially overrides local governments. This bill allows for Main Roads to be overridden. As previously indicated, at least on three occasions WALGA was briefed on the legislation or on the principles behind the legislation. I am not aware of the comments made. It was invited to give feedback. My advisers at the table today indicated that some advice was provided to the minister's office verbally and some was provided to the agency. The format in which it was provided is not clear. If it is available, I will provide the advice from WALGA to the member. I do not see any reason why I could not do that. I will undertake to investigate the issue.

Hon NICK GOIRAN: I make this point. If the mischief that the minister is trying to solve is Main Roads, which appears to be the case, I have no difficulty supporting the government in remedying that mischief that the government

has identified. Why everybody else gets caught up in this, including local government, the Heritage Act and so on and so forth, is not clear to me. In the absence of the government being able to say that local government is the mischief-maker that it is trying to resolve, and it is trying to blunt it by way of this instrument that it is about to put through at page 4 of the bill, I am not clear why all these other enactments need to be included. Is there a reason we are including all other enactments when the mischief appears to be at Main Roads?

Hon Stephen Dawson: Sorry; say that again.

Hon NICK GOIRAN: If the mischief is at Main Roads, why is it necessary for us to include all these other enactments, specifically on page 4, line 26?

Hon STEPHEN DAWSON: That is a catch-all clause, as the member would understand. If it does not relate to planning issues, it would not be captured. In relation to WALGA, I hazard a guess as to what WALGA generally opposed. I am not saying anything to this effect, but WALGA has a specified consultation time line that it likes government agencies to use when consulting with it. We have already spoken today about the COVID element of this bill—the fact that a state of emergency was declared on 16 May and this bill moved very quickly afterwards. It would not have been aligned with WALGA's preferred consultation time line. That would be at least one concern. I am not aware of any other concerns that have been raised by WALGA. As I indicated, I will look into that aspect.

Hon RICK MAZZA: I will be supporting Hon Tjorn Sibma's amendment 2/4 to include the Local Government Act 1995. It is important that we maintain some flexibility in this fast-tracked process. Obviously, the Department of Planning, Lands and Heritage manages some of these acts. I appreciate that the Environmental Protection Act 1986 has been removed and that the normal processes will have to take place. Management of the other acts is important to provide the department with some flexibility to deal with these applications. With that, I will support the amendment.

Hon TJORN SIBMA: I am reminded that I have not formally moved my amendment, just in case we get ahead of ourselves and we want to ensure that we are in the right place at the right time. This provides me with the opportunity to explain that I will move my amendment for the reasons largely identified by Hon Rick Mazza, such as the requirement for flexibility. I will be specific, though, before I move the amendment. Local government is not the target of my amendment. Rather, the complex set of interactions between local government and Main Roads is the target of, and reason or justification for, my amendment. I will move the amendment for three reasons. First, because in proportional terms, at least anecdotally, this seems to be a primary source of irritation in the approvals process overall. Second, its absence from this list was more about face-saving than equity and treatment. Third, if there is one minister who has the capacity to make this change in this dimension, it is the very minister who Hon Stephen Dawson represents here—the one who has brought forward this planning bill. If anybody can potentially broker or arbitrate a meeting between the senior officials of Main Roads Western Australia, the Western Australian Planning Commission and the Department of Planning, Lands and Heritage, it is the honourable minister.

I was in two minds about whether I would move this amendment. I thought I would give the government fair opportunity to prove whether it had undertaken substantial progress in attempting to fix this bit of approvals blockages. I have been advised, over the course of the last two days, that only very preliminary exploratory discussions have taken place that may have canvassed some modifications. I asked a specific question yesterday. I want the government to time and date stamp this kind of stuff for me. I do not come into the chamber just to ask questions to fill the time available, even though some might form that unfortunate and unfair conclusion. I want the government to tell me whether it has pursued this reform agenda with vigour and zeal and used all the powers at its disposal. Hon Stephen Dawson is the minister who gets the opportunity to direct himself as the other minister to fix this problem. I want him to show me how he has gone about doing that. The minister referred to this in the planning approvals overview documentation, which is excellently crafted and drafted. It is really good. I know that "explainer" is a common phrase. I used to use the word "explanation" or "description", but anyway. Towards the end, the minister names Main Roads Western Australia as being the source of irritation and he anticipates some approvals remediation in this space. The government has gone to the effort of undertaking a three-year reform process; that is, three years of consultations, submissions, contemplations, meetings, drafts, endless talking points and notes, press releases and the like. My question is: has the government done anything? What has been accomplished? I understand that there are complications, and there is the added complication of tidying up the application of the Local Government (Uniform Local Provisions) Regulations 1996, which is the focus of my attention here. I thought the government would have done something by now.

Through the course of these questions and answers, the government has identified that of the major offenders in the list of what was five but is now four enactments, the Heritage Act 2018 is the most mischievous of the lot. It is the naughty one that is causing all the upset and grief. We asked the government to please quantify the claim so that we could understand that it has gone through this with some rigour. But for the Main Roads interface to not have been talked about at all makes it the elephant in the room. I was prepared to not make more of a claim about this than anything else until I received the last two answers from the minister, which indicated that absolutely no progress has been made whatsoever and that we cannot anticipate, in the next six months at least, any change. It is not just a glib, kneejerk reaction: "Why don't you include this or take this out?" I welcome the fact that the minister has indicated that the government will accept my amendment, and I very much appreciate that.

Before I move the amendment, I want to say that I wish that I did not have to move it. I wish more progress had been made in this respect. With that, I move —

Page 4, after line 25 — To insert —

(vi) the *Local Government Act 1995*;

Amendment put and passed.

Hon NICK GOIRAN: Before the minister looks to move the amendment standing in his name at 15/4, I refer to the growing list of enactments at paragraph (b) under “legal instrument” on page 4. Five enactments were listed in the original bill but that number decreased to four because Hon Dr Steve Thomas moved an excellent amendment, which was supported by the chamber. It has now gone back to five because we have added the Local Government Act 1995. I note that there are a number of acts under the planning portfolio. For example, the College Street Closure Act 1958; the Forrest Place and City Station Development Act 1985; the Hope Valley–Wattleup Redevelopment Act 2000; the Metropolitan Region Improvement Tax Act 1959; the Metropolitan Region Scheme (Fremantle) Act 1994; the very important Perry Lakes Redevelopment Act 2005; the Planning and Development Act 2005, which, of course, we are in part amending now; the Planning and Development (Consequential and Transitional Provisions) Act 2005; the Port Kennedy Development Act 2017; the Road Closure Act 1969; and, of course, the Swan Valley Planning Act 1995, which is included at subparagraph (v). Why does the government not list all those enactments in paragraph (b)?

Hon STEPHEN DAWSON: I am told that if it is made under the act, they are already captured. That is part of the development application process.

The CHAIR: Minister, while you have the call, do you want to move your amendment now, which is next on the supplementary notice paper?

Hon STEPHEN DAWSON: I move —

Page 4, lines 26 and 27 — To delete the lines and substitute —

(c) any enactment, other than the following —

- (i) this Act;
- (ii) an enactment covered by paragraph (b);
- (iii) the EP Act;

As I previously indicated, this goes hand in hand with the amendment that I was going to move early on, but was obviously moved in the name of and supported by Hon Dr Steve Thomas. That has passed and this amendment is tied to that.

Hon Dr STEVE THOMAS: I have moved to the table, because I was right at the back of the chamber, but I was awake, though, and listening.

I thank the minister for moving this amendment. This is a very good amendment. Obviously, if I had had the same capacity through parliamentary counsel, I would have reached the same process myself. This amendment again reinforces that the Environmental Protection Act is critical to the future of Western Australia. It is not an act that always stops development. It is an act that looks after the landscape of Western Australia for future generations. I thank the minister for his support previously. I offer my support now and ask all members in the chamber to support this amendment.

Hon TJORN SIBMA: I indicate that the formal position of the Liberal Party room is completely consistent with the contribution made by Hon Dr Steve Thomas.

Amendment put and passed.

Hon RICK MAZZA: I move —

Page 5, lines 5 to 20 — To delete the lines.

By way of explanation, this is a consequential amendment to a substantial amendment that I will move later, which basically will remove the definition of “net lettable area”, which will become redundant.

Amendment put and passed.

Hon RICK MAZZA: I move —

Page 5, lines 27 to 29 — To delete the lines.

This amendment is similar to the previous amendment. It seeks to remove the definition of “R-codes”, which will also become redundant.

Amendment put and passed.

Hon RICK MAZZA: I move —

Page 6, lines 3 to 22 — To delete the lines and substitute —

(a) development that has an estimated cost of —

(i) in the case of a development that is wholly or partly in the metropolitan region — \$10 million or more;

or

(ii) in any other case — \$5 million or more;

or

By way of explanation, this amendment seeks to lower the threshold for developments that comply from \$10 million for the metropolitan area and \$5 million for regional areas. I take on board some of the debate earlier, when I moved the first consequential amendment that we spoke about. The discussion behind the Chair is that the \$10 million threshold that is proposed in my amendment will be amended to \$20 million for metropolitan Perth and \$5 million for regional areas. I did not just pluck these figures out of the air. I received some information from the Property Council of Australia—as I am sure other members did also—that in New South Wales, regional projects are required to meet a threshold of \$5 million. The Property Council also put in its submission to me that it preferred a \$10 million threshold, because that would enable more projects to comply with the purposes of this bill. I accept that a \$20 million threshold may be what we need to move to if we want to reduce the number of applications through this process and if the department is concerned that it will be overwhelmed. However, I note that the figures that have been used are historic up to COVID-19. They are all pre-COVID-19. Therefore, even at \$10 million, the estimated number of applications that will flow might be overstated, because I think a lot of developers will shelve their projects. I hope the chamber will support my amendment. However, I will accept an amendment to my amendment when we get to that point. It is very important that we give the economy a good rev by providing some employment, work and development within the state as we move forward on the challenge of trying to repair the budget.

The CHAIR: Obviously, if Hon Rick Mazza's amendment succeeds, there will need to be a Clerk's amendment to change paragraph (c) to paragraph (b), but that is beyond what we are talking about here. The question is that the words proposed to be deleted be deleted.

Hon STEPHEN DAWSON: As I foreshadowed earlier at amendment 43/4, it is my intention to move an amendment to the amendment, for the reasons that I outlined previously, and I do not propose to range over those reasons again. I move —

In subparagraph (i) — To delete “\$10 million” and substitute —

\$20 million

The CHAIR: Hon Rick Mazza has moved an amendment to delete certain words and substitute other words. The minister representing the Minister for Planning wishes to test the Committee of the Whole's desire to amend that amendment. Therefore, although the question immediately before us is that the words proposed to be deleted be deleted, if there is a desire to resolve the \$10 million versus \$20 million question first, I will seek leave of the chamber to deal with the minister's amendment to the amendment before we deal with that other question. Is leave granted?

Hon TJORN SIBMA: Yes, it is. I was just going to indicate that that was a very wise ruling.

The CHAIR: Good. I am glad someone appreciates my wisdom.

Leave granted.

The CHAIR: The question now is that the words proposed to be deleted be deleted, being “\$10 million”.

Hon NICK GOIRAN: During the debate on clause 1, I drew to the minister's attention that I have tabled a petition containing 1 502 signatures relating to Glen Iris Golf Course. The matter that we are dealing with at the moment is the tampering with the definition of “significant development”. At the moment, a “significant development” is a development that is estimated to cost \$30 million. Hon Rick Mazza has asked the chamber to agree to lower that to \$10 million, and the government is now asking, in some kind of bidding war against its own bill, for it to be \$20 million. Whatever the figure may be, will the Glen Iris Golf Course redevelopment be captured or not captured by this?

Hon STEPHEN DAWSON: I am advised that it will not be captured by this if it relates to a subdivision or a structure plan.

Hon TJORN SIBMA: I want to speak briefly to the minister's amendment to the amendment. I do not think we can afford to be too puritanical about the level at which we establish a threshold. My initial reservation with the level set by Hon Rick Mazza was that I thought it would give licence to a greater range of more speculative propositions,

which would affect character and amenity in suburban Perth in a way that could be potentially damaging. I do not want to impute that there is a relationship between money spent and quality delivered, but that can sometimes be a useful metric. I had an initial reservation with the specifics of the original level that was recommended, and I take the member's contribution that it was not an arbitrary sum; there was some substantiation for it. But I thought that at that level, we would at least have a development assessment panel system. It seems that that system is always being tinkered with, but, nevertheless, it performs its function quite diligently and could quite easily, and would ordinarily, deal with development applications at that \$10 million level.

Another opportunity was presented through the course of this bill to create another avenue for consideration by, or referral into, the streamlined approval system. If it was determined that a project was a state or regionally significant development, it could be treated this way. The problem I have is the criteria for that consideration is yet to be written. There is no objective framework that might usefully or helpfully guide consideration at this stage, which is in stark contrast to the examples provided in the New South Wales and South Australian jurisdictions. Nevertheless, there is a need to be a little more flexible and there is a proposition here that raising the level to \$20 million is probably an acceptable compromise. However, in essence, we do not know what we do not know. At the conclusion of the 18 months, we will see the results of this and see whether this was an effective measure.

Perhaps if we are ever in this kind of economic territory again, we will have a better idea of the specific levers we want to pull and when we want to pull them. We go into this not completely knowing what lies ahead, other than the fact that today we received some quite shocking, but not completely surprising, unemployment figures. I suppose that this is the final determination that at least provides some measure of comfort to the Liberal Party to support this \$20 million figure. Western Australia's unemployment level was at 8.1 per cent for May. It may well be worse for June; we will know once the figure comes out. To apply the principle of charity to this bill, as I have indicated from the outset, it is at least some attempt to activate economic activity, stimulate development, attract investment and create jobs. We are faced with the situation that we are faced with. Any political party that gets in the way of job creation needs to have a long, hard look at itself. We are here to support job creation and economic recovery, and on that basis I want to formally indicate, in consideration of all the circumstances, that we are going to accept the government's compromise amendment to the principal amendment moved by Hon Rick Mazza.

Hon COLIN TINCKNELL: I would also like to make a contribution to this. The One Nation party is very pleased that some work has been going on in this space, and we accept the changes by the government to Hon Rick Mazza's original amendment. As the previous member mentioned, it will hopefully have a positive effect on jobs and employment for Western Australians at a time when it is needed, and for me that is the main crux of this bill. Therefore, One Nation members would like to put on notice that we support this amendment to the amendment.

Hon ALISON XAMON: I indicate that the Greens will be supporting the government amendment, but only because it helps to ameliorate an amendment that we do not support at all. I just wanted to make it very clear that although we support the government's amendment, we still will not support the substantive amendment.

Amendment on the amendment put and passed.

Hon COLIN de GRUSSA: I applaud Hon Rick Mazza for what he is doing here in trying to find a way to both increase investment and ensure investment by changing those thresholds and simplifying what will be considered to be a significant development. I have a concern with applying this quite arbitrary figure across a state as large and diverse as Western Australia.

Committee interrupted, pursuant to standing orders.

[Continued on page 3890.]

Sitting suspended from 4.15 to 4.30 pm

QUESTIONS WITHOUT NOTICE

NATIONAL DISABILITY INSURANCE SCHEME — TRANSITION

631. Hon PETER COLLIER to the Minister for Disability Services:

I refer the minister to the Auditor General's twenty-fifth report of June 2020 titled "WA's Transition to the NDIS".

- (1) Why were the initial targets for people moving on to the NDIS in Western Australia not met?
- (2) Has any assessment been done of the 3 800 Western Australians with a disability found to be ineligible for the NDIS on 31 December 2019; and, if not, why not?
- (3) If yes to (2), how many have been found to be eligible for funding?
- (4) Will the minister confirm that the government supports all three recommendations contained within the report; and, if not, why not?

Hon STEPHEN DAWSON replied:

I thank the Leader of the Opposition and the shadow Minister for Disability Services for some notice of the question. I will say at the outset that I welcomed the Auditor General's report today that has found that Western Australian agencies have been largely effective in preparing for the transition to commonwealth's National Disability Insurance Scheme. As we know, it has not been without challenges, but we continue to work through those issues.

- (1) I am advised that transition to the NDIS involved a range of responsibilities of both the commonwealth and the state. The Department of Communities provided the National Disability Insurance Agency with 23 104 client transition records in a timely manner and in accordance with its obligations under section 55 of the commonwealth National Disability Insurance Scheme Act 2013. I am further advised that all individuals connected to the WA NDIS or receiving state-funded or provided support will continue to be provided support from the state until such time as they have an approved NDIS plan.
- (2) Eligibility for the National Disability Insurance Scheme is tested by participants within the NDIA. Anyone can test their eligibility for the NDIS via the NDIA and any decision that a person does not meet access criteria can be reviewed internally under section 100 of the commonwealth act. If the person is unhappy with the outcome of the internal review, they can apply to Administrative Appeals Tribunal for an external review and access to NDIS appeal services. If found ineligible due to age or residency status, they can test their eligibility for state disability services via contact with the Department of Communities. As at 18 June 2020, the Department of Communities is supporting approximately 307 individuals who do not meet the NDIS access criteria based on their age or residency. It is of course important to note that the audit was launched in 2018.
- (3) Not applicable.
- (4) I am advised that the audited agencies, including the Department of Communities, accept the recommendations contained in the report. I continue to maintain oversight of this groundbreaking scheme to ensure that Western Australians with disability, their families and carers realise the promise of this once-in-a-lifetime reform.

WESTPORT TASKFORCE — COSTS**632. Hon PETER COLLIER to the Minister for Ports:**

I refer to the Westport Taskforce.

- (1) Has the minister requested the task force undertake any work since it provided a copy of its report to the government in March this year?
- (2) If yes to (1), what work has the minister requested the task force to undertake?
- (3) What is the total cost of the task force to date?
- (4) Will the minister provide a breakdown of those costs by various categories, including salaries and wages, consultation costs, and marketing, communications and promotions?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

- (1)–(2) The task force continues to support the government to progress the Westport project and to prepare for future stages of work.
- (3) It is \$10 762 590.
- (4) The costs are \$4 765 000 for employment; \$5 914 403 for supplies and services; and \$82 385 for other expenses.

FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT AMENDMENT BILL 2019**633. Hon PETER COLLIER to the Leader of the House representing the Attorney General:**

My question without notice of which some notice has been given is asked on behalf of Hon Michael Mischin, who is away on urgent parliamentary business.

I refer to the Attorney General's response to a question from the member for Maylands on 25 September 2019.

- (1) Precisely how many fine defaulters were in prison in the last year of the Barnett government, and how many individuals were in prison for fine default alone?
- (2) In what manner was the McGowan government "pushing back", and can any documents to that effect be tabled?
- (3) In what manner was the McGowan government "asking the registrar to exercise more discretion", and can any documents to that effect be tabled?

- (4) In what manner had the McGowan government up until then suppressed imprisonment as a sanction for fine default, and can any documents to that effect be tabled?
- (5) In reference to (4), was it by instructions, policy, practice statements or guidelines regarding the issue of, or execution of warrants of commitment for, fine defaults pending the expected passage of the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019; and, if so, can any documents to that effect be tabled?

Hon SUE ELLERY replied:

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

It is not possible to provide the information in the time required; therefore, I ask the honourable member to place the question on notice.

TRANSFER DUTY REVENUE

634. Hon PETER COLLIER to the minister representing the Minister for Finance:

My question without notice of which some has been given is asked on behalf of Hon Dr Steve Thomas, who is away on urgent parliamentary business.

I refer to the government's collection of transfer duty.

- (1) What was the total number of transfer duty payments made at the residential rate for each of the following years —
 - (a) 2015–16;
 - (b) 2016–17;
 - (c) 2017–18; and
 - (d) 2018–19?
- (2) Will the minister provide a breakdown of the number of payments and total revenue received at the residential rate for 2018–19 for each of the following thresholds —
 - (a) \$0 to \$250 000;
 - (b) \$250 001 to \$500 000;
 - (c) \$500 001 to \$750 000;
 - (d) \$750 001 to \$1 000 000; and
 - (e) \$1 000 001 and above?
- (3) If no to (2), why not?

Hon STEPHEN DAWSON replied:

I thank Hon Dr Steve Thomas for some notice of the question. The following answer has been provided to me by the Minister for Finance.

- (1) The totals are —
 - (a) 38 688;
 - (b) 36 002;
 - (c) 36 224; and
 - (d) 33 381.

The data reported is based on the number of assessments raised.

- (2) The total revenue raised for 2018–19 for transactions with a dutiable value was \$745 505 084.70.
- (3) A breakdown of revenue received would take an unreasonable amount of time and resources to collate and process a response. That would not be an effective use of the department's resources.

WESTERN AUSTRALIAN PORT OPERATIONS TASKFORCE — MEETINGS

635. Hon PETER COLLIER to the Minister for Ports:

My question without notice of which some notice has been given is asked on behalf of Hon Simon O'Brien, who is away on urgent parliamentary business.

I refer to question without notice 503 asked on Thursday, 21 May 2020.

- (1) Why have the minutes of the WA Port Operations Taskforce meetings in February, March, April and May 2020 not be made available on the Fremantle Ports website, as was practised until December 2019?

- (2) Who made the decision and/or direction not to make the minutes publicly available?
- (3) Will the minister now table the minutes of the task force meetings from February, March, April and May 2020; and, if not, why not?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

- (1) The practice of posting minutes on the Fremantle Ports website was reviewed by Fremantle Ports in consultation with the chair of the WA Port Operations Taskforce. It was agreed that as the minutes were directly provided to members by email, it was unnecessary to also publish them on the Fremantle Ports website.
- (2) The decision was made by Fremantle Ports in consultation with the chair of the WA Port Operations Taskforce.
- (3) I will review the documents to determine whether tabling is appropriate.

CORONAVIRUS — LOTTERYWEST CRISIS AND EMERGENCY RELIEF GRANT FUND

636. Hon JACQUI BOYDELL to the Leader of the House representing the Premier:

I refer to the \$159 million Lotterywest COVID-19 relief fund and the Premier's announcement yesterday regarding successful applicants.

- (1) How many applicants were unsuccessful?
- (2) Please provide further detail for (1) by detailing applicants by region and the amount they applied for?
- (3) Given that the list of approved grants on the Lotterywest website from 28 April onwards only adds up to \$5.3 million for 61 applicants and the Premier claims to have authorised \$5.9 million for 70 applicants, who are the recipients of the missing \$600 000 and where are they located?

Hon SUE ELLERY replied:

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

- (1) Between 30 March and 18 June 2020, 19 grant applications to the COVID-19 crisis and emergency relief grant program were unsuccessful as they failed to meet the grant program criteria.
- (2) Lotterywest does not publish specific details of unsuccessful grant applications. The information for the unsuccessful applications for the COVID-19 crisis and emergency relief fund by region to 18 June 2020 is set out in a table. I seek leave to have that part of the answer incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

	Number of Applications	Requested Amount
Perth metropolitan region	12	\$4,820,227
Kimberley	2	\$1,330,900
Pilbara	2	\$425,620
Wheatbelt	2	\$308,104
South West	1	\$290,111

- (3) Lotterywest has approved 72 grants to 70 organisations between 28 April and 18 June 2020, totalling a recommended amount of \$5 976 000. These grants are published on the Lotterywest website.

Will the honourable member just check whether that gives her what she needs in answer to (3), and if it does not, I will follow that up.

FISHERIES ADJUSTMENT SCHEME — BOAT LICENCES

637. Hon RICK MAZZA to the minister representing the Minister for Fisheries:

Can the minister please advise —

- (1) How many fishing boat licences in unmanaged Western Australian fisheries have been repurchased under the fisheries adjustment scheme?
- (2) How many fishing boat licences in unmanaged WA fisheries have been subject under the fisheries adjustment scheme to —
 - (a) act-of-grace payments;
 - (b) acquired subject to confidentiality agreements; and
 - (c) any other buyback schemes?

Hon ALANNAH MacTIERNAN replied:

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

- (1) In the last 10 years, seven fishing boat licences in unmanaged fisheries have been surrendered and compensated.
- (2) (a)–(c) Nil.

SOCIAL HOUSING — DWELLINGS**638. Hon COLIN TINCKNELL to the minister representing the Minister for Housing:**

- (1) What was the total number of government-owned, supported or operated social housing dwellings as of 30 June 2017?
- (2) What is the current total number of government-owned, supported or operated housing dwellings?
- (3) How many people were being accommodated in government-owned, supported or operated dwellings as of 30 June 2017?
- (4) How many people are currently accommodated in government-owned, supported or operated dwellings?
- (5) Are the 250 new government housing dwellings announced by Premier Mark McGowan on 8 June additional to the 300 new public housing units announced by the Premier on 3 December 2019?

Hon STEPHEN DAWSON replied:

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

In order to provide a response to this question, the Department of Communities will need to undertake research. Therefore, an answer is unable to be provided in the required time frame. We will provide a response to the honourable member on Tuesday, 23 June 2020.

POLICE — DIVERSE SEXUALITY AND GENDER COMMUNITY — BRIEFING NOTE**639. Hon ALISON XAMON to the minister representing the Minister for Police:**

I refer to the draft briefing paper, “Western Australia Police Force assessment of crime trends based on prejudice towards the diverse sexuality and gender community” and to the recommendation that the Western Australia Police Force review policy and practices to identify impacts and barriers to services provision by the diverse sexuality and gender community.

- (1) Has any review being undertaken?
- (2) If yes to (1), when was the review undertaken, and will the minister please provide a copy of the review report?
- (3) If no to (1), why not?

Hon STEPHEN DAWSON replied:

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

- (1) No.
- (2) Not applicable.
- (3) The draft briefing note was prepared by a former employee. The draft has not been reviewed or endorsed by any senior Western Australia Police Force employee, and no agency stance regarding the content has been developed.

WATER CORPORATION — GRASS PATCH DAM**640. Hon COLIN de GRUSSA to the minister representing the Minister for Water:**

I refer to the Water Corporation-owned dam at Grass Patch, which has been closed to farmers wishing to draw water for farm-related activities such as weed spraying and livestock watering.

- (1) When was the last structural assessment of the dam undertaken, and how did the Water Corporation conclude that cracking would occur in the event that the dam was emptied?
- (2) How much water is currently stored in Grass Patch Dam, and what is the maximum capacity of the dam?
- (3) Given that the Water Corporation has no intention of using the water contained in the dam for anything other than agricultural purposes, has it considered the option of transferring the facility to the Shire of Esperance or any other entity?
- (4) What capital maintenance and recurrent operational costs have been incurred by the Water Corporation for Grass Patch Dam for the financial years 2015–16, 2016–17, 2017–18, 2018–19, and year to date 2019–20?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The following information has been provided by the Minister for Water.

- (1) Structural integrity of the Water Corporation's Grass Patch Dam is assessed through regular weekly inspections. The latest inspection was carried out this morning. The assessment and reporting process ensures that potential structure issues can be dealt with in a timely manner. All dams with natural clay liners, including Grass Patch Dam, have a requirement to maintain minimum water levels to maintain the integrity of the lining.
- (2) Grass Patch Dam is currently holding approximately five million litres of water and its total capacity is approximately 18 million litres.
- (3) The Water Corporation retains a number of unused isolated water storage facilities as strategic assets for future drinking water supplies. Although it may not currently be economic to utilise these facilities for drinking water supplies, this situation may change in the future as treatment technologies develop.
- (4) The Water Corporation has not undertaken capital investment in Grass Patch Dam during the period identified. Operating expenditure was \$11 692 for 2015–16; \$9 470 for 2016–17; \$4 052 for 2017–18; and \$11 889 for 2018–19. Expenditure associated with Grass Patch Dam for the year to date is not currently available, as recorded expenditure for this site includes costs associated with water deficiency carting.

ABORIGINAL HERITAGE (MARANDOO) ACT**641. Hon ROBIN CHAPPLE to the minister representing the Minister for Aboriginal Affairs:**

My question is to the parliamentary secretary representing the Minister for Aboriginal Affairs.

I refer to the Aboriginal Heritage (Marandoo) Bill 1992, brought to the Legislative Assembly on 6 February 1992, and the explanatory note that appears in appendix A of *Hansard* of that date. Lines 1 to 4 on page 8118, under "Objects of the Bill", state, in part —

... the Government has, in providing consent for the Project under Section 18 of the Aboriginal Heritage Act 1972, ensured that three important Aboriginal sites within the Project area will be exempt from this Bill ...

- (1) Will the minister please advise the current status of these sites as they relate to the relevant legislation?
- (2) Will the minister please advise on the current physical state of the sites referred to at (1)?
- (3) If the minister is unable to answer (1) or (2), why is this information, as referred to directly by state legislation, unavailable?

Hon STEPHEN DAWSON replied:

I thank Hon Robin Chapple for some notice of the question. I do not believe I have been demoted this afternoon, so I am in fact the Minister for Environment, rather than the parliamentary secretary representing the minister!

- (1)–(3) As the honourable member would be aware, the explanatory notes to the Aboriginal Heritage (Marandoo) Act 1992 stated that the act was intended to not exempt certain areas that contain important sites in the area of the proposed Marandoo iron ore project and that were to remain, subject to conditions imposed, pursuant to the Aboriginal Heritage Act 1972. A recent desktop audit of the sites by the Department of Planning, Lands and Heritage indicated that the sites have not been impacted by any operations authorised by the act. No notices have been lodged pursuant to section 18 of the Aboriginal Heritage Act 1972 in relation to the sites. The honourable member may wish to contact Rio Tinto, which currently manages the Marandoo iron ore project, for further information about the sites.

CORONAVIRUS — RESOURCES SECTOR**642. Hon ROBIN SCOTT to the minister representing the Minister for Mines and Petroleum:**

I refer to the government's current legislative attempt to reduce red and green tape in the planning and development sector, attempting to help with the recovery of the economy from COVID-19.

- (1) Is the government planning to cut red and green tape in the mining sector to help with the economic recovery from COVID-19; and, if yes, what are those plans; and, if not, why not?
- (2) Is it the government's position that removing red and green tape in the mining sector would have more economic benefit to the state than reducing red and green tape for the planning and development sector?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The following information has been provided to me by the Minister for Mines and Petroleum.

- (1)–(2) The government has streamlined administrative processes to support the mining sector during the COVID-19 pandemic and beyond. Assessment times for exploration activities will be halved, commencing 1 July 2020. The government is currently considering further reforms to mining environmental approvals to assist in the recovery of the Western Australian economy.

CORONAVIRUS — SCHOOLS — CAMP GUIDELINES

643. Hon DONNA FARAGHER to the Minister for Education and Training:

I refer to the answer provided to question without notice 624, asked yesterday, and the subsequent release of the Australian Health Protection Principal Committee statement on risk management for boarding schools and school-based residential colleges.

- (1) Will the minister table the updated Department of Education school camp guidelines that have been released in response to the statement?
- (2) Given a cap is not referenced in the AHPPC statement, and does not appear to be in place for residential colleges and boarding schools, can the minister explain why a cap of 100 people remains in place for recreation camps?
- (3) In reference to (2), will the minister consider removing this cap prior to the phase 4 lifting of restrictions, given some schools, which would exceed the cap, wish to book camps for term 3; and, if not, why not?

Hon SUE ELLERY replied:

I thank the honourable member for her question.

- (1) Yes, I table those guidelines.

[See paper [3973](#).]

- (2)–(3) As the member is aware, on 14 May I announced that I had asked Dr Andy Robertson, our Chief Health Officer, to request that the AHPPC review its guidelines for the reopening of boarding facilities, and that included school camps. Last night, the AHPPC published its revised guidelines. I can advise that as of 18 June 2020, the restrictions for camp facilities in Western Australia have been lifted to the point that they are no longer required to reduce dormitory occupancy to 25 per cent, reduce sleeping capacity or require single occupancy. However, Dr Robertson reiterated that the maximum number of people to attend a school camp remains unchanged at 100. As per phase 3 of the COVID-19 WA road map, each camp facility is required to have a COVID safe risk management plan in place and undertake a facility-specific risk assessment, analysis and mitigation process to manage the risk posed by COVID-19. The risk analysis should inform the development of mitigation actions that lower the risk of transmission and promote good health, hygiene and physical distancing within the camp facility. On this basis, the cap of 100 was put in place by the Chief Health Officer. That cap is in line with all school activities, including camps, excursions and assemblies. The Department of Education has consistently followed the advice of Health throughout the COVID-19 pandemic. I am not in a position to remove the cap, as the cap was put in place by our Chief Health Officer.

HOME BUILDING CONTRACTS AMENDMENT REGULATIONS

644. Hon NICK GOIRAN to the minister representing the Minister for Commerce:

I refer to the Home Building Contracts Amendment Regulations 2020 tabled in the house on 9 June 2020.

- (1) On what date were these regulations published in the *Government Gazette*?
- (2) On what date did the minister decide to recommend that the Governor make these regulations?
- (3) Upon whose advice did the minister make this decision?
- (4) Who outside of government was consulted prior to the decision being made?
- (5) Will the minister table a copy of the briefing notes and all other written documents that form the written record of the minister's decision and the basis for the minister's decision?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The Minister for Commerce has provided the following information.

- (1) It was on 26 May 2020.
- (2) It was on 12 May 2020.
- (3) It was upon advice from the Department of Mines, Industry Regulation and Safety, following representation from the Cabinet Makers Association of Western Australia.
- (4) Broad industry and public consultation was undertaken. A consultation paper on options for reform was released in July 2019. A total of 61 submissions were received as part of this consultation paper.
- (5) I table the "Progress Payments and Deposits in the Western Australian Cabinet Making Industry: Consultation Paper".

[See paper [3972](#).]

CORONAVIRUS — GOVERNMENT RESTRICTIONS — EASING

645. Hon MARTIN ALDRIDGE to the Leader of the House:

I refer to the Leader of the House's contribution to the motion on notice on 10 June 2020, in which she committed to "table the advice requested in the motion", and to the motion requesting "all health and other advice provided to government to assist it in making decisions to lift or relax restrictions it has imposed as a result of COVID-19".

- (1) Has any information been withheld from the papers tabled by the Leader of the House on 16 June 2020?
- (2) If yes, why have papers been withheld and why was the house not informed of such a matter in her tabling statement?

Hon SUE ELLERY replied:

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

- (1)–(2) The tabled papers included all the advice provided to me. My understanding is that this was all the advice available not protected by cabinet confidentiality. I will not be tabling documents that are cabinet-in-confidence, as is the long-held practice of all governments.

CORONAVIRUS — TOURISM INDUSTRY — RECOVERY PACKAGE

646. Hon KEN BASTON to the minister representing the Minister for Tourism:

I refer to the answer to question without notice 609, asked on 16 June 2020, regarding the tourism recovery grant.

- (1) If marketing is considered to be the core business of regional tourism organisations, why was membership of an RTO or accreditation program required to be eligible for the tourism recovery grant?
- (2) Approximately how many tourism businesses are there in Western Australia and how is this defined?
- (3) With regard to part (2), what percentage of the businesses would be eligible for a tourism recovery grant?
- (4) Does the minister feel satisfied that tourism businesses that are not members of RTOs are being treated fairly with regard to tourism grant availability?

Hon ALANNAH MacTIERNAN replied:

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

- (1) The distribution of finite public funds requires an accountable set of criteria. The government, through Tourism WA, has partnership agreements in place with the state's five regional tourism organisations and the Western Australian Indigenous Tourism Operators Council. These agreements cover the delivery of business support and/or marketing activities for member tourism businesses that are considered a priority by government. Due to this, membership of an RTO or WAITOC was considered to be an effective eligibility criterion. Likewise, the four identified accreditation programs—the Australian tourism accreditation program, ECO certification program, Star Ratings Australia program and caravan/holiday park accreditation program—cover a broad range of tourism sectors across the state, with some programs linked directly to state government activities and opportunities.
- (2) For the purposes of the tourism recovery fund, the government's intent was to provide assistance to tourism businesses that could not access any other form of COVID-19-related assistance. Tourism Western Australia, in consultation with the Tourism Council of Western Australia, determined that 4 500 businesses were selling or providing a tourism product across the state.
- (3) A total of 36 per cent of businesses would be eligible.
- (4) Businesses that were not eligible to apply for a tourism recovery fund grant can apply for the \$4 million tourism business survival grant fund released on 10 June 2020.

VASSE–WONNERUP WETLANDS

647. Hon DIANE EVERS to the minister representing the Minister for Water:

I refer to the minister's response to question without notice 286 on 31 March regarding the Vasse–Wonnerup water quality plan 2010.

- (1) Will the revised plan be available for public comment?
 - (a) If yes, when; and
 - (b) if not, why not?

- (2) Will the Department of Water and Environmental Regulation produce a whole-of-system progress report on the management and research for the 2010 water quality improvement plan for the Vasse–Wonnerup wetlands and Geographe Bay, including progress on meeting targets?
 - (a) If yes, when will it be publicly available; and
 - (b) if not, why not?
- (3) Please detail how the \$1.6 million allocation in 2019–20 for “Revitalising Waterways of Geographe Bay”, found on page 192 of budget paper No 3 under “Royalties for Regions Expenditure”, is being spent, including what research, management and organisations, and for what outcomes.

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. This information has been provided by the Minister for Water.

- (1) Yes.
 - (a) In 2021.
 - (b) Not applicable.
- (2) Yes.
 - (a) In 2021.
 - (b) Not applicable.
- (3) The Vasse Taskforce released those details in its June 2019 update, which will be made publicly available. I also table a copy of the Vasse Taskforce report.

[See paper [3974](#).]

CORONAVIRUS — SOCIAL HOUSING ECONOMIC RECOVERY PACKAGE

648. Hon TIM CLIFFORD to the minister representing the Minister for Housing:

I refer to the housing stimulus package announced on 7 June, specifically relating to construction of social housing.

- (1) Where will the new dwellings be located?
- (2) Will there be reasonable access to public transport?
- (3) What energy-efficient measures will be implemented?
- (4) To what energy-efficient standard will these homes comply?

Hon STEPHEN DAWSON replied:

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

- (1)–(2) The social housing economic recovery package announced by the Premier on 7 June 2020 will deliver approximately 250 new builds and off-the-plan construction-ready purchases across metropolitan and regional areas. It is intended that approximately 30 per cent of new builds will be in regional Western Australia. Land asset identification and allocation is underway and sites will be determined over the coming months.
- (3)–(4) In addition to construction materials and methods, significant consideration will be given to broader design aspects of each property, such as solar orientation, as is the case with all new properties delivered by the Department of Communities. All new homes will meet the Australian building codes and standards, including the six-star nationwide house energy rating scheme.

WESTERN ROCK LOBSTER INDUSTRY — POT LIMITS

649. Hon JIM CHOWN to the minister representing the Minister for Fisheries:

- (1) How did the minister receive industry support for the temporary but significant reduction on pot usage limits in the rock lobster industry?
- (2) Why has a 200-pot limit been imposed?
- (3) How will this restriction impact those fishers who have more than 200 pots and obviously significant financial and employee commitments?
- (4) Why have the restrictions only been imposed on fishers as opposed to lobster pots owned by investors and then leased to fishers?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. I point out that as Minister for Regional Development, I represent the Minister for Fisheries. This information has been provided to me by the Minister for Fisheries.

- (1) On 8 May 2020, the minister received a series of recommendations from the Western Rock Lobster Council, the peak body that represents licence holders in the west coast rock lobster managed fishery. These included addressing the risks from potential increased pot usage in winter months during the extended season.
- (2) The restrictions have been imposed to reduce the potential overall number of pots in the water during winter months in order to reduce the likelihood of entanglements with migrating humpback whales.
- (3)–(4) These measures address the number of physical pots in the water and do not affect the amount of quota that a fisher is entitled to catch. These measures will be in place for only a short time relative to the overall season length. Noting the risk of increased whale interaction with fishing gear, the changes were endorsed by the council, which I understand consulted broadly with its members. These measures will be reviewed by the government and industry before the commencement of the next season on 1 July 2021.

DUST MANAGEMENT — AIR QUALITY — PORT HEDLAND*Question without Notice 627 — Answer Advice*

HON ALANNA CLOHESY (East Metropolitan — Parliamentary Secretary) [5.06 pm]: I would like to provide an answer to Hon Robin Chapple's question without notice 627, asked on 17 June 2020. I seek leave to have the answer incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

I thank the Honourable Member for some notice of the question.

- (1) In relation to Port Hedland air quality, the Department of Health's (DOH) role is to provide health advice to relevant agencies. DOH has recommended that ambient (outside) air quality guidelines be met in residential areas of Port Hedland. The guidelines are indicators to manage population exposure and should not be confused with an exposure limit.

I am advised by the Minister for Environment that the Department of Water and Environmental Regulation (DWER) regulates dust emissions from port facilities in Port Hedland. The port facilities hold a licence issued under the Environmental Protection Act 1986 which include a range of enforceable conditions relating to dust emissions. DOH regularly provides health advice to DWER to inform its regulation of these facilities.
 - (2) The State Government has acknowledged an increased risk to people living in the West End of Port Hedland. The Government is implementing the Port Hedland dust taskforce recommendations in response to that risk.
 - (3) The DOH Health Risk Assessment for Port Hedland demonstrated that metals in the air do not exceed health-based guidelines developed to protect sensitive people.
 - (4) The State Government has acknowledged the elevated levels of dust in the West End of Port Hedland. Arid areas in Australia including the Pilbara are prone to higher levels of dust by the nature of the environmental conditions. In settlements where there is also dust emitting industry located within close proximity there is generally expected to be higher levels of dust.
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PLANNING AND DEVELOPMENT AMENDMENT BILL 2020*Committee*

Resumed from an earlier stage of the sitting. The Deputy Chair of Committees (Hon Martin Aldridge) in the chair; Hon Stephen Dawson (Minister for Environment) in charge of the bill.

Clause 4: Parts 17 and 18 inserted —

Committee was interrupted after the amendment moved by Hon Rick Mazza had been amended.

The DEPUTY CHAIR: The question before the Chair is that the words to be deleted be deleted. To refresh members' memories, we are dealing with amendment 46/4 on supplementary notice paper 192, issue 5.

Hon COLIN de GRUSSA: Before the break, I was commenting on the amendment. I see where Hon Rick Mazza wants to go with this and I think that what he is trying to do is right—he is trying to incentivise and encourage development in regional areas. He proposes to remove aspects of the bill that refer to dwelling numbers and lot sizes and so on, and to change the dollar amount by including a separate amount for regional and metropolitan developments. In proposing those changes, the member is going down a path of encouraging such development. I am concerned about that. I know that he has made the case that these figures are not arbitrary and that they have come from research that he has done; however, the geography of Western Australia, the sheer scale of the place and the varied nature of our local governments right across this state, mean that a set figure—in this case \$5 million—will be arbitrary. In some cases, that will do nothing to incentivise development; in other cases, it may result in a lot of development. What may actually happen as a result of this is that we would to some extent remove local decision-making because we are lowering the bar so that these developments could happen. Perhaps the minister can confirm whether that is the case. But also, we may end up with the perverse outcome that developers will obviously look at the economics behind the projects and end up doing all the projects—perhaps a large chunk

of the 26 that the minister talked about earlier—in the greater Bunbury area or Busselton. Then other areas of the state might miss out on some of that development that they would otherwise have had the opportunity to be a part of had we not introduced that figure of \$5 million. Can the minister provide some confirmation that there is a way for the government to ensure a relatively equitable distribution of those developments? On the other hand, if this amendment is passed, is it not possible to do that or is that ability reduced?

Hon STEPHEN DAWSON: It is important to stress that part 17 is not mandatory; it is discretionary. For example, if the City of Karratha is doing a good job, developers will not seek to go down this new pathway. Many of these applications are already with development assessment panels. The opt-in is set at only \$2 million. The member asked earlier about how many of the 60-odd projects in 2019 were in regional Western Australia. I am advised that 11 were.

Division

Amendment (deletion of words), as amended, put and a division taken, the Deputy Chair (Hon Martin Aldridge) casting his vote with the noes, with the following result —

Ayes (24)

Hon Ken Baston	Hon Donna Faragher	Hon Simon O'Brien	Hon Aaron Stonehouse
Hon Jim Chown	Hon Nick Goiran	Hon Martin Pritchard	Hon Matthew Swinbourn
Hon Alanna Clohesy	Hon Laurie Graham	Hon Samantha Rowe	Hon Dr Steve Thomas
Hon Peter Collier	Hon Alannah MacTiernan	Hon Robin Scott	Hon Colin Tincknell
Hon Stephen Dawson	Hon Rick Mazza	Hon Tjorn Sibma	Hon Darren West
Hon Sue Ellery	Hon Michael Mischin	Hon Charles Smith	Hon Pierre Yang

Noes (7)

Hon Martin Aldridge	Hon Robin Chapple	Hon Colin de Grussa	Hon Alison Xamon
Hon Jacqui Boydell	Hon Tim Clifford	Hon Diane Evers	

Pair

Hon Dr Sally Talbot

Hon Colin Holt

Amendment (deletion of words), as amended, thus passed.

The DEPUTY CHAIR: The question now is that the words, as amended, be inserted.

Hon AARON STONEHOUSE: I indicate my support for the amended form of words to be inserted. Most members have recognised that if the bill is to function appropriately, which is to provide a streamlined process for approvals, there cannot be too high a hurdle for developments to clear. The original threshold of \$30 million and 100 dwellings was too high and it would have created the risk of perverse incentives for developers to try to amend their plans and bump up projects by squeezing in dwellings when they were not needed just to reach the threshold and gain access to the streamlined process. The new threshold of \$20 million is much more appropriate. I would have been happier with a lower threshold, but this strikes a pretty happy middle ground. It removes some of the perverse incentives and ensures that vital development to this state can gain access to the streamlined process. I very much endorse the amendment.

Amendment, as amended, put and passed.

Hon ALISON XAMON: I will move to delete lines 22 to 25 on page 6.

The DEPUTY CHAIR: Hon Alison Xamon, it has been brought to my attention that the chamber has made the decision to delete line 22, so you may want to consider that matter and move at page 6, lines 23 to 25, to delete the lines.

Hon ALISON XAMON: Thank you, Mr Deputy Chair. Can I please get your guidance on the best way to do that? Do I need to write anything down to effect that change, because clearly the purpose of my amendment still stands and the issue is subject to debate?

The DEPUTY CHAIR: Hon Alison Xamon, if it is acceptable to you, you could simply cross out “22” on the supplementary notice paper and substitute “23” and sign it. If you move that accordingly, that will be the question that I will put.

Hon ALISON XAMON: I move —

Page 6, lines 23 to 25 — To delete the lines.

This amendment seeks to remove the ability for the term “significant development” to be later defined in the regulations. The definition as it is prescribed in the bill is already sufficient to meet what I will remind members is meant to be the short-term focus of part 2 of the bill. The advice that I received during my briefing on the bill is that the department has no plans to create regulations on this matter, and that an alternative way of requesting access to this pathway via the Minister for Planning already exists. I understand that the purpose is to futureproof, which is an avenue I am not supportive of.

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

CORONAVIRUS — UNEMPLOYMENT*Statement*

HON TIM CLIFFORD (East Metropolitan) [5.22 pm]: I rise tonight on a bit of a sombre note. Like many members in this chamber and many people across the community, I have seen today's announcement by the federal government about the job losses in recent months. It is clear from the ABC news article from a few hours ago that things are pretty dire. I will quote a couple of lines from this article to give members some perspective. It states —

After last month's initial figures on the impact of the nationwide COVID-19 shutdown, a further 227,200 people have lost their jobs in the last month.

The article states that overall, 835 000 people have lost their job since March. The article states that the Prime Minister acknowledged that women had borne the brunt of the fall in employment. The article states also that the unemployment rate for people aged between 15 and 24 years is 16.1 per cent, and that young people made up 45 per cent of the people who lost their jobs in May. That is a total of 118 000 jobs. That is quite shocking. It states also that 2.3 million people are either unemployed or underemployed, and that female employment fell by 118 000, making up 52 per cent of the jobs lost. That is what the federal Treasurer announced today. That drop comes after 325 000 women lost their jobs in April.

I have spoken in recent weeks about the government's focus on the post-COVID-19 recovery and the group of people it has pulled together to oversee that recovery. I have raised concerns in this place and I hope that the Premier in his meetings with the national cabinet has raised those concerns about conflict of interest and everything else. They are quite important because those conflicts of interest are really directing which way this recovery is going. What is welcome, though, is that the Prime Minister has alluded to the fact that pre COVID, Newstart was absolutely woeful. It pushed people into poverty. It limited the chances of people getting out there and making a meaningful go of trying to get back into the workforce because they were worried about whether they could pay their bills or eat. That comes after a long period in which people advocated from all different sectors from across the political divide, such as former Prime Ministers as well as members of the Greens and people within the Labor Party. The calls for raising Newstart have been getting louder and louder and louder over recent years. Although this is welcome, it is terrible that we had to wait for a pandemic for this to be realised.

Returning to the outlook of where we should be going with recovery, if we were to look forward and reimagine which way this would ideally play out, in my mind, it would not play out in the way that has been articulated to the community. For example, leaked draft reports in recent weeks have painted a picture of where we should be focusing our minds in the recovery, which is to pouring millions, if not billions, of dollars into where it is already being poured—that is, back into the pockets of the people from the fossil fuel industry. The draft reports refer to making the focus propping up those industries that are pretty much going to die—I should not say a natural death, because these industries will be fighting to stay alive. They have deep pockets, they have a lot of influence and they have bought a lot of social licence in our community.

But if we were to look forward and reimagine the way we will go, we definitely need to go down a path that takes advantage of new technologies, whether that is solar, wind or wave technologies. We have large amounts of lithium deposits within this state, so that goes back to the issues of storage. These are the industries that we should be heading towards. The pandemic has shown us not only that, but also the flaws within our community in terms of access to meaningful education and training and all these things from across the sector. We do not know where this pandemic is going to take us, and we are still in the midst of it, but it is looking pretty dire with the number of job losses. We need to be pulled into a place where we can take advantage of the things that we should have already been looking forward to pre COVID. During this time, there will be real judgement on how we act, what MPs are doing, what members of Parliament and community leaders are doing, where we are looking to take our community and how best to look after the people in the community.

The job losses announced today have shown to disproportionately impact young people and women, and I am pretty sure the Treasurer might have alluded to the fact that that is because of the sectors it has affected, which are the retail sector and the arts industry. I note that a lot of people in the arts industry have already been doing it tough, and when questions were put to the government about the arts community, the response a couple of months ago was, "We had to draw a line in the sand somewhere." That exposed that where the government drew that line is not where it should have been drawn. The hundreds of thousands of people who were not covered by JobKeeper should have been protected. They are the ones who have helped us get through this crisis—the young people who work in the arts community and the retail sector. All those people are doing it tough, disproportionately. I hope that, following the announcement that the Newstart allowance might be raised to help protect those people so that they can get through this pandemic and find their way back into employment, some of the subsidies and stimulus packages that are brought forward go to where they should be going, which, in my mind, is the renewable energy sector, education and the arts community. They are the sectors we should look after, not the one that is dying a slow, but hopefully quick, death—that is, the fossil fuel industry.

POLICE AND CORRECTIVE SERVICES*Statement*

HON ROBIN SCOTT (Mining and Pastoral) [5.30 pm]: I would like to use my member's statement to thank the honourable members who contributed to my non-government business motion today and also to let members know why the motion was so important to me. I have good friends who are policemen. Some are working and some are now retired. I also have friends who are prison officers, one of whom works in Casuarina Prison, known as the "big house". These guys are all big, burly men who can handle themselves in any situation, but they are not allowed to fight back when some fool is swinging at them, spitting, yelling abuse and insulting their families in the foulest language. These big men take it on the chin and do their best not to retaliate. We need to show them that we support and respect them, which I am sure 99 per cent of the public does.

I turn to the members who contributed to the debate. Hon Colin Tincknell has worked for three decades with remote Aborigines. He has a wealth of experience. I thank him for his contribution. Hon Charles Smith, a former police officer, again, has a wealth of experience. He spoke about the constant crime in his electorate, young gangs walking the streets, part-time police stations and the cutting of police budgets. It is great to have support from him, as someone who knows the business. Everything Hon Nick Goiran said was true. That is why government members started yelling and trying to drown him out. I thank him for his contribution and support. I am glad that Hon Martin Aldridge waved the flag for small-town police stations. They all go above and beyond their duties. I can only share his grief at trying to get answers from the government. I thank the honourable member for his support. I thank Hon Darren West for supporting our police force. As a regional member, he is well aware of the heavy lifting that country cops do. Hon Michael Mischin, the shadow Attorney General, is experienced in law and the various government departments and in explaining the accountability of these departments and, of course, our police and prison officers. His observations over the years are very pertinent to today's world. I thank the honourable member for his contribution, even though it was cut short.

Last but not least, I turn to Hon Alannah MacTiernan. The honourable member was quick to defend the ABC. I would ask her to get the ABC *Fact Check* to prove me either right or wrong; it could do that in no time at all. The honourable member stated that the police still have an attitude against Aborigines. I do not believe that was a tick for our policewomen and policemen. The honourable member praised the Commissioner of Police, who apologised for all the atrocities of the past. Well, honourable member, your great leader, Kevin Rudd, apologised already for all of us. Then I was accused of distorting reality. Honourable member, I am not that smart. I am a mine site electrician. I would find it very difficult to distort anything; it is just not in my DNA. I have not been in politics long enough to learn how to be cunning and deceitful. I admired the honourable member right up until she spoke on the gold industry tax, nearly three years ago. I then realised that she could talk about absolutely anything, yet know nothing about the subject. Today, like with the gold tax issue, the minister proved to me that her knowledge of the police force is limited. Black lives do matter—all lives matter. To me, the honourable member has just become a piece of furniture in this chamber, so I am looking forward to next March when hopefully we will have a verge pick-up.

The PRESIDENT: Order! Member, you started off so well. You really need to have a look at the standing orders when you start to make reflections upon a member that are perhaps inappropriate and derogatory. That is not the practice in this house, so I think you need to give thought to that, and I might very well give the minister the call. I understand she wants to make a statement.

Hon ROBIN SCOTT: Thank you, Madam President.

Statement

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [5.35 pm]: Once again, totally on cue with his normal performances, the member who has just spoken has completely and utterly distorted the contribution I made. Indeed, I started off by saying that when I first saw that motion moved this morning, I was very pleased it had been moved, because I absolutely understand how many decent police officers—policemen and policewomen—in Australia, the United Kingdom and the United States must be travelling with a very heavy heart, as they were proud of the work that they did, yet the conduct of some of them was bringing them all into disrepute. That was very much the theme of my presentation. But I went on—I did—to challenge the assumption of the member for the Mining and Pastoral Region, who represents many, many Aboriginal people. Indeed, I believe the electorate has the most significant percentage of Aboriginal people in the state, certainly the Kimberley. I thought he had really misrepresented them to say that there was not a legitimate issue and that the Aboriginal people of this state were not coming at this from a deep-felt place, but they were just being whipped up into a fury by the ABC, and that is why they were taking Black Lives Matter —

Hon Robin Scott: They were!

The PRESIDENT: Order!

Hon ALANNAH MacTIERNAN: I do not know how many Aboriginal people you have actually met and spoken to. I can tell you that I have been working with Aboriginal people across this state for over 40 years!

Hon Robin Scott interjected.

The PRESIDENT: Member, you will sit down and you will be quiet. Minister, you will stop yelling. I can hear you very clearly in a normal tone, thank you.

Hon ALANNAH MacTIERNAN: Thank you very much, Madam President.

I am not going to sit here and allow the Aboriginal population and the Aboriginal people of this state who got up as part of the Black Lives Matter movement to be accused of being whipped up into this state by the ABC. The fundamental point I was making was that this is not just an issue about the conduct of some police or police culture; it is a bigger issue. If the member listened to the speeches that were being made by the Aboriginal people of this state about this whole issue of black lives matter, it goes far deeper than claims about the conduct of some police officers. It really is about how we as a community have moved to resolve the very deep-felt trauma that has gone on for many generations in the black and white relationships of this state. Like many other members here, I absolutely understand that the police face a very, very difficult issue. I went out of my way to talk about how I have seen many Aboriginal people who have developed very, very deep relationships with particular police officers—and I went on to commend the work and the leadership that has been shown by the Commissioner of Police, Chris Dawson. I do not think that we can allow this member to continue to denigrate Aboriginal people in this place.

Point of Order

Hon COLIN TINCKNELL: The honourable minister has denigrated the member and changed what he said during his speech. During his speech, the honourable member gave facts and figures about wrongful reports on the ABC. He clearly made a point of that. He is being ostracised and spoken down to in a way that is very unfair, Madam President.

The PRESIDENT: There is no point of order. Things got very heated—no, minister, we will move on.

ABORIGINAL PEOPLE — INCARCERATION RATE

Statement

HON ALISON XAMON (North Metropolitan) [5.40 pm]: It has been a very big week, and I particularly want to note the passage of the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019 on Tuesday night. I personally felt an enormous amount of joy at the passage of that bill. It has been so long coming and I was really pleased when it was finally passed in this house and in the other place. It is an incredibly important and welcome reform, but I need to make the point that there is no room for complacency in this space and, as far as I am concerned, that was just the beginning of the sort of reform that we need to be undertaking. It is a small but important step towards ending the over-incarceration of particularly First Nations people in this state, but a lot more reform needs to occur.

It is very disappointing that as a direct result of the COVID-19 pandemic, the government has put on hold its whole-of-government targets, which included ensuring that by 2028–29, the number of Aboriginal adults in prison would be reduced by 23 per cent on 2017–18 numbers, and that by 2022–23, no more than 50 per cent of young offenders would be returned to detention within two years of release. These are really important targets that now, more than ever, should be a focus of government. As I have said on numerous occasions, dealing with youth justice reform needs to be an absolute priority. We know that the earlier children get into the youth justice system, the more likely they will go on to be long-term offenders. As at 31 March 2020, there were 116 children in youth justice detention in Western Australia. I want to thank the minister, because the corrective services data on the government website has been updated finally. Of those children in youth justice detention, 87 are Aboriginal. We are talking about 75 per cent of children currently incarcerated in this state being First Nations children. WA has the highest rate of incarceration of Aboriginal children and young people in the country. Reducing the number of First Nations people in custody absolutely has to include a focus on youth justice, and I would argue that is a very important primary step.

There are two important ways in which we can reduce the number of Aboriginal children and young people in detention. Firstly, we need to ensure that detention is truly an option of last resort and, secondly, we need to raise the age of criminal responsibility. I remind members that raising the age of criminal responsibility has been talked about widely since the Royal Commission into the Detention and Protection of Children in the Northern Territory. It is one of the recommendations included in the royal commission's 2017 report. The United Nations Committee on the Rights of the Child has also called on countries to set a minimum age of responsibility at about 14 years or even higher, and recommends that children under 16 years of age should never be deprived of their liberty. I also note that key groups across Australia have strongly advocated for precisely this sort of change, including the National Aboriginal and Torres Strait Islander Legal Services, the Law Council of Australia, the Australian Medical Association, Change the Record, Amnesty International Australia, the Human Rights Law Centre and the Royal Australasian College of Physicians. I particularly want to acknowledge the work of my colleague Senator Rachel Siewert. She has been doing a lot of work in this area at the national level, and she and I work very closely together. I welcome the review of the age of criminal responsibility by the Council of Attorneys-General and note that it is being led by Western Australia's Department of Justice. I truly hope that work has not also stalled as a result of COVID-19 and that we start to see some urgent change in this area pretty soon.

Again, we need to remember that the imprisonment of children should always be an absolute last resort, because evidence shows that locking up kids, particularly young children, does not translate to stopping them from breaking the law. In the long-term, it does not help make our communities any safer. Although the overall numbers in detention may not be growing now, increasing numbers of children and young people are, unfortunately, being kept on remand. As at 31 March this year, 64 per cent of the children being kept at Banksia Hill Detention Centre were on remand and were unsentenced. Many of those children do not need to be in detention. Reducing that number will require concerted efforts to ensure that those children have somewhere safe to live once they are granted bail. We have to make sure that we have properly invested in drug and alcohol programs so that people are not kept in detention while waiting until a replacement becomes available, as is the case for some of those children.

Of course, we need to make sure that we work hand in glove with Aboriginal communities to develop options to keep kids on country and make sure that they are kept close to their community. We need legislative reform to abolish all mandatory sentencing provisions, because mandatory sentencing, particularly of children, absolutely needs to stop and has no place in a civilised society. We need to identify and manage cognitive impairments such as foetal alcohol spectrum disorder in children and young people, particularly those in child protection and those who come into contact with the youth justice system. That has been a recommendation of report after report, yet it still has not been adequately addressed.

Unfortunately, this government has provided very little transparency for youth justice. I remind members of the complete shemuzzle that occurred with the machinery-of-government changes with the Department of Communities. For a long time, we did not know whether youth justice was going to come into Communities or stay in corrective services. The people working in youth justice were kept in limbo for more than two years. It was an absolute disaster and meant that we had no reform in that space.

The youth justice framework, which outlined strategic projects and key priority areas of the department and was developed by the previous government, expired back in 2018, and there has not been a replacement that I am aware of. Furthermore, the review of the Young Offenders Act is, as far as I am aware, still on hold. I remind members that some provisions of that act do not even meet minimum international standards. I am glad that there is a global focus on justice systems due to the Black Lives Matter movement; it is about time. I do not want this important and, indeed, rare opportunity for change to be lost. I think we have momentum and I am determined to ensure that that is not lost. We have had a good week and have had a win, but we need to remember that some serious reforms are still not being progressed.

ABORIGINAL HERITAGE — ARCHAEOLOGICAL SITE PROTECTION

Statement

HON ROBIN CHAPPLE (Mining and Pastoral) [5.48 pm]: Hopefully this will be my last contribution —

Hon Alison Xamon: I hope not!

Hon ROBIN CHAPPLE: — on the issue that we have been dealing with.

I do not intend, as the clerk is insinuating, to fall over or something.

I will continue from the remarks I made previously in the debate on the motion. I want to finalise by saying that, clearly, from the information that I am getting from a number of stakeholders, whether it be Indigenous communities, representative bodies, anthropologists or archaeologists, the Aboriginal Heritage Act 1972 needs to be reframed to reflect the intent of the act as it was debated in this and the other place. Everybody stood together with the presumption that Indigenous heritage mattered. The act must have regulatory oversight. The Aboriginal Heritage (Marandoo) Act needs to be rescinded, and I am very pleased to hear that the government and Rio Tinto are actually going down the path of considering doing that. There are negotiations afoot and I am very, very supportive of those.

Given the situation, we need the mining industry to voluntarily review its contracts with Indigenous people—the Indigenous land use agreements. These are the components that constrain Aboriginal people in their ability to talk. In my view, there needs to be a fundamental restructuring of the native title law to include the right of veto, as per the Northern Territory. The breaking of the direct nexus between mining and government revenues that invariably results in states operating as brokers for the mining corporations rather than as impartial arbiters must cease. Strong consent provisions must be provided to complete the solution to regulatory heritage protection. In this regard, I really go back to the issues that are contained within the agreements. We cannot deal with that. The state cannot deal with that. It has neither the power nor the legal imprimatur to do so. I am calling upon industry at this time, when it is being called to look at its processes, to take some voluntary role in winding back some of the draconian aspects of these agreements.

However, such provisions need to legally empower both parties to not only respect each other, but also enable the mining to continue while at the same time not making Aboriginal people subservient to that process. There are such provisions. I have supported Hon Ben Wyatt, a good friend of mine, when he has said that we need to re-empower Aboriginal people in Aboriginal heritage, but we cannot do so while the industry has one hand tied behind its back.

After I concluded the debate we had on Wednesday morning, I got a weird phone call at about 11 o'clock at night. I will have to paraphrase this, because it came as a bit of a shock. Some people might know, there was an elder who passed away in the Pilbara, a very important elder, Nyaparu Parker, and I was contacted by a constituent in Roebourne who happened to be a family member. We talked about the issues of the day and all sorts of things. We had quite a lengthy discussion. I am paraphrasing this, and I am sorry if I get a couple of the words wrong. She said, "I heard about your motion today. Not much has changed. They used to tie us up in metal chains. Now they tie us up in paper. Just as strong. They used to march us off to Roebourne jail. Now they fly us to Perth and Sydney. Not much has changed."

MINISTER FOR REGIONAL DEVELOPMENT — HON ROBIN SCOTT'S COMMENTS

Statement

HON DARREN WEST (Agricultural — Parliamentary Secretary) [5.53 pm]: I want to reflect very briefly on a member's statement that was made earlier tonight in which there was an attack on my very good friend and parliamentary colleague, and I wish to say a few words in her defence.

The statement was made by a member of this house who, to my best knowledge, has yet to rack up an achievement as a member of Parliament.

Hon Colin Tincknell interjected.

The PRESIDENT: Member and Hon Colin Tincknell, I will say this. Member, I appreciate why you feel the need to respond, but you need to be very cautious that you do not go down the same pathway and be picked up in a similar manner to how I picked up the earlier speaker. Although I may not have mentioned it, I alerted that member to standing order 45 on imputations and personal reflections. It was the personal reflections that were being made about the minister that I took umbrage with, because that was becoming quite disorderly, and that is not appropriate. I say to you: I appreciate why you feel the need to rise to your feet and defend your colleague, but in doing so, I would encourage you not to go down the same pathway and reflect in a perhaps inappropriate way upon an earlier speaker.

Hon DARREN WEST: Thank you, Madam President, and I appreciate your very sage advice. It was not my intention to spend much time at all talking about the member who made the statement, but rather to point out the contrast between him and my very good friend and colleague Hon Alannah MacTiernan who has, in more than 20 years as a member of this Parliament, made an enormous contribution to the state of Western Australia through infrastructure projects and massive changes to departments. Over the last few years we have seen the rebuilding of the Department of Agriculture and Food, the rebuilding of royalties for regions, and the rebuilding of the Department of Regional Development. These are enormous contributions to our state of Western Australia by a very capable minister who is not only a talented politician who stands for many good things and has achieved many good things, but is also a really, really good person. I do not appreciate someone whom I consider not to be of that ilk making such disparaging remarks about such a great Western Australian who has done great things for our state, and who I think deserves more respect when being referred to. I think those remarks were unnecessary and uncalled for, and I would like to think that the member who made those remarks might perhaps reflect on them and, in the future, apologise. But I will stand proudly with my colleague Hon Alannah MacTiernan as a great mentor to me, a great politician, and someone who has done great things for Western Australia. I cannot sit there and listen to criticism from someone in that way.

House adjourned at 5.57 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

POLICE — JUVENILE OFFENDING

2899. Hon Nick Goiran to the minister representing the Minister for Police:

I refer to crime perpetrated by children and young people in our State, and I ask:

- (a) what were the 10 locations where such crime was most prevalent in 2019;
- (b) further to (a), what were those locations for the first quarter of 2020?

Hon Stephen Dawson replied:

- (a)–(b) The Western Australia Police Force advise for the period 1 January 2019 to 31 March 2020: Shire of Three Springs; Shire of Broomehill–Tambellup; Shire of Leonora; Shire of Meekatharra; Shire of Ngaanyatjaraku; Shire of East Pilbara; Shire of Wagin; Shire of Goomalling; Shire of Wyndham–East Kimberley; and Shire of Derby–West Kimberley.

Notes: Statistics are provisional and subject to revision.

REGIONAL DEVELOPMENT — DEPARTMENT — CONSULTANCY SERVICES

2945. Hon Robin Chapple to the Minister for Regional Development:

I refer to the tabled document, *Report on Consultants Engaged by Government for the six months ended 31 December 2019*, and I ask:

- (a) for the consultancy service provided by Ernst and Young for the listed purpose of “economic modelling of carbon farming in WA to inform state carbon strategy through RDLF”:
 - (i) what was the scope of the services provided;
 - (ii) who were the specific stakeholders consulted through the scope of the services;
 - (iii) what were the recommendations and/or guidance provided through the scope of the services; and
 - (iv) which of the recommendations and/or guidance has been implemented and how has this been undertaken;
 - (v) if recommendations and/or guidance has not been implemented, why is this the case?
- (b) for the consultancy service provided by Frank Weisenberger Consulting, for the report outlining Fitzroy River Environmental and Cultural Landscape review management plan within the Fitzroy Catchment in support of the Fitzroy Management Plan:
 - (i) what was the scope of the services provided;
 - (ii) who were the specific stakeholders consulted through the scope of the services;
 - (iii) what were the recommendations and/or guidance provided through the scope of the services; and
 - (iv) which of the recommendations and/or guidance has been implemented and how has this been undertaken;
 - (v) if recommendations and/or guidance has not been implemented, why is this the case?
- (c) for the consultancy service provided by Jackson Macdonald, for the report outlining renewable hydrogen refuelling station overview of the regulatory landscape:
 - (i) what was the scope of the services provided;
 - (ii) who were the specific stakeholders consulted through the scope of the services;
 - (iii) what were the recommendations and/or guidance provided through the scope of the services; and
 - (iv) which of the recommendations and/or guidance has been implemented and how has this been undertaken;
 - (v) if recommendations and/or guidance has not been implemented, why is this the case?
- (d) for the consultancy service provided by RFF Australia, for the report outlining economic and population characteristics of the Fitzroy river catchment in support of the Fitzroy river management plan:
 - (i) what was the scope of the services provided;
 - (ii) who were the specific stakeholders consulted through the scope of the services;
 - (iii) what were the recommendations and/or guidance provided through the scope of the services; and

- (iv) which of the recommendations and/or guidance has been implemented and how has this been undertaken;
- (v) if recommendations and/or guidance has not been implemented, why is this the case?
- (e) for the consultancy service provided by Western Land and Water Consulting, for the report outlining the response from the Department of Primary Industries and Regional Development to the Office of the Auditor General, into the management of dryland salinity:
 - (i) what was the scope of the services provided;
 - (ii) who were the specific stakeholders consulted through the scope of the services;
 - (iii) what were the recommendations and/or guidance provided through the scope of the services; and
 - (iv) which of the recommendations and/or guidance has been implemented and how has this been undertaken;
 - (v) if recommendations and/or guidance has not been implemented, why is this the case?

Hon Alannah MacTiernan replied:

- (a)
 - (i) Assessment of direct economic costs and benefits of Human-Induced Regeneration carbon farming on pastoral lease lands.
 - (ii) Grazing Innovation
 Tierra Australia
 Pastoralists and Graziers' Association
 Department of Water and Environmental Regulation
 Pew Trusts
 AI Carbon
 10 Deserts Project
 Carbon Neutral
 Murdoch University
 Clayton Utz
 Carbon Market Institute
 - (iii) No recommendations made.
 - (iv)–(v) Not Applicable.
- (b)
 - (i) Delivery of a review and assessment of natural and cultural resource management plans and programs in the Fitzroy River catchment to include:
 - Identification and assessment of the documented natural and cultural conservation strategies and actions for the catchment; and
 - A profile of the environmental and cultural landscapes of the Fitzroy River Catchment using existing data and information.
 - (ii) Former members of the Fitzroy Catchment Management Group (FITZCAM) and additional Traditional Owners and stakeholders in the catchment were surveyed on the content of the 2010 Fitzroy Catchment Natural Resource Management Plan.
 Registered Native Title Body Corporates with Healthy Country Plans within the Catchment area, which include the following Aboriginal Corporations:
 - Walalakoo
 - Wilinggin
 - Bunuba Dawangarri
 - Yanunijarra
 - Gooniyandi
 Additionally, see the tabled paper for stakeholder groups who were invited to take part in a survey relating to a review of the status of the 2010 Fitzroy Catchment Natural Resource Management Plan. [See tabled paper no [3992](#).]
 - (iii)–(v) The Report is not yet finalised.

- (c) (i) To undertake a high-level and preliminary review of the current regulatory landscape for hydrogen vehicle refuelling stations and fuel cell electric vehicles in Western Australia to identify where barriers and gaps might present and to provide recommendations and guidance to State Government on the nature of regulatory reform, if any, required for refuelling infrastructure for renewable hydrogen vehicles in Western Australia.
- (ii) None.
- (iii) The *Renewable Hydrogen Vehicle Refuelling Stations – An overview of the regulatory landscape* (Report) identified nine areas of regulation as potentially relevant and applicable for hydrogen vehicle refuelling stations and fuel cell electric vehicles and for the relevant legislation identified where potential gaps in current codes, procedures, standards etc. for dealing with hydrogen may lie.
- (iv) The Report has equipped relevant State Government agencies with an understanding of the regulatory landscape and the relevant regulatory risks as it presents for hydrogen vehicle refuelling stations and fuel cell electric vehicles in Western Australia.

The State Government's Renewable Hydrogen Unit (RHU) at the Department of Jobs, Science, Tourism and Innovation – which is leading the Government's work to support the growth of a renewable hydrogen industry for Western Australia – is working with key regulatory agencies including the Department of Mines, Industry Regulation and Safety and the Department of Transport to further analyse potential gaps in the regulatory frameworks for hydrogen and develop options to improve the regulatory frameworks while ensuring strong safety and consumer protections.
- (v) Work to improve the regulatory framework for hydrogen activities is ongoing.
- (d) (i) Completion of a statistical and socio-demographic profile of the Fitzroy River Catchment area using the latest Australian Bureau of Statistics data and other relevant, up-to-date and available information. The profile is a desktop analysis which includes an outline of key frameworks, plans, strategies and initiatives relevant to the Catchment area as well as profiling key industries.
- (ii) None.
- (iii) This report was a desktop assessment and literature review only which will be used to inform stakeholder consultation and drafting of the Fitzroy River Management Plan. The final report is now under review and consideration by the Department of Primary Industries and Regional Development.
- (iv) None.
- (v) The catchment profile does not contain recommendations. It provides a current snapshot of the catchment to inform the consultation and planning process underway and contents will be used to inform drafting of the Fitzroy River Management Plan.
- (e) (i) The services provided were to support the review of stakeholder submissions and assist with the drafting of a proposed response to the Auditor General's report.
- (ii) [See tabled paper no [3992](#).]
- (iii)–(v) The proposed Government Response to the Auditor General's report into the management of dryland salinity, including recommendations, has been submitted to the Minister for consideration.

PORTS — DEPARTMENT — CONSULTANCY SERVICES

2946. Hon Robin Chapple to the Minister for Ports:

I refer to the tabled document, *Report on Consultants Engaged by Government* for the six months ended 31 December 2019, and I ask:

- (a) for the consultancy services of GHD Pty Ltd, for the listed purpose of Management of the Kimberley Marine Supply Base business case proposal:
 - (i) what was the scope of the services provided;
 - (ii) who were the specific stakeholders consulted through the scope of the services;
 - (iii) what were the recommendations and/or guidance provided through the scope of the service; and
 - (iv) which of the recommendations and/or guidance has been implemented and how has this been undertaken;
 - (v) if recommendations and/or guidance has not been implemented, why is this the case; and

- (b) for the consultancy services of KPMG, associated with future container port location options in Western Australia:
 - (i) what was the scope of the services provided;
 - (ii) who were the specific stakeholders consulted through the scope of the services;
 - (iii) what were the recommendations and/or guidance provided through the scope of the service; and
 - (iv) which of the recommendations and/or guidance has been implemented and how has this been undertaken;
 - (v) if recommendations and/or guidance has not been implemented, why is this the case?

Hon Alannah MacTiernan replied:

- (a)
 - (i) To assess the assumptions in the Kimberley Marine Support Base (KMSB) business case, the overall viability of the proposal and determine the impact the proposed infrastructure and business model would have on the Kimberley Ports Authority (KPA).
 - (ii) Consultation took place with the Departments of Transport, Treasury, and Jobs, Tourism, Science and Innovation, the Kimberley Development Commission and the Minister for Ports' office. Separate consultation included Woodside Energy Ltd, Shell and INPEX.
 - (iii)–(v) No recommendations were provided by GHD. The proposed infrastructure development was considered complementary to the existing Port of Broome facilities, resulting in a wider choice of infrastructure to meet customer needs without the need for government investment, and with varying financial benefits to KPA over the short and longer term. The Government has provided approval for KPA to enter lease and licence agreements with KMSB for development of relevant infrastructure, subject to specified conditions.
- (b)
 - (i) The Westport Taskforce engaged KPMG to assess the preliminary potential economic benefits and costs arising from shortlisted Westport options.
 - (ii) The Departments of the Premier and Cabinet; Treasury; Planning, Land and Heritage; Primary Industries and Regional Development; Jobs, Tourism, Science and Innovation; DevelopmentWA; Kwinana Industries Council; Western Australian Treasury Corporation; City of Kwinana; City of Rockingham; Fremantle Port Authority; BP; Alcoa; Tronox; Talison Lithium; and Coogee Chemicals.
 - (iii)–(v) The results delivered by KPMG formed part of the input to a Rapid Cost Benefit Analysis, one of several tools used as part of the ongoing investigation into a new container port.

CULTURE AND THE ARTS — GRANTS

2947. Hon Colin Holt to the Leader of the House representing the Minister for Culture and the Arts:

- (1) I refer to the announcement made on the 24 February 2020, of \$50,000 for the Arts Culture and Heritage strategy for the Great Southern as part of the Regional Arts and Culture Investment Program (RACIP), and I ask:
 - (a) who is the recipient of the \$50,000;
 - (b) who/which organisation is coordinating the consultation and development of the strategy;
 - (c) what groups/organisations have been identified for involvement in developing the strategy; and
 - (d) how has the COVID-19 crisis affected the development of the strategy and the acquittal of the fund;
 - (e) has any organisation been requested to return funds or been notified that the funds are now no longer available? If so which organisations?
- (2) I refer to the announcement made in October 2019, of 37 arts organisations sharing in \$31 million in funding through the Arts Organisations Investment Program commencing 2020, and I ask:
 - (a) is all this funding going ahead as committed;
 - (b) has anything changed with this funding due to COVID-19 crisis; and
 - (c) have any organisations been asked to return funds or notified to expect less funding and, if so, which ones and how much;
 - (d) what specific projects will now not go ahead?
- (3) I refer to the announcement made on 10 March 2020, of the regional arts tour as part of the Regional Exhibition Touring Boost, and I ask:
 - (a) has the tour been postponed due to COVID-19;

- (b) has the Regional Exhibition Touring Boost fund been repurposed due to COVID-19; and
 - (c) if yes to (3)(b), what has it been repurposed to;
 - (d) if yes to (3)(b), when was this repurposing announced and how and what consultation occurred with the arts sector?
- (4) I refer to the announcement made on 19 September 2019, of the grant programs announced as part of Regional Arts and Culture Investment Program, and I ask:
- (a) who were the successful recipients of The Playing WA grant program:
 - (i) has anything changed with this funding due to COVID-19 crisis; and
 - (ii) have any organisation been asked to return funds or notified to expect less funding and, if so, which ones and how much;
 - (iii) what specific projects now will not go-ahead; and
 - (b) who were the successful recipients of The Regional and Remote Festivals Fund:
 - (i) has anything changed with this funding due to COVID-19 crisis;
 - (ii) have any organisation been asked to return funds or notified to expect less funding and, if so, which ones and how much; and
 - (iii) what specific projects now will not go ahead?
- (5) I refer to the grant program In the House which opened in January 2020, and I ask:
- (a) who were the successful recipients of the program;
 - (b) has anything changed with this funding due to COVID-19 crisis; and
 - (c) if the funding program will not go ahead due to COVID-19 where will the funds be repurposed to;
 - (d) have the organisations who have applied been advised of the status of the grant?
- (6) What specific support and funding is the State Government going to give to the following venues to ensure they can reopen, operate and remain viable post COVID-19 restrictions:
- (a) Bunbury Regional Entertainment Centre;
 - (b) Mandurah Performing Arts Centre;
 - (c) Albany Entertainment Centre;
 - (d) Geraldton Queens Park Theatre; and
 - (e) Kalgoorlie Goldfields Arts Centre;
 - (f) Karratha Theatre Red Earth Arts Centre?

Hon Sue Ellery replied:

- (1) (a)–(b) The City of Albany.
- (c) All local governments of the Great Southern region.
- (d) The COVID-19 crisis delayed the development of the strategy and the acquittal of the fund by one year. The project end date has been extended to 28 February 2022.
- (e) No.
- (2) (a) Yes.
- (b) For organisations funded through the Arts Organisations Investment Program (AOIP) the Department of Local Government, Sport and Cultural Industries (DLGSC) is adopting a flexible approach. This includes adjusting requirements to target outputs, bringing forward payments where required, delaying or simplifying reporting requirements, varying the purposes and outcomes of funding and allowing organisations to use money provided for a deliverable, to be repurposed to pay essential bills such as wages, rent or utilities.
- (c) No.
- (d) Public presentations that exceed the COVID-19 restrictions and activities in venues that are currently closed or include travel will not go ahead.
- (3) (a) Yes.
- (b) Part of the RETB fund has been repurposed to the delivery of the Public Regional Galleries COVID-19 Relief Fund.
- (c)–(d) Not applicable.

- (4) (a) Barking Gecko Theatre Company, Perth Symphony Orchestra, The Western Australian Opera, Annette Carmichael, CircuitWest and Marrugeku.
- (i) Several recipients have delayed touring activity that was scheduled to occur in 2020.
- (ii) No.
- (iii) Tours that are confirmed as being deferred from 2020 until 2021 are: Fully Sikh (Barking Gecko Theatre Company), Perth Symphony Orchestra's regional tour, and Miss Westralia (CircuitWest). Opera in the Pinnacles was cancelled and has not yet been rescheduled.
- (b) The Denmark Arts Council, Magabala Books, The West Australian Guitar Festival, Writing WA, Nintirri Centre, and Kimberley Aboriginal Law and Culture Centre.
- (i) Some recipients have delayed activity due to the COVID-19.
- (ii) No.
- (iii) The festivals that been deferred from 2020 to 2021 are: Denmark Festival of Voice, Corrugated Lines (Magabala Books), Kimberley Aboriginal Law and Culture Centre Regional Festival and the Karijini Experience (Nintirri Centre).
- (5) (a)–(d) The 'In the House' grant program is currently on hold due to the COVID-19 pandemic.
- (6) (a)–(f) The Albany Entertainment Centre is a State-owned venue and will continue to be supported through the Perth Theatre Trust. No specific support for the other regional venues has currently been identified.

HEALTH — REPRODUCTIVE TECHNOLOGY COUNCIL — ANNUAL REPORT 2018–19

2948. Hon Nick Goiran to the parliamentary secretary representing the Minister for Health:

I refer to the *Reproductive Technology Council's 2018–19 Annual Report*, and I ask:

- (a) are you aware that there were ten reported cases of severe ovarian hyperstimulation syndrome (OHSS); and
- (b) did any of the cases of OHSS involve a surrogacy arrangement?

Hon Alanna Clohesy replied:

- (a) Yes.
- (b) The Reproductive Technology Council reports aggregated data as set out in Schedule 3 of the Directions to the *Human Reproductive Technology Act 1991*. OHSS data are collected in relation to IVF in general, not specific to surrogacy arrangements.

MINING — PROPOSAL APPROVALS

2949. Hon Robin Scott to the minister representing the Minister for Mines and Petroleum:

- (1) Will the Minister please provide a list of the companies/prospectors and projects which have lodged addendums to existing mining proposals to commence mining operations within the last 8 months and are currently still waiting to have those projects approved by the Department of Mines, Industry Regulation and Safety?
- (2) If no to (1), why not?
- (3) Can the Minister advise what is specifically being done to process and expedite all outstanding addendums to Mining Proposals awaiting approval so as mining companies can continue to play a huge part in the growth and development of this State?
- (4) If no to (3), why not?

Hon Alannah MacTiernan replied:

- (1) No.
- (2) There is no formal process for addendums to Mining Proposals under the Mining Act 1978, and therefore the Department of Mines, Industry Regulation and Safety (DMIRS) does not differentiate within its systems between Mining Proposals that are for new operations compared to proposals for additions/revisions to existing operations. I have provided a list of companies that have lodged Mining Proposals since 15 September 2019, which were still under assessment as of 15 May 2020. This amounts to 82 Mining Proposals. [See tabled paper no [3994](#).]
- (3) DMIRS commits to target timeframes for all its approval processes. The target timeline for Mining Proposals is 30 business days from receipt of application. While a number of the 82 Mining Proposals listed in (2)

may be ‘on-hold’ waiting for more information from the applicant or advice from another agency, over the period 15 September 2019 to 15 May 2020 DMIRS finalised 139 Mining Proposals with an average DMIRS processing time of 19 business days. DMIRS is continuously improving its approvals performance and I recently announced that from 1 July 2020, the target timeframe for exploration and prospecting programme of work approvals will be reduced from 30 to 15 business days.

- (4) Not applicable.

PUBLIC HOUSING — WATER DAMAGE — KALGOORLIE–BOULDER

2950. Hon Robin Scott to the minister representing the Minister for Housing:

- (1) Can the Minister advise how many Department of Communities houses in Kalgoorlie–Boulder have reoccurring water damage in the ceilings or walls?
- (2) If no to (1), why not?
- (3) Can the Minister advise what is being done to eliminate the problem of reoccurring water damage in peoples houses located in Kalgoorlie–Boulder so as tenants are not repeatedly subjected to unfavourable, unhygienic living conditions as result of continual water leaks?
- (4) If no to (3), why not?

Hon Stephen Dawson replied:

- (1) No.
- (2) The Department of Communities is unable to report on properties with reoccurring water damage as it does not capture data on this criterion. It would impose a significant administrative burden on the Department of Communities to source this data.
- (3)–(4) The Department of Communities continually identifies properties that require upgrades to existing infrastructure.

The Department of Communities endeavours to respond to maintenance issues as soon as possible, prioritising maintenance work that poses a health and safety risk to tenants or where there is a risk of damage to the property. Public housing tenants are required to report maintenance issues as and when issues occur. When a tenant reports a burst water pipe, the tenant is requested to turn off the water at the water main to prevent additional damage to the property.

Maintenance falls under four categories, with different maximum wait times for each category. The maximum time for urgent work, such as a burst water pipe, is 24 hours. After hours maintenance services are provided for emergency maintenance repairs, to be attended to after normal working hours.

The McGowan State Government’s Social Housing Economic Recovery Package announced in June 2020, is the largest housing maintenance and refurbishment program in our State’s history. This \$318.7 million stimulus package will see the refurbishment of 1,500 public and community houses, supported accommodation facilities such as family and domestic violence refuges, and residential group homes. It also includes a rolling maintenance program targeting 3,800 regional government-owned properties, and the delivery of about 250 new homes to help the most vulnerable people in our community.

