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LEGISLATIVE ASSEMBLY

Tuesday, 26 May 2020

THE SPEAKER (Mr P.B. Watson) took the chair at 2.00 pm, acknowledged country and read prayers.

CORONAVIRUS — HEALTH UPDATE

Statement by Minister for Health

MR R.H. COOK (Kwinana — Minister for Health) [2.02 pm]: I rise to update the house on the current COVID-19 situation in Western Australia. The Department of Health has reported six new cases of COVID-19 overnight. The positive cases—all males—are crew from the livestock carrier *Al Kuwait*, which has travelled from Qatar to Perth and is now docked in Fremantle Harbour. The six confirmed cases have been moved off the ship today to a Perth hotel in a state government operation involving the Western Australian Department of Health, the Western Australia Police Force, the Department of Primary Industries and Regional Development and Fremantle Ports, as well as the Australian Border Force and the Australian Maritime Safety Authority. For the time being, the remaining 42 crew members, who are well, will remain on board the ship and will be monitored and undergo health assessments as required. A WA medical assistance team will board the ship to further assess crew and provide advice on health and infection control. Mr Speaker, the brief ministerial statement is a little out of date, but I can confirm that six of the crew have now been moved to one of our quarantine facilities.

Our state total is now 570 cases. We now have a total of 12 active COVID-19 cases being monitored in Perth. They are all in self-isolation at home or in hotel quarantine. There are no COVID-19 patients in our hospitals. Five hundred and forty-nine people have now recovered from COVID-19 in WA. Activity at WA COVID-19 clinics yesterday was: 894 people presented to COVID-19 clinics; 837 were assessed within the clinics and 831 were swabbed. To date, a total of 78 308 tests have been performed in Western Australia, of which 13 811 have been performed in regional Western Australia. Today we have also heard news of two schools in New South Wales that have been shut down due to COVID-19. We are not over this virus. We will continue to see it pop up. If people are travelling this long weekend, please be mindful of this: keep your distance; wash your hands; and do not go out if you are unwell. We are all in this together, and together we will get through.

INDONESIA–AUSTRALIA COMPREHENSIVE ECONOMIC PARTNERSHIP AGREEMENT

Statement by Minister for Asian Engagement

MR P.C. TINLEY (Willagee — Minister for Asian Engagement) [2.05 pm]: I am pleased to advise that following ratification by both countries, the Indonesia–Australia Comprehensive Economic Partnership Agreement will formally enter into force on 5 July 2020. This is an important agreement for Western Australia and one that will offer significant benefits across Western Australian industry. In addition to our already strong people-to-people ties with Indonesia as our nearest neighbour, Indonesia offers significant potential as a trade and investment partner for Western Australia. Indonesia is the largest economy within the Association of Southeast Asian Nations and by 2050 is likely to be the fourth largest economy in the world. Indonesia has a young population, with nearly half of its 262 million people under 30 years of age, and a rapidly growing middle class. There is growing demand for consumer goods, education and training, and innovative services and technology. Indonesia also has one of the world's fastest take-up rates in digital technology, with opportunities in health, finance and e-commerce.

The trade benefits for Western Australia from IA–CEPA include agribusiness and food, which offers duty-free access for live male cattle, with up to 575 000 head in year one, for feed grain, with up to 500 000 tonnes in year one, and for oranges and lemons; and tariff reductions for frozen beef, sugar, dairy, mandarins, potatoes and carrots. Education and training will benefit by locking in future liberalisation for Australian universities by opening a campus in Indonesia, and allowing majority ownership of up to 67 per cent in entities set up for the provision of vocational training. Mining services will benefit by allowing for higher levels of Australian ownership in any joint ventures set up for the provision of mining services in Indonesia, and providing protection against regulatory changes. Resources and energy will benefit by allowing for higher levels of Australian ownership in power plants, oil and gas platform construction, and electrical power construction, without the requirement to divest below agreed ownership levels. With Western Australia's history of close engagement and trade with Indonesia, Western Australia is well positioned to take advantage of these opportunities.

In 2019, Indonesia was the state's twelfth largest trading partner, with total bilateral trade valued at $3.3 billion. Through Western Australia's longstanding sister-state relationship with East Java, Western Australia will be well placed to access these opportunities in Indonesia's fastest growing province. This year, we commemorate the thirtieth anniversary of our sister-state relationship, with strong collaboration taking place in areas such as human resource development, youth and sport, culture and the arts, energy, and agribusiness.

We will continue to work with the state's trade office in Jakarta to deliver on the McGowan government's Asian engagement strategy, and to promote and maximise the trade, investment and job creation opportunities of IA–CEPA.

TELSTRA BUSINESS WOMEN'S AWARDS WA

Statement by Minister for Women's Interests

MS S.F. McGURK (Fremantle — Minister for Women's Interests) [2.08 pm]: I rise to inform the house about the 2020 Telstra Business Women's Awards WA. These prestigious awards recognise and celebrate the achievements of businesswomen in Australia. Due to COVID-19, the event was unable to take place this year; however, I would like to take this opportunity to recognise the award winners announced on 1 May 2020.

This year marks the twenty-fifth year of the awards, making it the longest running women's awards program in Australia. I have the great privilege of having met many of the outstanding women who have been recognised by these awards, who come from a range of sectors. In the process, they are delivering better outcomes for their staff, their communities and their bottom line.

The overall Western Australian winner is Jodi Cant, who many in this chamber would know as the director general of the Department of Finance. Jodi is one of Western Australia's most senior public servants, and she continues to set new benchmarks and make significant contributions to the delivery of services in this state.

I also want to acknowledge the Western Australian winner of the 2020 Telstra Small Business Award, Dr Tracy Westerman, who works tirelessly to improve mental health outcomes for Aboriginal Australians. Dr Westerman founded Indigenous Psychological Services to address the significant gaps in treatment and intervention in suicide and mental health for Aboriginal populations.

As Minister for Women's Interests, I am heartened by the many achievements of women across our community every day who are making a difference. These achievements often go unrecognised in our community and the Telstra Business Women's Awards are vital to ensuring that these contributions are recognised and celebrated. Along the way, these women are making Western Australia a better place for all of us, and they are challenging gender stereotypes with every inspirational step.

LEGISLATIVE ASSEMBLY CHAMBER — PHOTOGRAPHS

Statement by Speaker

THE SPEAKER (Mr P.B. Watson) [2.10 pm]: Members, I have approved parliamentary officers taking photographs of chamber proceedings this week from the public, press and Speaker's galleries to capture our pandemic response measures for the historical record.

I remind members that if they want to get a drink of water, they have to go and get it themselves, not the staff. Attorney General, take note.

QUESTIONS WITHOUT NOTICE

CORONAVIRUS — PORT PROTOCOLS

353. Mrs L.M. HARVEY to the Premier:

I refer to today's announcement regarding COVID-19 cases on the *Al Kuwait* livestock vessel. Given that this now reflects the new norm for Western Australia until a vaccine or cure is found and that we must remain vigilant on quarantine, how has the Premier strengthened procedures to ensure that there is no spread of COVID-19 from international trading ship sources?

Mr M. McGOWAN replied:

Obviously, the situation surrounding this ship is concerning for the state government. We were made aware of it this morning. We were then made aware that there were six positive cases on board the ship at this point in time, and it may well be that more positive cases develop over coming days. Clearly, there are significant issues to be resolved around getting the ship to leave and ensuring that the ship is as clean as possible so that can occur. We also have to manage the 56 000 sheep that are currently in a feedlot in Baldivis. This is an evolving and difficult situation for the state to deal with.

The matter of ships coming into ports is a commonwealth responsibility. When the COVID-19 issue first came into focus three months ago, we worked with the commonwealth to ensure that there were protocols in place to protect Western Australians and Australians as best we can. Those protocols, as I understand it, are being implemented. But, clearly, out of this issue, there needs to be a further review of the commonwealth protocols in that regard. I passed on messages to the commonwealth government today requesting that review be undertaken to ensure that the arrangements in place are watertight and that the Australian public is protected as best we can.

Our best asset in Western Australia is our isolation from international sources and the east, and we intend to keep borders in place with the eastern states for as long as is necessary to ensure that we protect our citizens as best we can. It is clear that there is a difference of view between the state Liberals and the state government on that, but that is our position. We will do our best to continue to protect the people of our state, but I have put in a request to the commonwealth government that it review its protocols in light of what has taken place.

CORONAVIRUS — PORT PROTOCOLS

354. Mrs L.M. HARVEY to the Premier:

I have a supplementary question. Can the Premier outline to the house how many international trade ships have been into our Western Australian–run ports since the COVID-19 crisis began and whether any have had any COVID-19-positive cases on board?

Mr M. McGOWAN replied:

There would have been scores, if not hundreds, of ships. One only has to go to Port Hedland harbour or to Dampier to see 30 ships, maybe, sitting off the coast at any point in time. Geraldton would be the same—maybe not to that scale, but a number—and Albany, Esperance and Bunbury. The port of Fremantle would have had scores, if not hundreds, of ships come through. Then there are the pleasure craft and sometimes rather large yachts that come in that are scrutinised or watched. We have had various reports about having to keep an eye on people on board those boats, and we have done that. In terms of answering the member's initial question about how many ships have come in, I cannot answer it specifically, except to say I expect that there would have been hundreds. In terms of reports of people on board who have been COVID-19-positive, to the best of my recollection, we have had reports of people who have been unwell and have been dealt with. I do not recall, bar today, and excluding cruise ships, any other cases that have been brought to my attention.

CORONAVIRUS — INTRASTATE TRAVEL RESTRICTIONS

355. Mr K.J.J. MICHEL to the Premier:

I refer to the regional borders that were put in place to protect Western Australians and to help contain the spread of COVID-19. Can the Premier outline to the house what the lifting of regional borders that was announced yesterday will mean for Western Australians—in particular, those in the Pilbara?

Mr M. McGOWAN replied:

I thank the member for Pilbara for the question. He is a small business owner and a strong advocate for businesses across the mighty Pilbara of Western Australia. I thank him for that work.

Over the course of this week, we are further relaxing the regional borders within Western Australia. That means that most of the regional borders will come down as of 11.59 on Thursday night this week. When we put the regional borders in place, it was a very difficult decision, but we put them in place on the basis of health advice to stop the spread of COVID-19 around Western Australia, bearing in mind that the higher preponderance of the illness was in the Perth metropolitan area at that time. When we put the borders in place, new cases were increasing, and were in the double digits, each and every day. We put the regional borders in place at a time when regional people were requesting them, and I recall a range of members in this house calling for regional borders across Western Australia.

The borders have been a big logistical exercise. The Western Australia Police Force and the State Emergency Service, in particular, have done a very good job. The Chief Health Officer says that the borders have been effective in constraining any spread of COVID-19. The borders have caused some inconvenience and cost to people across regional Western Australia, and I am very sorry that that has occurred to many people across the state.

Two weeks ago, we released the road map for easing restrictions, and we are now seven days into phase 2 of the road map. Schools are open, larger gatherings of 20 people are in place, non-contact sport is happening, we have encouraged people to return to the workplace, and our regional travel restrictions were reduced from 13 boundaries to just four. The Chief Health Officer is satisfied that we can further reduce the regional boundaries in time for the long weekend this weekend.

At 11.59 on Thursday night, Western Australia's regional travel restrictions will be eased further, in time for the Western Australia Day long weekend. From this Friday, people will be able to travel all over WA, except for the Kimberley and the biosecurity zones. We are working closely with the commonwealth government to bring down the commonwealth biosecurity areas in the north of the state. We will make further decisions about the 274 remote Aboriginal communities around Western Australia and the sort of measures that we might put in place. We do not think that the restrictions for the Kimberley, the east Pilbara and the Shire of Ngaanyatjarraku will come down until at least 5 June. We will make further decisions, as I said, about remote communities in the lead-up to that time.

I would like to thank everyone for their patience and I encourage all Western Australians, particularly those from the metropolitan area, who are itching to get out and see the state, to please get out there and see Western Australia. People should spend within our borders the money that they would otherwise have spent on an international holiday. All that money that people were going to put into Bali, Thailand, Britain or America, please put it into Geraldton, Bunbury, Albany and Kalgoorlie, and enjoy the great —

Mr R.S. Love: What about Kalbarri?

Mr M. McGOWAN: And Kalbarri! I went to Kalbarri last year on holiday, and it was a lovely place. People should please put that money into regional communities, of which there are too many to mention, and ensure that they support our regional tourism businesses. There is so much to see and do across regional Western Australia, and now is the opportunity.

Obviously, we have kept in place our border arrangement with the eastern states, and we intend to keep it in place for the foreseeable future because we believe, on health advice, that is an important protection for the people of our state.

DANGEROUS SEXUAL OFFENDERS — ROWLAN KIM PAUL

356. Mr P.A. KATSAMBANIS to the Attorney General:

Before I ask my question, if people cannot get a chance to travel to the regions on this long weekend, they can come to Hillarys Boat Harbour, where the traders will certainly appreciate their custom.

Can the Attorney General please explain how dangerous sex predator Rowlan Kim Paul was allowed out on bail and allowed to attack a young girl near Joondalup train station?

Mr J.R. QUIGLEY replied:

I thank the member for Hillarys for his question. I preface my answer by extending the government's sincere sympathy to the young lady who was attacked at Joondalup train station and to her parents. She was only 17 and it was described in court as the worst day of her life. Mr Paul, the prisoner now, who has been sentenced to over three years' imprisonment, suffers from a mental health condition, as reported in *The West Australian*. Regrettably, he was also a regular drug user and has suffered periods of homelessness from his drug use. He has a criminal record dating back to August 2013, which includes disorderly conduct, drug possession and other matters that were dealt with by way of a fine. Until the recent conviction in the District Court, he had no previous record indicating a risk of sex offending. On 5 March 2019, Mr Paul was arrested and charged with disorderly conduct and assault at the Joondalup shopping centre. He was released by police on conditional bail. On 8 May 2019, he was arrested and charged with disorderly conduct, trespass and assault of a Joondalup health hospital employee. Bail was opposed by the police prosecutor and he was remanded in custody for psychiatric assessment. At his next court appearance, Mr Paul was deemed eligible for the Start Court program and released on bail to enter into the program on 10 July 2019. The Start Court program was a great initiative of the previous Liberal government, which started, I think, in 2013, to deal specifically with people with mental health problems. To be eligible to go into the Start Court program, the offender has to admit his wrongdoing. The Start Court program offers a solution-focused response for individuals experiencing mental health conditions.

Mr Paul continued in the Start Court program until 17 November 2019, when he was again charged with disorderly conduct, trespass and assault occasioning bodily harm from another incident at Joondalup Health Campus where he attends as an outpatient. Bail was initially refused by the police. However, the Joondalup Magistrates Court released him back into the Start Court program, with strict bail conditions imposed. The Start Court program operates from the Central Law Courts and has a specific magistrate, who is fantastic. She was a prosecutor for the Director of Public Prosecutions. I cannot speak highly enough of Her Honour, Judge Felicity Zempilas. There are also mental health workers in the court. As I said, Mr Paul was back into the Start Court program with bail conditions imposed. He was then arrested for the attempted sexual penetration on 13 December, five days before his next court appearance, and charged with the offences.

The SPEAKER: Attorney General, how long is this going for?

Mr J.R. QUIGLEY: About five seconds.

At the end of it, he was charged with attempted sexual penetration. That is the history of Mr Paul and how he came to be in the Start Court as a mental health patient and released on strict bail.

DANGEROUS SEXUAL OFFENDERS — ROWLAN KIM PAUL

357. Mr P.A. KATSAMBANIS to the Attorney General:

I have a supplementary question. Given the appalling sex attacks by dangerous sex predators like Mr Paul and Nicholas Rodney McDonald, or Faulkner, as he now prefers to be called, how are increases in community fears about sexual assaults allayed in the government's much-vaunted Metronet railway system?

The SPEAKER: That is a long bow there. The system will call you to order if you do it again.

Mr J.R. QUIGLEY replied:

With respect, I do not see the relevance of the question.

The SPEAKER: No, you do not have to answer that part of the question, because it was not relevant.

Mr J.R. QUIGLEY: I will not deal with it.

There is always community concern about dangerous sex offenders, and I will make this note: just before the McGowan Labor government was elected to power, there were 25 dangerous sex offenders out in the community under supervision. We changed the laws around dangerous sex offenders, reversing the onus of proof, and that number has now reduced by 20 per cent. There are now only 20 of them released into the community on supervision orders.

CORONAVIRUS — PUBLIC TRANSPORT

358. Mr T.J. HEALY to the Minister for Transport:

My question is a relevant question to the Minister of Transport. Can the minister please outline to the house what impact COVID-19 has had on public transport usage across Perth; and, furthermore, can the minister please outline to the house the advice of WA's Chief Health Officer about public transport?

Ms R. SAFFIOTI replied:

I thank the member for Southern River for that question about public transport usage in Western Australia. The COVID-19 crisis has had an impact on public transport patronage across the state, as has happened across Australia and the world. We took an early decision to implement an increased cleaning and sanitation regime, and we initially reduced services, noting that at one point we got down to about 11 per cent of pre-COVID-19 patronage. We then took another decision to bring our capacity back, utilising all available bus and train carriages, because we wanted to make sure that when people were ready to come back onto our public transport system, we had the capacity and we were ready and waiting. We are now averaging around 40 per cent of pre-COVID-19 patronage, and this makes people feel safe. Even though social distancing is not required, it allows people to walk onto buses and trains with room to spare, and that is what is giving confidence back.

Ms L. Mettam interjected.

The SPEAKER: Member for Vasse.

Ms R. SAFFIOTI: Given what I know, given the facts, I was surprised last Thursday night clicking through Twitter to see a tweet from the shadow Minister for Transport, the member for Vasse, that showed a very, very crowded train. I thought, "Hang on, that doesn't seem to match reality." The opposition spokesperson for transport —

Several members interjected.

The SPEAKER: Member for Vasse, I call you to order for the first time. Member for Bateman, it is not your question.

Ms R. SAFFIOTI: The member for Vasse tweeted and said, "Look how busy this train is." That is what she did.

Ms L. Mettam interjected.

The SPEAKER: Member for Vasse, I call you to order for the second time. Do you want to go home early? Is there something on in Margaret River?

Ms R. SAFFIOTI: When I saw that tweet from the member for Vasse, I thought that we cannot trust anything the Liberals say about public transport. They lied about the Ellenbrook rail line and they lied about Metro Area Express, so we cannot trust anything the Liberals say about public transport.

Several members interjected.

The SPEAKER: Members!

Ms R. SAFFIOTI: So I did a quick search, and it did not take long to see where that photo came from. That photo came from 2012.

Mr D.C. Nalder interjected.

The SPEAKER: Member for Bateman!

Ms R. SAFFIOTI: It is even more radical because it was a tweet from Hon Ken Travers' staffer about the lack of rail cars purchased by the previous government. The lazy opposition used a tweet from a campaign in 2012.

Several members interjected.

The SPEAKER: Members!

Ms R. SAFFIOTI: Of course, it was shared by the Leader of the Opposition and the member for Bateman. Instead of apologising when she was found out, in this morning's paper, do members know what the member for Vasse said? She said, "I googled a photo." Why does she not catch a bus or a train and see for herself, yet here she is defending it with another tweet? She is very active on Twitter but does not ask me any questions in this place. We know that the Liberal Party copied Hon Ken Travers when it came to the Forrestfield–Airport Link and now it has copied a photo in relation to the campaign from 2012. Do members know what this again confirms? We cannot trust the Liberal Party when it comes to public transport. It will say and do anything. It will lie to the WA public on public transport. Members opposite have been caught out because they are too lazy to do real work.

CORONAVIRUS — LOCAL GOVERNMENTS AND UNIVERSITIES — LENDING FACILITY

359. Mr R.S. LOVE to the Premier:

I refer to the short-term lending facility for local governments and universities that the Premier announced on 7 May. What has the level of uptake been from local governments across regional Western Australia?

Mr M. McGOWAN replied:

I do not know the answer to that question, member for Moore. I urge the member to ask the Treasurer. My recollection of the policy is that it was a $100 million lending facility to assist local governments and universities.

Mr B.S. Wyatt interjected.

Mr R.S. Love: Right, and you can tell him.

The SPEAKER: Treasurer!

CORONAVIRUS — LOCAL GOVERNMENTS AND UNIVERSITIES — LENDING FACILITY

360. Mr R.S. LOVE to the Premier:

I have a supplementary question. Does the Premier agree that with local governments already collectively owing $700 million, it is inappropriate to ask them to go further into debt, and there might be merit in reconsidering funding through the country local government fund to enable them to kickstart their regional economies?

Mr M. McGOWAN replied:

As I recall it, the policy of providing a lending facility to local governments was their suggestion and that they were keen on this concept. That is my recollection of the issue.

A member interjected.

Mr M. McGOWAN: There you go. It was their suggestion and they asked us for this. Once again, it is hard to answer a question when the premise is wrong. Local governments were keen on some support over this period. I must say, local governments' revenue base is pretty secure, certainly compared with other levels of government at this point in time. However, we were happy to work with local government on this, as we were with universities the revenue base of which is less secure, particularly in light of what has occurred with international students. This is one of the measures we put in place to support economic activity and job creation or job preservation across Western Australia. As I have said on numerous occasions, I have been disappointed that local government has laid off people over this period, particularly when the state and commonwealth governments have not done that because keeping people employed is very important.

CORONAVIRUS — MEDICAL RESEARCH

361. Ms J.J. SHAW to the Minister for Health:

I refer to the McGowan government's unprecedented support for medical research in Western Australia.

Can the minister outline to the house what support is being provided to Western Australian research projects—the focus on the treatment of COVID-19 or projects that aim to give us a better understanding of the virus?

Mr R.H. COOK replied:

I thank the member for the question. I am proud of the McGowan government and what it has been able to achieve in health and medical research and innovation this term. It is pleasing that last week's successful passing of the Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019, one of our key election commitments, has made it possible for us to this week announce a $2.9 million boost to local research into COVID-19. The 12 Western Australian research projects have been boosted with funding from the McGowan government, with nearly $3 million funding going towards COVID-19-related research infrastructure. Recipients come from a range of disciplines and work across hospitals, universities, research institutes and biotech companies. This is about Western Australian companies doing their bit to join other researchers around the world to find a vaccine or treatments for COVID-19. A total of $1.9 million has been granted for research, which has been awarded to support COVID-19-related research projects. Another $1 million has been provided for infrastructure support, which will cover costs such as consumables, staffing and site set-up for local COVID-19 research.

The funding for the 12 research projects will go towards treatments, studies of at-risk groups, the development of less invasive tests, studies of mental health impacts and tests that will more accurately inform us about immunity to COVID-19. One of them is a project, led by Sir Charles Gairdner Hospital respiratory specialist Dr Anna Tai, that is looking into the effectiveness of transfusing active COVID-19 cases with plasma from recovered patients—convalescent plasma. This is important work looking into how we can prevent patients from deteriorating to the point that they need to be hospitalised. The project will also see whether early intervention can reduce the time it takes for a person to feel better or clear the virus from his or her system. With Western Australia's current low number of active cases, Dr Tai is collaborating with other research projects to involve patients from other states

and jurisdictions. In the absence of a vaccine or treatment for COVID-19, Dr Tai's study will investigate the therapeutic potential of convalescent plasma in treating COVID-19 patients in the early stages of the disease. A full list of recipients for this round of funding is available on the Department of Health website.

The more research we can support, the closer we are to finding out more about this virus. As I have said on multiple occasions, a vaccine is a long way away, but in the meantime, we can find out more about this virus and we can work out what treatments are more effective in dealing with it. Projects such as this are a fantastic example of how we can continue to back research and innovation in Western Australia. The McGowan government has made step changes in the way we fund medical research and innovation research in this state. The passage of the future health research and innovation fund bill last week represents an important milestone as we become a world leader in medical research and innovation. I am very pleased that we are able to be part of this latest measure to ensure that Western Australia takes its place in the fight against COVID-19.

CORONAVIRUS — RESTRICTIONS

362. Mr Z.R.F. KIRKUP to the Premier:

My question is to the Premier, but before that, I think it is important to acknowledge that today is National Sorry Day. I am surprised that the government did not acknowledge that yet. It is an important day to observe the —

Mr P.C. Tinley interjected.

Mr Z.R.F. KIRKUP: It is important that it is acknowledged.

Mr P.C. Tinley: You just politicised it. That's what you just did.

Mr Z.R.F. KIRKUP: Sure.

The SPEAKER: Minister, you have had your say; the member is on his feet. I call you to order for the first time.

Mr Z.R.F. KIRKUP: Certainly, on this day, I think it is important, and on behalf of the Liberal Party, I acknowledge the solemn day that this represents for —

Mr T. Healy interjected.

The SPEAKER: Member for Southern River! I call you to order for the first time.

Mr Z.R.F. KIRKUP: — the stolen generation and the survivors.

The SPEAKER: Member, could you straightaway get into your question, and through the Chair, please.

Mr Z.R.F. KIRKUP: Given the Premier's health advice allowing for the lifting of regional travel bans, could he explain why the health advice will not allow for the immediate lifting of other phase 2 restrictions, including for gyms, beauticians and the hospitality sector with a limit of 20 customers?

Mr M. McGOWAN replied:

When we outlined lifting restrictions a little while ago, we indicated that we would review things over time and lift restrictions as the health advice allowed. The Chief Health Officer has advised us that the restrictions within Western Australia—that is, the borders to the midwest, the Gascoyne, the Pilbara and the goldfields—were able to be lifted earlier than we otherwise would have done. But he also requested that we further review other measures within Western Australia around businesses and numbers of people at premises, and that sort of thing. We have taken a cautious approach. Today there is a whole bunch of people on a ship in Fremantle Harbour; yesterday a bunch of people came off an aircraft from Doha. We are only one case escaping from one of those situations away from potentially having a big health problem. That is why we have put in place a cautious approach to lifting restrictions. If the member needed any evidence that we need a stepped and cautious approach, it is the events of today and yesterday. Although the opposition continually moans and complains about what we have done, we will continue with the cautious lifting of restrictions, in line with other states, in line with national health advice, in line with state health advice and in line with what the Prime Minister and every other leader in Australia is doing.

Contrary to what the opposition might like, another thing that we will do is to keep the border with the eastern states in place to protect ourselves from any potential infection coming from, in particular, New South Wales and Victoria. When we get health advice to lift that, that is when we will lift it. The Liberal Party might want us to lift the border and might call for that, but that is not our policy and we will not lift it until such time as it is appropriate, to protect the health of the people of this state.

CORONAVIRUS — RESTRICTIONS

363. Mr Z.R.F. KIRKUP to the Premier:

I have a supplementary question. I appreciate that the Premier has said that the government is relying on health advice to explain some of these inconsistencies. Would the Premier be willing to table that health advice in Parliament so that the public can be more aware of the basis for the decisions the government has made?

Mr M. McGOWAN replied:

We published the health advice last week. It was published on my Facebook page. A statement on the advice of the Chief Health Officer was put out, so we have done that. Each of the six states and two territories have a chief health officer. The federal government has a Chief Medical Officer, I think he is called, and a couple of deputies. They do not always agree. The Chief Health Officer of Western Australia has at times given us more cautious advice and at other times more progressive advice than has the Chief Medical Officer of Australia or the chief health officers of the other states and territories. Sometimes that is related to the rate of infection within a state, but the very, very clear advice we got from the Chief Health Officer is that the border with the east is important for protecting our citizens. I know the Liberal Party wants to bring it down, but that is not our policy.

POLICE — DRUG INTERDICTION

364. Ms M.M. QUIRK to the Minister for Police:

I refer to the significant work of the Western Australia Police Force during COVID-19 to not only protect Western Australians but also respond to major crashes, homicides and events such as that which occurred recently at the South Hedland shopping centre. Can the minister update the house on the work that the Western Australia Police Force has undertaken during COVID-19 to proactively target those who peddle drugs and misery in our community?

Mrs M.H. ROBERTS replied:

I thank the member for Girrawheen for her excellent question and her very strong support for our hardworking police officers. One of the things that the state border and intrastate borders have brought about is a reduction in the drug supply into Western Australia. This has meant that the people who use Western Australian roads to bring drugs into our state and peddle them in regional communities have been stopped in their tracks. It has meant that the supply of methamphetamine and other drugs in Western Australia has been significantly curtailed. For those who understand the rules of demand and supply, I am told that the cost of methamphetamine has increased from less than $3 000 per kilogram to in excess of $6 000 per kilogram.

A lot of evidence suggests that drug supply into Western Australia, particularly to regional and vulnerable communities, has dramatically decreased. But that has not necessarily stopped people trying, and people have tried other methods. Indeed, one of those is going via the internet and getting the drug posted to them. People have thought that they can hide in the shadows of the dark web. My message to them is that they cannot. They will never know whom they are actually attempting to sell to. Some people are buying quantities for themselves. Other people are buying it to sell on to other people. This is not a program that started during COVID-19; it started pre-COVID. We have had an operation of our drug and firearms squad that has continued from October 2019 through to May 2020 and it has executed some 47 search warrants of private homes. Quite a few parents have been really surprised to see police come and raid their home and go into their child's bedroom to collect the relevant evidence. During this time, some 47 warrants have been executed, and 60 people have been charged with over 213 offences, including 43 offences relating to the sale of illicit drugs. This has been a very successful drug and firearms operation that has targeted those online drug sales. I would like to commend Detective Superintendent Tony Longhorn of the serious and organised crime division and his team. They have seized 1.48 kilograms of MDMA, 162 grams of methamphetamine, 5.89 kilograms of cannabis, 38 grams of cocaine, 356 LSD tabs, eight grams of ketamine, 10 dexamphetamine tablets, and 8.6 grams of psilocybin, which is known as mushrooms. Several mid-level, high-harm drug dealers have been identified during those operations and I commend the police for that excellent work. Side by side with their work with the COVID-19 epidemic, key issues such as drug enforcement have been a clear priority for WA police. However people try to get drugs into our community, they will respond appropriately.

CORONAVIRUS — COUNTRY AGE PENSION FUEL CARD

365. Mr I.C. BLAYNEY to the Premier:

I refer to a request from the Nationals WA to the Minister for Regional Development, asking her to roll over —

The SPEAKER: Can you speak a bit louder, member?

Mr I.C. BLAYNEY: Apologies, Mr Speaker. I refer to a request from the Nationals WA to the Minister for Regional Development, asking her to roll over unspent Country Age Pension Fuel Card balances to next financial year so that cardholders can help reboot their local economies. Will the Premier assist 54 626 cardholders across the state and 3 700-odd in my electorate who have stayed at home to stop the spread of COVID-19 so they can use unspent funds to stay mobile, get out and spend in their communities?

Mr M. McGOWAN replied:

The rules around the Country Age Pension Fuel Card are exactly as they were back when the last government was in office—exactly as they were. Pensioners and I think some other cardholders, maybe—I cannot quite recall, but it extends beyond pensioners—can access the card. From memory, it is $500 per annum, and the rules are exactly as they were when we came to office. People can fill up their cars and drive them around if they are outside the zones—I recall the Perth metropolitan area and Peel and Mandurah. So, the rules are exactly as they were. Is the member

asking me to change the rules? The member opposite is moving their hand all the time. Please, it was the member for Geraldton's question. Is he asking me to change the rules as they were under the former government? Is that what the member is asking me to do?

CORONAVIRUS — COUNTRY AGE PENSION FUEL CARD

366. Mr I.C. BLAYNEY to the Premier:

I have a supplementary question. Our pensioners have played their part by adhering to travel restrictions and social distancing, which means that quite a few have unspent balances on their fuel card this year, so why does the government not reward them just a little and roll over their unspent card balances to the next financial year?

Mr M. McGOWAN replied:

We have five or six weeks to go in this financial year. I would very much encourage everyone across regional Western Australia to travel and use their unspent balances to support local communities as much as they possibly can. I would like to see both regional and city people getting around, and experiencing and enjoying everything that this great state has to offer. People in regional WA now have a great opportunity to do that over the coming period. There has been roughly $2 billion worth of stimulus. We will suffer a severe contraction in some revenue sources to the state, which will become apparent over the coming months, particularly payroll tax, stamp duty and land tax coming into the Western Australian Treasury. We are doing everything we can to support the state economy, but one thing that we have kept in place is the royalties for regions scheme. We have kept in place the Country Age Pension Fuel Card with exactly the same rules as there were before.

Mr D.C. Nalder interjected.

The SPEAKER: Member for Bateman, I call you to order for the second time. You cannot comment on everything.

CORONAVIRUS — COMMERCIAL FISHING SECTOR

367. Mr M.J. FOLKARD to the Minister for Fisheries:

I refer to the severe impact that COVID-19 has had on the Western Australian commercial fishing sector. Can the Minister for Fisheries outline to the house what measures the McGowan government has created to support businesses in the Western Australian commercial fishing industry during this uncertain time, as well as protecting the jobs that rely on this sector?

Mr P.C. TINLEY replied:

I thank the member for the question. Everybody in this chamber knows that Australia is a trading nation—the grand island home is, in fact, one of the world's largest trading nations in commodities and good and services. Western Australia is the biggest trading state of the country, with just under 35 per cent of Australia's total exports coming from this very state. The state that is nearest is Queensland, with 22 per cent. Therefore, we are very clearly globally focused and, as they say, trade exposed. In fact, nine out of our top 10 trading partners are in Asia, and growing rapidly. It is estimated that about 400 000 to 500 000 jobs in Western Australia come from trade-related activities, so the jobs relationship between us and our near neighbours is fundamentally and intrinsically linked.

We all know that COVID-19 has created significant disruption to our markets. No less an example is the lobster industry—95 per cent of the lobster catch goes to China because it offers the best global prices. However, there is a risk in that, which we very clearly found out about in late January when that trade suddenly stopped. The McGowan government actively engaged very early with the industry to find out what the issues were, what the market correction was and what we could do to make a recovery pathway. In doing that, we were able to support the industry. We created an 18-month season and brought forward the tonnage from next year's season—9 000 tonnes. That occurred just on the cusp of the Chinese New Year, which is the peak fishing season for lobster. We extended the season into next year so that lobster fishers could take advantage of quotas to meet the needs of the growing demand of the Chinese New Year requirement for seafood. We also implemented a new mechanism for back-of-boat sales so that those who catch it can sell it to anybody they like. We are also implementing a wider promotion of existing registered users, or registered receivers of the product. I am happy to report to the chamber that of the 2 500 direct jobs related to the rock lobster industry—not to mention the thousands of indirect jobs—over half the fleet is back in the water, extracting that natural endowment of our seas. Markets in China are starting to open. The price is starting to be supported at higher levels—it is not where it once was, but it is certainly on the pathway.

We have not acted in just one industry. The fishing industry is diverse by species and geography, and we have worked across all the various sectors or parts of the fishing industry to make sure that we are aware of the issues and are supporting them. That is why in early April we announced the support package for the rest of the commercial fishing sector. Things included a $1.3 million waiver of annual licence fees and deferred access and lease fee payments to assist fishing, aquaculture, pearling and fishing tour operators get help and get back on their feet.

I would also like to commend my colleague the Minister for Transport, who waived pen fees for commercial operators. There is nothing worse than a boat that is not out fishing. The only thing that is worse is it accruing costs as it sits in the pen. She was very swift to act in their best interests.

We have ensured that our commercial fishers and those who support them are deemed essential services, making sure that they are making a contribution to the community and the economy wherever they can and guaranteeing jobs to ensure food security for Western Australians. I can assure the house that the department is working very closely with the industry peak body, the Western Australian Fishing Industry Council, to make sure that we are alive to the particular issues as they arise and that we support the growth pathway back to the markets that are richly available to us in our near neighbours.

CORONAVIRUS — PUBLIC TRANSPORT

368. Ms L. METTAM to the Premier:

Given that the Premier has had some time to consider his response last week, I ask again: why can hundreds of passengers be crammed onto a train without physical distancing, in line with current advice —

Several members interjected.

The SPEAKER: Members! I want to hear this.

Ms R. Saffioti interjected.

The SPEAKER: Minister for Transport, I call you to order for the first time. Relax.

Ms L. METTAM: Chill!

Why can hundreds of passengers be crammed onto a train without physical distancing, in line with government advice, yet struggling Western Australian small hospitality businesses can have only 20 customers, no matter how large their venue?

Mr M. McGOWAN replied:

I think the events of today and yesterday indicate that the government's cautious approach about further opening up venues across the state and having a stepped and staged approach is the right one. We need to make sure that we adhere to the health advice that we receive, as other states are doing. I have been talking to other Premiers over the course of the last day or so about what they are doing and each of us is of the view that we need to make sure that we accept the health advice we get and take cautious and staged approaches to these things. We are taking the health advice about public transport, as has been advised to the shadow minister on many occasions. We are requesting that people practise good hygiene. We are increasing the cleaning and sanitation of our trains and buses across the state. We are currently at around 40 per cent patronage on our trains and buses across Western Australia, which is probably understandable in the current circumstances. Obviously, that means that there is far less crowding on our trains, buses and ferries across Western Australia that are run by the public sector. I think that answers the member's question.

I note that she has been trying to politicise this issue and that she used this photograph that is eight years old in a tweet and made out like it is a current photograph.

Several members interjected.

Mr M. McGOWAN: That is very misleading.

Several members interjected.

The SPEAKER: Members! The Premier can answer on his own without your support.

Point of Order

Mr Z.R.F. KIRKUP: I am just clarifying the use of props in the chamber.

Mr D.R. Michael interjected.

The SPEAKER: Member for Balcatta, are you an expert again? I gave permission for it to be used in the chamber today. I did not specify which person would use it.

Questions without Notice Resumed

Mr M. McGOWAN: It is unethical to do this.

Several members interjected.

The SPEAKER: Members!

Mr M. McGOWAN: It is very poor form to take a photograph that is eight years old and pretend that it is current for political purposes.

Mr D.C. Nalder interjected.

The SPEAKER: Member for Bateman!

Mr M. McGOWAN: That is unethical.

Several members interjected.

The SPEAKER: Premier, obviously your backbench members do not have any confidence in you, because they are trying to answer for you.

Mr M. McGOWAN: It is deeply unethical and inappropriate to do that, member for Vasse. She should not do that. She is laughing about it.

Ms L. Mettam interjected.

The SPEAKER: Member for Vasse!

Mr M. McGOWAN: The member for Vasse is a senior public person in the state and what she says and does carries some weight, so people who see that photograph would assume that it was taken last week, but it was taken eight years ago.

Mr D.C. Nalder interjected.

The SPEAKER: Member for Bateman, I call you to order for the third time.

Mr M. McGOWAN: The member for Vasse is pretending that it is a current photograph. If a journalist did that, they would be called before the Australian Press Council. It is wrong on her behalf to have done that and, in particular, to have done it in the context of the COVID-19 crisis that our state is facing. To use a photograph in that way is unethical, inappropriate and bordering on improper.

CORONAVIRUS — PUBLIC TRANSPORT

369. Ms L. METTAM to the Premier:

I have a supplementary question. Can the Premier explain why Western Australian small businesses —

Ms S.E. Winton interjected.

The SPEAKER: Member for Wanneroo, I call you to order for the first time.

Ms L. METTAM: — are limited to 20 people when South Australia can manage 80 and New South Wales can manage 50?

The SPEAKER: Premier, you do not have to answer that.

Several members interjected.

The SPEAKER: Members!

Mr M. McGOWAN replied:

Each state is moving along this pathway at a different rate. Currently, Western Australia has greater capacity for people to go into a restaurant than do South Australia and New South Wales. They are making decisions that, from my recollection, will come in on 1 June. In the lead-up and perhaps over this weekend, we will make further announcements about further things that we will do. We will make those based on the health advice, and we will certainly take into account the serious issues that occurred within the state yesterday and today. If the member for Vasse wants to ignore all that, ignore the health advice and ignore the fact that each state has moved along the pathway at different stages during this process, that is up to her. My impression of the general public is that it is very well educated about these matters, and it knows that different states have done things at a different rate and at different stages based upon different advice. Broadly, Western Australia has been at the forefront of reopening its economy and getting things moving within the health advice, and we can do that because we have been so successful in reducing community spread of the virus and the illness within Western Australia and reducing the rate of infection within our state. That is what Western Australia has done. Other states such as New South Wales, Victoria and Queensland have been nowhere near as successful as the people of this state have been. But if the member for Vasse wants to politicise that and use it for her own purposes, she can go ahead, but I think the people of Western Australia understand that we are doing the best we can in a difficult set of circumstances to support the economy and also keep our people safe and healthy.

The SPEAKER: That is the end of question time.

McGOWAN GOVERNMENT — COMMUNITY SAFETY

Standing Orders Suspension — Motion

MR P.A. KATSAMBANIS (Hillarys) [3.02 pm] — without notice: I move —

> That so much of standing orders be suspended as is necessary to enable the following motion to be moved forthwith —
>
> > That this house condemns the McGowan Labor government for its failure to keep dangerous sex offenders locked up and increasing fear in the community around personal safety at train stations.

The SPEAKER: With all the interjecting going on, I know that members have been sitting in their little rooms, but we have been working in here and it has been working well, so if you have any comments, take them back to your rooms.

Standing Orders Suspension — Amendment to Motion

MRS M.H. ROBERTS (Midland — Minister for Police) [3.03 pm]: I move —

To insert after "forthwith" —

, subject to the debate being limited to 15 minutes for government members and 15 minutes for non-government members

Amendment put and passed.

Standing Orders Suspension — Motion, as Amended

The SPEAKER: Members, as this is a motion without notice to suspend standing orders, it will need an absolute majority in order to succeed. If I hear a dissenting voice, I will be required to divide the Assembly.

Question put and passed with an absolute majority.

Motion

MR P.A. KATSAMBANIS (Hillarys) [3.04 pm]: I move the motion.

Here we are again, another week and another issue about a sex offender out on our streets causing havoc; and, in this particular case, not just causing havoc and fear but condemning an innocent victim to a lifetime of horror. I refer to the case of Rowlan Kim Paul. It was reported in *The Weekend West* of Saturday, 23 May, that on 13 December last year, this man committed a horrific sex attack in Joondalup, between the train station and the bus depot, which are only a few metres away from each other. It was also reported that this man was out on bail when he committed that offence. That was bad enough. Today in question time, we asked the Attorney General to explain why this man was out on bail. The Attorney General went through the matter and indicated that this man had fallen into crime in around 2013 and had committed a series of offences. The Attorney General indicated also that in 2019, this man's offending had escalated, and he had been arrested for assault, not once, not twice, but three times—the first time in March, the second time in May, and the third time in November. On each occasion, the assault occurred in or around the Joondalup area. It appears that on two of those occasions—I was only taking notes as the Attorney General was reading it out, because this is the first time this has become public—the assaults were committed on staff or patients at Joondalup Health Campus. This man went on a one-man crime spree. Sure, he might have had some mental health issues. Yes, he was addicted to drugs. On the day he committed his horrific sex assault, he was apparently taking synthetic cannabis. However, he was a dangerous threat to the community. It is not as though he had been a shoplifter or the like and had been bailed. He had appeared in court three times and had received bail on all three occasions. On the last two occasions, the police opposed bail. Why was a man who had continued to assault people in that same area, and had been given three chances, out on bail and able to commit a horrific crime against a victim on 13 December last year in Joondalup, between the train station and the bus station? I will read from the article —

> The court was told the victim was at a bus depot after getting off a train when Paul started yelling at her.
>
> Moments later she saw Paul near shrubland in Collier Pass before he began chasing her.

He then assaulted the poor innocent victim. This man had been bailed on three separate occasions, for three separate assault charges, and was still in our community. It is not good enough. Why did this happen? We know that this government forgets about things. We know that this government lets offenders get out when they should not get out. We know that because last week, we raised the case of Nicholas Rodney Troy McDonald, or, as he now likes to be known, Nicholas Rodney Troy Faulkner. He had been released by this government onto our streets, without having been declared a dangerous sex offender, and without being monitored by the police. When we raised that in this chamber with the Premier, the Premier said, "Oh! We'll review that. It shouldn't have happened, and we'll look into it." Of course it should not have happened, but it did happen. It happened on this government's watch, just as it did with this offender, Rowlan Kim Paul. What has happened with the review that the Premier promised last week? Have we heard anything more about the review, or was it just one more convenient excuse when the Premier was caught on the hop and says, "Oh! I don't know anything about that. I'll look into it"? That is not good enough after the event.

The Attorney General has come into this place today and has wholeheartedly and earnestly—I am not criticising him for it—apologised to the victim, and well he should. He is the Attorney General. He leads the system that let down that victim. He runs the system, or supposedly runs the system, under which a man who had committed three assaults in just a few months was able to continue to walk through the revolving door of what passes as justice in this state under this Labor government and was free to assault that victim and condemn her to a life of having to relive that horror every single day. It is just not good enough. Of course we all apologise to that victim. But it would have been a lot better if we had not had to make that apology in the first place.

Why does this happen under this government? If we wind back the clock to the start of this term of government in 2017, one of the first things the Minister for Corrective Services, Hon Fran Logan, said was that he would establish a triage unit within his Department of Corrective Services to identify those people who should not be imprisoned.

He flagged that there were too many people in prison. The government was not going to build a new prison to deal with these prisoners; instead, it was going to let them back out on the streets. If that is not a message to the judicial system of what the government perhaps expects to happen, I do not know what is.

We have discussed in this place and other forums circumstances of horrific crimes, both in Western Australia and other places, committed by people on bail for serious offences. This man, Rowlan Kim Paul—I do not think he deserves to be called mister—is one of those people. He had continued to thumb his nose at the system, the law and the conventions of our state. Where were McDonald and Paul offending? It was along the Joondalup train line. That train line runs through my community and many other members' communities. Importantly, the train line is being extended to Yanchep. I support that extension to Yanchep as part of the government's Metronet plan. It is much needed, and the community has been calling for it. It is in the Attorney General's electorate, and he knows people have been calling for it. I think it is a good thing, but we want those people to feel safe and use the train line. It is pointless extending the train line when people do not feel safe enough to use it. If there are people like McDonald running up and down between Joondalup and Edgewater committing crimes—sex offences—and Paul chasing victims from the train to the bus station and then under Collier Pass, people do not feel safe utilising the public transport system. I know that area very, very well. When I visualise it, I get scared about the consequences for potential victims.

The government can extend Metronet and build as many train stations as it likes. I know the Minister for Transport likes doing that, and good on her for that—it is a good thing—but it is not a good thing if the public does not feel safe and confident to use the transport system because the judicial system is letting these predators out on bail to continue their horrific crime spree. It is time this government was held to account for that. Stop just talking tough on law and order, and deliver for the people of Western Australia so none of us have to apologise to any more victims, particularly victims of avoidable sex crimes like this one.

MRS L.M. HARVEY (Scarborough — Leader of the Opposition) [3.12 pm]: My heart really goes out to the 17-year-old girl who was attacked in Joondalup on the afternoon of 13 December and to her family who must be in a world of hurt at the moment.

I want to read from this article published in *The West Australian* on Saturday, 23 May. It states —

> A man who chased a teenage girl in a terrifying sex attack minutes after she had got off a train was on bail and high on synthetic cannabis at the time.
>
> Shocking details surrounding the broad daylight attack were revealed in the WA District Court yesterday as Rowlan Kim Paul was jailed for three years and three months.
>
> …
>
> Prosecutor Alan Dungey told the court the attack was terrifying.
>
> "This was a disgusting act," he said. "It is difficult to think of anything more terrifying."
>
> … Judge Alan Troy said it was "no way near the lower end of seriousness".
>
> "There is a need to protect the public from you, Mr Paul. The risk of reoffending … is obvious," he said.
>
> Judge Troy noted the victim no longer felt safe walking alone —

This is a 17-year-old girl —

> and had dropped out of university. He also noted the victim described the day of the attack as the worst day of her life.

No doubt she will remember the worst day of her life every night for many years to come, as she tries to recover from what was a preventable act of sexual violence. This was an unprovoked and preventable act of sexual violence against a girl who is not yet old enough to go to a pub. That is what we are talking about!

When he was in opposition, this Attorney General promised to take a hardline stance against these individuals. In fact, he demanded that we in government take a harder line with individuals exactly like this Mr Paul. Let us look at what has actually happened with the Attorney General in the driver's seat. About the management of this individual, we have heard that there was an escalation in his offending. He was out on bail and had been part of the Start Court process. On 17 November, he had been called back into court for assault occasioning bodily harm and trespass—this is what the Attorney General said—and bail was opposed by police at that time. Strict bail conditions were imposed, but this individual has no care for strict bail conditions. He had already broken those bail conditions when he was back in court in November. On 13 December, five days before his next court appearance, he offended against this girl and ruined her life. It was a preventable act. When the now Attorney General was in opposition, he said about the release of TJD that it was —

> "Absolutely the wrong decision, and I suggest that the police minister … should get on the phone to the police commissioner saying she wants an application brought on for revocation of bail," …
>
> "It's likely that he's likely to go back in [jail] and we know from a psychiatric report, that if things go bad for him, he's capable of doing anything, and why take that risk with the community?"

The Attorney General, when in opposition, said —

> … I suggest that Liza Harvey should be straight on to it—there should be a war council meeting … with the Premier, the Attorney General, and the police minister to say what are we going to do now to get a contested bail hearing on before a magistrate today."

That is what the now Attorney General was demanding back then, but now that he is in the seat, he oversees a system that allowed an individual with escalating antisocial and violent behaviour to be released back into the community on bail conditions, which he has no regard for, to the point that he escalated to offend against this girl in the most shocking manner.

When we go back, we see that the Attorney General has form. When Edward William Latimer was released as a dangerous sex offender on a 10-year supervision order with 52 conditions, the Attorney General said that he was not going to intervene. He was granted release from prison and even though his conditions said that he should not be in the company of women, he was allowed to visit prostitutes. A dangerous sex offender released on a community supervision order was allowed to visit prostitutes! It was a 10-year order, no less, with 52 conditions, for a 61-year-old man. He breached that order. When we raised it in this place around the middle of last year, this Attorney General said that there was no need to intervene and that the offender had already been detained beyond his sentence. We are waiting with bated breath. We do not want Mr Latimer to reoffend, but the likelihood is that he and all these other offenders who are not being managed properly under the Attorney General's watch will offend against women and children in our community. Then we will have more victims. There will be more women and children whose lives have been ruined because of the failure of this Attorney General to do what he said he would do. He said that he was going to make it tougher for dangerous sex offenders and for sex offenders to be out in the community, but he has not done so. He said it again and again when he was in opposition, but now that he is in the driver's seat, we see no action.

MR J.R. QUIGLEY (Butler — Attorney General) [3.20 pm]: We are speaking on a serious subject today. We have heard the mover of the motion, the member for Hillarys, speak vociferously at the table this afternoon. I have to compliment him on his advocacy. He obviously got a distinction in advocacy 101, the principles of which are that when the facts are against you, turn to the law; when the law is against you, turn to the facts; and when the facts and the law are against you, thump the table. That is what he did this afternoon. With the law and the facts against him, he thumped the table.

Let us go to Faulkner to start with. Faulkner is also known as Nicholas Rodney Troy McDonald. It has been said that this government is responsible for not properly superintending the courts and the justice system. Let us look at it. On 12 July 2011, McDonald was sentenced to a term of imprisonment of nine years and six months, including for counts of aggravated sexual penetration. Do I stand here in Parliament today and blame my learned colleague Hon Christian Porter for the offences of Faulkner, who did these offences during the Attorney Generalship, during the reign, of Christian Porter? Of course I do not, but it happened during Mr Porter's time as the Attorney General. We heard the Leader of the Opposition this afternoon say that we have not properly dealt with dangerous sex offenders, yet when in government, the now Leader of the Opposition had different things to say. I now turn to some of those things. On 28 June 2016, the Leader of the Opposition, who was then Minister for Police, said —

> … I have a responsibility as a minister in executive government to abide by the Constitution.
>
> …
>
> … the fact remains that we have to abide by the Constitution and, constitutionally, we cannot detain people indefinitely …

She said earlier, on 19 March 2014, whilst standing just behind me, as the Minister for Police —

> Let us be clear: on this side of the house, we support the independence of the judiciary and the Director of Public Prosecutions, and their separation from government.

On 20 October 2015, in this very chamber, the Leader of the Opposition, then speaking as the Minister for Police, said —

> Members in this house need to understand that the commonwealth Constitution does not allow us to lock up sex offenders forever and throw away the key.
>
> …
>
> We do not like having to manage dangerous sex offenders in the community, but that is what we are required to do if we are going to make sure that we abide by the expectations of the community with respect to the rights of individuals under our Constitution.

I recall that the previous Liberal government said it would deal with the dangerous sex offenders legislation and bring in some amendments swiftly. In fact, it took the Liberal government two years to bring into this chamber any amendments to that legislation. I was the shadow Attorney General when the government brought in the amendments,

and I moved an amendment to the bill. The opposition's amendment was to reverse the onus of proof to require dangerous sex offenders to carry the burden of proof at the review hearing. On that occasion, the Leader of the Opposition, then speaking as the Minister for Police, said it added nothing to the legislation at all, but just introduced confusion. When we came to government, we promised to really stiffen up the dangerous sex offenders legislation, and we did. We reversed the onus of proof, and look at the effect that it has had, most recently with Narkle, a notorious, well-known dangerous sex offender. When he was reviewed by the Supreme Court, it went to the legislation that the McGowan Labor government promised the community it would introduce and did introduce. The Chief Justice heard the case and refused to release him from custody and kept the detention order going. So far from doing nothing, we moved to stiffen up the legislation.

In April 2014, Hon Michael Mischin ordered a review of the Dangerous Sexual Offenders Act, but it was not until May 2016 that the bill finally arrived in this chamber. What was promised was a comprehensive review into all aspects of the act to ensure that it met community expectations, but what was delivered were some minor amendments to the legislation. As I said, we introduced the amendment that reversed the onus of proof. The now honourable Leader of the Opposition said that it would not add anything to the operation of the act, that it would create confusion and that it would take the focus off community safety. If it had not been for our amendment, Narkle could still be walking the streets.

Mr P.A. Katsambanis interjected.

The ACTING SPEAKER (Ms J.M. Freeman): Member for Hillarys!

Mr J.R. QUIGLEY: The second amendment we introduced was that any dangerous sex offender who is charged with—not who has committed—breaches of any of the orders, any of the terms, whilst out in the community on supervision would not be eligible for or be granted bail until the hearing of the alleged breach. What happened? When we moved that amendment, Hon Michael Mischin described it as a blunt instrument that would not advance the objects of the act—that is, to deny bail to people charged with breaching the conditions would not advance the objects of the act. Now, here we are and the Liberal Party is complaining that a mental patient who had no previous history of sex offending, with no indication that he was a sex offender, was granted bail in the Start Court, the mental health court, on an assault matter. The opposition is complaining that he is on bail when it was absolutely loudly criticising us for bringing in an amendment that would deny bail to people who were charged with this. This is the height of hypocrisy. We have to take the temperature down, take the rhetoric down and deal with this forensically on its factual merits.

As I said, the government does not stand here today to pillory Hon Christian Porter for the offences that McDonald, aka Faulkner, committed whilst Hon Christian Porter was Attorney General. Far from it, but here was the Leader of the Opposition seeking to berate me as the Attorney General for not having properly supervised the courts when, as I said, it was the Leader of the Opposition while in government who said on 19 March 2014 —

> Let us be clear: on this side of the house, we support the independence of the judiciary and the Director of Public Prosecutions, and their separation from government.

It was Paul Keating who famously said that there was nothing wrong with a backflip so long as you land on your feet! Unfortunately, in this case, the Leader of the Opposition has attempted the backflip and landed on her back, I hope. She has sustained an injury to her credibility in the chamber this afternoon. We on this side of the house brought in legislation to make it tougher to release dangerous sex offenders. That has been successful. There are fewer dangerous sex offenders out in the community under supervision now than there were under the previous government. To try to link this to a public transport system is just a nonsense. Regrettably, these offences happen in all sorts of places. For the reasons I have so far announced, I strongly oppose this silly motion this afternoon but congratulate the member for Hillarys for the way in which he thumped the table!

MS R. SAFFIOTI (West Swan — Minister for Transport) [3.31 pm]: I want to speak to this very serious motion moved in this chamber today. As the mother of two girls aged 10 and eight, I cannot imagine the pain and agony the young girl and her family would have experienced and I think all of us in this chamber feel for that family. The Attorney General has addressed the legal issues raised, so I will not comment on the legal issues in relation to this case. However, I want to make a couple of comments about the wording of the motion, which was something of an attempt by the Liberal Party to attach Metronet to this crime. To me, this is a sick and pathetic attempt to try to attach Metronet to what happened in this instance. Interestingly, there are two motions. The one the member read out included the word "Metronet". The other one, which was signed, does not include the word "Metronet".

Mr P.A. Katsambanis: I read out the same motion.

Ms R. SAFFIOTI: The member said the word "Metronet". He came into this chamber and mentioned Metronet in his speech.

Mr P.A. Katsambanis: I didn't.

The ACTING SPEAKER: Members, this is not a debate across the floor. The motion is before you. This is the motion here. Let us just focus on the motion before you.

Ms R. SAFFIOTI: The member spoke —

Mr P.A. Katsambanis interjected.

Ms R. SAFFIOTI: You came to this lectern and you spoke about Metronet in your attack —

The ACTING SPEAKER: Members! Minister, you need to address the Chair and you need to address the motion before us.

Ms R. SAFFIOTI: In his speech, the member addressed Metronet and tried to link Metronet to this case, which I think was sick and pathetic. As the Attorney General said, these are awful, awful cases and no-one wants this to happen to anyone in Western Australia. But to come in here and try to attach this case to Metronet was a sick and pathetic attempt and completely undermines the opposition's credibility on this issue.

Division

Question put and a division taken, the Acting Speaker (Ms J.M. Freeman) casting her vote with the noes, with the following result —

Ayes (17)

Mr I.C. Blayney	Mr Z.R.F. Kirkup	Ms L. Mettam	Mr P.J. Rundle
Mrs L.M. Harvey	Mr S.K. L'Estrange	Dr M.D. Nahan	Mr A. Krsticevic *(Teller)*
Mrs A.K. Hayden	Mr R.S. Love	Mr D.C. Nalder	
Dr D.J. Honey	Mr W.R. Marmion	Mr K.M. O'Donnell	
Mr P.A. Katsambanis	Mr J.E. McGrath	Mr D.T. Redman	

Noes (36)

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

Pairs

Ms M.J. Davies	Mr D.A. Templeman
Mr V.A. Catania	Mrs R.M.J. Clarke

Question thus negatived.

PAPERS TABLED

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

BUSINESS OF THE HOUSE — PRIVATE MEMBERS' BUSINESS

Standing Orders Suspension — Notice of Motion

Mr D.R. Michael gave notice on behalf of the Leader of the House that at the next sitting of the house he would move —

> That so much of standing orders be suspended as is necessary to enable private members' business to have priority from 4.00 pm to 8.00 pm on Wednesday, 27 May 2020.

CORONAVIRUS — GOVERNMENT RESTRICTIONS

Notice of Motion

Mrs L.M. Harvey (Leader of the Opposition) gave notice that at the next sitting of the house she would move —

> That this house condemns the McGowan Labor government for its handling of the lifting of COVID-19 restrictions and causing unnecessary economic harm, small business closures and job losses.

JOINT SELECT COMMITTEE ON PALLIATIVE CARE IN WESTERN AUSTRALIA

Council's Resolution in Response to Assembly's Resolution — Council's Message

Message from the Council received and read requesting concurrence in the appointment of a Joint Select Committee on Palliative Care in Western Australia in response to the Assembly's resolution.

PLANNING AND DEVELOPMENT AMENDMENT BILL 2020

Second Reading

Resumed from 21 May.

MR Z.R.F. KIRKUP (Dawesville) [3.41 pm]: I rise to speak to the Planning and Development Amendment Bill 2020. For the purposes of this debate, I am the opposition lead speaker in the Legislative Assembly, representing Hon Tjorn Sibma in this place. That, of course, does not preclude the extensive contributions that will be made by my colleagues, both in the second reading debate and during consideration in detail, which I expect we will probably have a late night on tonight and continue tomorrow. At the outset I would like to thank Hon Tjorn Sibma for the way in which we have been able to work together on this legislation, given that he is the shadow Minister for Planning and the Liberal Party spokesperson for planning in the other place. That sometimes makes it a bit difficult when a bill is introduced here, but I have found our working relationship to be a very good one and we have made sure that we have worked very quickly through some of the concerns that have been raised. I appreciate the work that has been done by Hon Tjorn Sibma and his team. I would also like to thank at the outset the numerous people who have taken the opportunity to speak to me since this bill was introduced in this place. Some very eminent and sound Western Australians have spoken to me about the details of the bill. I would also like to thank Paul Kotsoglo for the briefing we received yesterday and for some of the elements that were raised. I think it was a beneficial outcome to hear from expert planners at every point, not just people who are proponents of the legislation.

Before I get into the specific detail of the legislation, I thought it would be prudent to make comment in this place about how we got to this point, given the initial handling of the legislation. Obviously, the Liberal Party was asked at very short notice to attend a briefing on this bill provided by the director general of the Department of Planning, Lands and Heritage. I am thankful for her contribution and also to Department of Planning, Lands and Heritage staff and staff from the minister's office. I was surprised, to say the least, that when we had that briefing, we did not have a bill at that point because the final bill was yet to be completed. I appreciate the circumstances in which it was introduced and that a significant amount of work has been undertaken to get the bill to this point. The necessity of responding to COVID-19 means that some aspects of the bill were pushed quite quickly. I think it would be prudent for us to ensure that, in the future, when we in the Liberal Party get a briefing, we should be considering the bill itself. I note that our friends in the Nationals WA did not get to see the bill at all, and I do not think they had any notice earlier, either. Obviously, some process issues need to be worked out.

The bill is not an insignificant one; it amounts to over 90 pages. We were told initially that it is one of the most complex and substantial changes to the Planning and Development Act and one of the most significant planning reforms that we have seen since the Second World War, but, at the very least, the most significant for generations. It is flagship legislation that the minister will attach herself to, I think, as she has ushered it into this place. I had hoped that we would have more time to consider the bill as much as possible, but I appreciate that the government has given us the weekend plus a couple of days to go through it and consult with our communities and stakeholders, as I have had the opportunity to do. Of course, the process to bring this bill to the Assembly builds not only on the work of the previous Liberal–National government in the planning reforms it undertook but also a process initiated in November 2017 when the Labor government announced the creation of the planning task force, which was led at the time by Evan Jones, through the WA planning system. The government announced that the member for Perth as the Parliamentary Secretary to the Minister for Planning also participated in that. I appreciate the work of the member for Perth in facilitating some of this. He has come to us a number of times suggesting things that we could talk about and flesh out with this legislation. He is obviously very happy to participate in that. I appreciate the role that the parliamentary secretary has played in this.

The government released a green paper for public comment in May 2018 that proposed five key reform areas: notably, that they would be strategically led; legible, which is understandable by all, rather than just, I guess, by expert planners; transparent—the need for transparency is a key aspect that I would like to continue with throughout my contribution—efficient; and deliver smart growth. Over 250 submissions were made to that planning review and green paper for public comment, and more than 5 800 responses to the individual green paper proposals were received from industry, government and community stakeholders. In August 2019, the government released the "Action Plan for Planning Reform", which I think outlined 19 reform initiatives.

The Planning and Development Amendment Bill we have here today is one of two tranches of legislation that I understand the government seeks to introduce to this place this year, undoubtedly before the next election. I assume that is the case. But I think the second tranche is perhaps more likely to be focused on residential planning codes and residential reform. Certainly, given my background with the BGC group, that is an area of immense interest to me, although I have had some experience on large-scale projects like The Westin Perth hotel project, which has given me some background to be able to deal with this bill as well. I do not know where the second bill is at; I imagine that at some point we will get clarity on whether any progress has been made and when it might be introduced. For what it is worth, after discussing this with people in the residential construction industry, they are very interested to see whether a second tranche of planning reforms might be undertaken. We have spoken about the numerous overlaps in different planning codes, R-codes and things like that, and the need for some reform there would probably be welcomed in its pursuit, at the very least.

As I have said, I am thankful that after the negotiation on this bill, the government saw merit to give the opposition a number of days to go through it. Certainly, during the discussions that I have held with members of my party, we have been afforded a number of opportunities to talk with stakeholders and members of the community. Members will understand from this contribution from the opposition that we have consulted very thoroughly and very widely in the time that we have been given. I think legislation that is this significant should be given that amount of time so that it can be thoroughly reviewed before we come to a final decision based on the merits of what has been presented, and we have the opportunity to talk to as many people as possible.

The government has used COVID-19 as the catalyst for this legislation. I suspect that the government's legislative response, anyway, has meant that it has had to very quickly shift into gear a lot of other proposals that were being put in place to try to respond to COVID-19. I imagine that this planning legislation was probably already in train. The government undoubtedly wanted an economic initiative to try to stimulate the economy by developing and constructing residential, commercial and industrial projects, and this is the result of that. I am very glad that we did not have to deal with this bill last week, especially given the intention of the government at the time. I do not appreciate the suggestion that by wanting to thoroughly review this bill, we somehow are seeking to injure in any way, or exacerbate the situation already faced by, the tens of thousands of Western Australians who are out of work, and that the Liberal Party is not seeking economic stimulation for the state. That is not the case. We will not be pushed into that position; we will not yield to the suggestion that was made last week that we are trying to throw into doubt Western Australia's recovery from this health and economic crisis by wanting to review this bill for a matter of days.

We, as members of this place, stand firmly by the values and principles that underlie our Parliament and seek to fairly, justly and properly represent the people of Western Australia. Although we have not been given the weeks that we would usually be afforded under the standing orders to consider the bill, at least we have had a few days to do some quick work so that we can now, I hope, thoroughly interrogate the bill. Notwithstanding that, we support the bill. I will explore a number of our concerns in my contribution and, undoubtedly, other members will address other concerns. The reality is that we support the legislation. To be frank, the economic imperative in the bill, probably, is the overriding need to go along with this very quickly, in the manner in which it is being done. If we use a wartime analogy: if this bill had been brought to this place during peacetime in a normal situation, we would have been expected to delve into it more thoroughly over weeks rather than a matter of days.

I apologise for my ignorance in any of my contribution; planning is not my forte. In the little time that I have had to digest what is undoubtedly a complex piece of legislation, I hope to cover off on a number of concerns that have been raised. I will also seek to ask questions along the way, notwithstanding that we will raise them in consideration in detail.

As members know, the catalyst for this bill is the COVID-19 pandemic. I have to say, however, that the economy had been struggling well before this time, no more so than in the housing and construction industry. I know from my background and experience, and from speaking to people and friends who still work in those sectors, that it was clear that the economy was struggling prior to the outbreak of COVID-19. I suspect the pandemic has exploited those vulnerabilities and weaknesses in our state's economy. It was also acknowledged last year in the Labor government's commitment to a number of measures: the school maintenance blitz, the hospital maintenance blitz and stamp duty relief of more than $750 million. That clearly acknowledged the state of the economy prior to COVID-19; now we are in a worse position because of COVID-19. If the legislation's intention is to stimulate the economy by bringing forward developments, it is a welcome objective and is desperately needed in some quarters. The opportunity for Western Australia to respond to the difficult economic circumstances, given the weaknesses that have been now exploited by the pandemic, is, as I have said, one of the greatest motivators for our side to support the legislation, even given the shortfalls and concerns that we are about to raise.

Before I address all my concerns and questions, I think it is prudent to address the aspects of the legislation that I believe are positive and important reforms. These reforms in large part were started under the former Liberal–National government, and some parts of this legislation represent a finalisation of that work. I think that any reform that seeks to reduce red tape is a welcome one. That is undoubtable. That work was underway under the previous government, although the minister in her second reading speech put some contention around how much of that work had been done. I argue that the Liberal–National government had a very clear reform agenda for planning. Those reforms were important then and are important now to stimulate the economy and create jobs.

I turn now to the reforms the government highlighted in its media commentary. Notwithstanding that I have a number of shortcomings in my capacity on reviewing this legislation, I welcomed the press releases and public comment on the announcements, which were very easily consumed by the public, that minor extensions such as patios, carports and pergolas can now be made without planning approval. That seems straightforward. I do not know where it is in the bill itself; I just have not found it. That is not a reflection on the legislation; it is more a reflection on my own inability. I am curious, so if the minister could point out where that is in the bill during her second reading reply, I would appreciate it. It is just for my own interest.

Immediately after that was announced, the conversation very quickly turned to "That's a fairly straightforward thing; why can't I attach a pergola or a patio?" I assume that they are of low value and not of a structural nature and would not require the usual building approvals, engineering or site reports or anything like that, but are simple projects

that would otherwise be caught up in red tape. It is really good to see some reform in that area for those who own their home. It is a straightforward and quick reform that could be made and would help with improvements to homes. Obviously, it would also help some parts of the renovation market in Western Australia. We know that there has been a drop-off in some building approvals in residential construction. In the months before the COVID-19 pandemic, there was a very healthy renovation market in Western Australia. If this goes any way towards stimulating that market, that would be a good thing. Sensible reforms that make life easier for people with home businesses and small businesses and for others in the community are obviously very welcome. The removal of any unnecessary red tape is a good thing.

Obviously, the devil is in the detail for some other matters that are not small, and I think they deserve some exposure in the chamber. They will guide our party's actions in the other place in any contributions or amendments that may or may not be made there. One of the claimed objectives of the bill is to provide special provisions for the COVID-19 pandemic via new parts 2 and 17. The most important is the statement of a new flexible and streamlined approval pathway that will allow the WA Planning Commission to streamline projects that are vital to the Western Australian economy. Again, I understand that if we were to suggest that any projects should be streamlined to help the Western Australian economy, we would notionally accept that, but if we go beyond the media announcements and look at the detail, we find that there are some real concerns.

First and foremost, we have concerns with the lack of transparency about significant developments and the process by which referral and approval might be sought. From what I have read, it appears that no framework needs to be adhered to for a project to be referred, except that the Premier and the Minister for Planning may consider it to be of strategic importance in some way, shape or form. The lack of transparency in those referrals by the Premier or the minister to the WA Planning Commission for consideration is a concern. We know that the Premier can take that recommendation to the WA Planning Commission. That involvement of the Premier is an unusual development. It has never before existed in our planning space, to the best of my knowledge. Now there will be a new option that might be exercised by the Premier of the day. All we know is that the Premier might like an idea that has been given to him by the Minister for Planning and that it might be forwarded to the WA Planning Commission. If the involvement of the Premier and the minister continues, as is put forth in the bill, at the very least there needs to be far more transparency about any referral by the Premier or the minister to the WA Planning Commission for its consideration. It should include the reasons why the Premier believes that the referred project is worthy and has merit, the reasons why the Minister for Planning referred it to the Premier in the first instance, and the reasons why the WA Planning Commission should go through this new and extraordinary process to consider it. There needs to be complete transparency by the WA Planning Commission about any referred project so that the public can understand the reasons for its decisions. In that way, public confidence in the planning system can be maintained.

To be absolutely fair to the current and former Ministers for Planning, we are very lucky in Western Australia with the confidence that the public holds in our current planning minister. I will use New South Wales as an example. Between 2005 and 2011, three of four planning ministers in New South Wales were sacked, and at least one was the lands minister. They got involved in all sorts of nefarious activities and were pulled before that state's version of the Corruption and Crime Commission, the Independent Commission Against Corruption. Clearly, they were involved in some decisions or outcomes that would not otherwise be seen in Western Australia. At the moment, we have a clear line of sight so that we can maintain the integrity and preserve the office of the Minister for Planning. That is a good thing because it means that we have yet to see, to the best of my recollection, a planning minister called before the Corruption and Crime Commission or any other anti-corruption body because of a planning-related decision or interest or a lands-related interest, which is what happened in New South Wales. It is really important to continue to maintain the integrity of that office. That is my concern with the amendments that have been put forward. Of course, I do not seek to cast aspersions on the Minister for Planning, her office or, indeed, the Premier, but the reality is that the bill seeks to provide them with new capacity and extraordinary power.

I am trying to remember how many days there are until the next election. I think it is 219 or 220 days, but I could be wrong. I am out on that, but in some 200-plus days, it is the hope of this side of the house that we hold the Treasury bench. Undoubtedly, members on our side would act with the utmost of integrity. If the government is returned to office, the current Minister for Planning may not remain the planning minister—of course, I would not cast aspersions on any sitting member in this place—and a new member might become the Minister for Planning. This bill facilitates the very direct involvement of the Minister for Planning in the referral of projects that are of interest to the government of the day.

Mr D.C. Nalder: It is 290.

Mr Z.R.F. KIRKUP: It is 290 days until the next election. Thank you very much, member for Bateman. I appreciate that. It is closer to 300 than 200.

The extraordinary role of the Minister for Planning and the Premier is a concern because of the corruption risk alone. At the moment, we have a very well-preserved planning system that does not have the direct involvement of the Minister for Planning and the Premier. The new process brings about some of my concerns, because allegations could tarnish the office, which is what we have seen in other jurisdictions, particularly those over east.

The integrity of the office of the Minister for Planning and the office of the Premier in particular, given its new role, should be preserved as best as possible to ensure that there is integrity in those positions. There should be more distance between those offices and projects, but that is not what the government is seeking to do in this place. With a lack of transparency and a lack of a framework that can be adhered to, there is the opportunity for graft and corruption. Again, I am not suggesting that the Minister for Planning or the Premier would be a part of that, but that possibility would open up nonetheless.

Better transparency would ensure better public confidence in the process. More transparency should also be granted to the WA Planning Commission so that the public can understand the reasons for its decisions to refer a project. It is also very important to maintain the integrity of the WA Planning Commission. I believe that the WA Planning Commission will be handed powers—again, minister, excuse my shortcomings—that exist in state legal instruments and it will be able to override local government planning policies and frameworks. If the WAPC is to be granted special powers, there should be better transparency in the public's ability to understand its decisions. Of course, if we are going to ask the WA Planning Commission to participate in this new and extraordinary process as part of the requirement towards a more flexible and streamlined approvals process, we want to ensure that the agency that is making the ultimate determination can maintain absolute public confidence. To do otherwise and not provide for transparency in the decision-making process may, in time, undermine the WAPC if issues are raised, not by members in this place, but by members in the community. I will provide a scenario. Why did X project get up? Why was it referred by the minister to the Premier to the Planning Commission? Why did it get the go-ahead the second time it was looked at? Why was it revised by the Planning Commission or why has it got approval when it was previously knocked back? If a situation like that develops, it might undermine the WA Planning Commission and the important role that it plays in our state's planning system. I think it plays a very good role, for whatever it is worth. Again, as part of the integrity of the state's planning system, it continues to be a very good agency. I again reflect on Gail McGowan, who is an exceptional director general of the Department of Planning, Lands and Heritage, and her role, together with that of the WA Planning Commission. We need to preserve the integrity of that agency as much as possible.

Proposed section 272 of the Planning and Development Amendment Bill does not contain an objective framework for how the Premier or the minister might seek to determine that a project is of state or regional importance and should be moved to the streamlined pathway. In the discussions we have had, a number of members have raised the example of the objective frameworks that are in place under the South Australian planning system. Undoubtedly, the Minister for Planning could point to other jurisdictions, probably Victoria and New South Wales, that have more ministerial involvement versus a jurisdiction like South Australia. I am curious to know what minimum thresholds will be considered. We all have local examples that I am sure will be fleshed out. From time to time, proposals may be put up that on the face of it might seem unusual, but if the Premier or the minister of the day considers them to be regionally significant, they will go through a streamlined approvals process. I will deal with that further during consideration in detail; it is not worth going into the granular detail here. It would be nice to know at the outset the threshold or framework that they might work within. I realise that the legislation contains some provisions about things that must be given due regard. However, in order to give the public greater confidence in the process that has been put forward, it would be nice to know what that framework will be. I have already spoken about the check and balance, and about the Premier and the minister disclosing their involvement and perhaps publishing their decisions. That could perhaps be explored further.

Proposed section 281, likewise, does not contain an objective framework to guide the Premier and the minister when they give directions to the agency. Effectively, when they move to directing, there will again be nothing that provides that framework that is pegged against a certain rationale or logic that everyone will be aware of ahead of time. I suspect that what the minister will say in reply is that these are only referral powers and that the ultimate call will rest with the WA Planning Commission. However, I have some concerns about the execution of this. I know from the planners to whom I have spoken in the short time we have had to consider this bill that if they were sitting on the WA Planning Commission, they would find it very difficult to ignore a project that was referred to them by the Premier and the minister. That is because the Premier and the minister have been elected to this place. They have found themselves in high office, and they serve this state and the people of Western Australia in executive government, in cabinet. If the Premier or the minister were to say to the planning commission that they believe a particular project is of strategic regional importance and should be looked at as part of the streamlined approvals process, at what point in time would an expert in the planning commission want to stand up against the Premier or the minister and say, "I don't know. You might think that, but we're going to knock it back"? There is already the implied—not explicit—consent of the government of Western Australia that the project should be approved. It would be an extraordinary officer in the WA Planning Commission—I am sure there are many of them—who would effectively say no to the Premier of Western Australia when the Premier has been legally empowered to say that the project is of strategic importance. I would like to explore that further with the minister.

That exposes the obvious concern about the potential vulnerabilities in this legislation. Again, I am not talking about this Premier or this minister, but the obvious relationship could occur if a person might have given donations to the party in the past. The minister is then lobbied about a particular project and determines that it has strategic

or regional significance and the project goes to the WA Planning Commission and is approved. That may be especially the case if the project has been knocked back previously through other means that have already been set out. That is an obvious concern. I think, to be perfectly frank, outside the intent of the government, it opens up the minister and her office, and the Premier and his office, and the process a bit more than is absolutely necessary. I think a large part of the operation of the bill could continue if not for the fact that it would need direct endorsement. I am going to say endorsement, but it is the referral, of those projects. I think that just opens it up.

I will put it into a scenario in this alternative world we will be in in 290 days in which, for whatever reason, I find that I am the Minister for Planning. Someone comes to me and says, "I really think this project is of regional significance." I do not know enough about the region, but the project sounds meritorious, a large number of jobs are attached to it and it has a lot of economic opportunity for that town. I forward it to the Premier of the day, Hon Liza Harvey, and it goes to the Western Australian Planning Commission. I imagine, with better transparency, the opposition at the time would look at the records and see that the proponent may have given donations to the Liberal Party at some point. All of a sudden it could be that, without direct involvement, I have forwarded a project, and my party had received donations from the proponent, which I suspect I would not know at the time—it could have been years ago—and the office is embroiled in a scandal for the referral of a project alone. My concern—a concern I think a number of members will outline—is that even without direct intent, the office of the minister and the office of the Premier are involved in something that otherwise would have been easily avoided and the streamlined approvals process could have already taken place, irrespective of the involvement of the minister and the Premier, if an alternative pathway was put together.

Aside from the revolutionary new roles for the Premier and the minister, I know that the minister already has the power to call in scheme amendments, but they are much broader and less specific. Scheme amendments can be much broader than just a specific development.

Ms R. Saffioti: It's actually more a statutory role. I don't call them in; I approve all scheme amendments.

Mr Z.R.F. KIRKUP: I apologise. The minister approves all scheme amendments.

Ms R. Saffioti: If you look at the issues you've raised, I'm the decision-maker there; I'm not the referrer.

Mr Z.R.F. KIRKUP: Okay; I appreciate that.

Ms R. Saffioti: I outline these powers are extraordinary. The question is: who is best placed to determined what is a significant project? That is the question and there's no magic answer. I think the Premier and Minister for Planning are probably best placed to determine what is a significant project. But in relation to the process, we can outline some of the measures later.

Mr Z.R.F. KIRKUP: I appreciate that, minister. The other issue in that case would be the involvement of the Minister for Regional Development as well. If someone is saying they have a regional development —

Ms R. Saffioti: Potentially, but there are other processes that we'll put in place. I think one of the points—I am sorry to interrupt—is that they're not extraordinary. The Minister for Planning currently signs off on all scheme amendments and, in relation to projects, that is quite a significant power. This power wouldn't even match that.

Mr Z.R.F. KIRKUP: That is because it is a referral power, rather than an approval power. But, again, my argument would be that because it is a referral power, it would be very difficult for a Western Australian Planning Commission officer to ignore a referral from the minister and the Premier. Although it is not explicit in the legislation, it is perhaps implied in the process for those at the receiving end.

While we are on the referral, I raise the issue of the risk that this amendment may give a proponent. All of a sudden, the proponent is tied up in a political wrangle. Previously, a proponent may have submitted a project through a normal or otherwise streamlined process, and now that proponent is possibly seeking what may be a straightforward project, but let us say the development is in a marginal seat —

Ms R. Saffioti: It happens now, you know. Councils are very political, to be honest. Some councils are quite political.

Mr Z.R.F. KIRKUP: They are.

Ms R. Saffioti: The politicisation of local government and the stance is: it's happening now. I get blamed for decisions that I'm not involved in. The politicisation of projects is happening everywhere, and it's happening to a degree because of the way our local government is structured. There're divisions and factions in a lot of local councils, which are basically really impacting how projects are being assessed and determined.

Mr Z.R.F. KIRKUP: I appreciate that interjection. The concern that I have is that this would undoubtedly be a much more high profile process, at least for the first couple. The first couple will definitely be very high profile. A proponent will have to be absolutely certain that what they are going to deal with will not draw the ire of the community and become its own risk. There could be government members in a marginal seat or opposition members who raise their own rightful concerns about a project. All of a sudden, what would otherwise have been dealt with through a very understandable, transparent—albeit sometimes lengthy—framework —

Ms R. Saffioti: It's the development assessment panel process, and there are questions about the transparency of DAPs.

Mr Z.R.F. KIRKUP: I appreciate that, but the minister does not sit on development assessment panels.

Ms R. Saffioti: No. But I don't sit on the Western Australian Planning Commission either, and the DAPs are appointed by me.

Mr Z.R.F. KIRKUP: I will go to the referral. In that case, it is more that there will be a very real risk to some proponents at times. If something is particularly controversial, I think it will be a risk for them. In my mind, the risk will be on both sides, in the sense that it will be there for the government, the minister and their office, the Premier and their office, and also for the proponent in their involvement. Cabinet or the government may come under immense community pressure, and the outcome may possibly be worse because they may not be able to adhere to the existing framework or the new streamlined framework, whatever it might be.

I refer to stakeholder engagement that might be brought about. I know that a lot of members have already spoken with their local governments, and we know that there has been a lack of in-depth consultation or engagement about this legislation, which will clearly have long-lasting consequences for local governments and their role. In some respects, this will revolutionise the role of local governments. We have seen the statement by the Western Australian Local Government Association, for example, which, I understand, is not particularly —

Mr A. Krsticevic interjected.

Mr Z.R.F. KIRKUP: The former shadow Minister for Local Government, the member for Carine, and the current shadow Minister for Local Government both agree that WALGA is not particularly happy with the legislation and, certainly, is not supportive of —

Mr A. Krsticevic: More importantly, it was the consultation process.

Mr Z.R.F. KIRKUP: Thank you very much, member for Carine. WALGA certainly was not pleased with the consultation process.

I doubt we could do this during consideration in detail because it is not specific to a clause, but if the minister gets the chance in her contribution in reply, I am keen to understand the consultation process that was undertaken to get here, especially considering that proposed sections 274, 275 and 276 grant the Western Australian Planning Commission almost unfettered powers to make up the rules as it goes along. They reserve for it the right to override all existing planning instruments, including local planning instruments, on the basis of a generalised economic basis. It could make nonsense of a local planning scheme and the role of the local government in that development. We have seen in the past that those planning schemes have a high degree of community involvement. It is important, particularly for significant developments, that there be high levels of community engagement, and local government is one facilitator of that from time to time.

Another issue that I would like to raise is the minister's role in trying to resolve conflicts that may exist. Admittedly, in the notes that I made on the PDF, I got lost in the conflict clauses. I found that quite a complex part of the legislation. I am keen to understand, as part of proposed section 280, the minister's role in those conflicts and how they might arise. Some examples are included in the bill itself, which I appreciated, but that is an area that I seek to get further understanding about. From my understanding, the minister's involvement may have some unintended consequences, especially for approaching deadlines, which could preclude any agency from imposing conditions, even if they are legitimate, if compliance with that condition would not allow development to commence on time. I am keen to understand the minister's role in resolving conflicts, because, from what I understand, an astute developer could get approval from the commission, stall for three-and-a-bit years, then submit all their applications at once. I could be wrong, but I believe that the minister at the time will be stuck having to help resolve some of those conflicts in order for the development to be facilitated. Having done that, they could argue that those conditions are conflicts and seek to have them set aside. They could be very real and relevant instruments to ensure that a proper process is put in place for that development project.

I am noting the time. Some other concerns I have—I preface that this is all because of my own limitations—are that I did not see anything in the bill about any involvement or interaction with the Aboriginal Heritage Act. The Aboriginal Heritage Act protects sites that are culturally significant for Aboriginal people. The bill outlines a number of other acts and instruments that it does or does not interact with. I am keen to understand, because I am not sure, whether this legislation will override the Aboriginal Heritage Act in some way, shape or form if a site is considered to have Aboriginal significance. That is a concern of mine. My reading of the bill is that there is capacity for a number of legal instruments to be set aside. Is the Aboriginal Heritage Act one of those, for example? A number of other members will talk about the role of the Environmental Protection Act and the view that a development proposal will now be sent to the Environmental Protection Authority to be considered rather than for it to be an approval or rejection body. That consultation is all that is required, so the bill's interaction with the EP act is also of interest to us and, undoubtedly, to the community, who I suspect sees the Environmental Protection Act as a key piece of legislation to help protect the environment. Will we start to see developments that are contrary to the merits and intent of that act?

The threshold of a "significant development" is that it costs $30 million or more and that it incorporates 100 or more residential dwellings or has a minimum 20 000 square metre net lettable area of commercial space that helps

provide an economic stimulus to the state. Clearly, that is a significant project, but I am keen to understand how the government landed on the figure of $30 million. As someone who has worked for a company that has built hundreds of apartments, I think 100-plus apartments makes sense. I want to understand the reasoning for the $30 million value. What safeguards are in place to stop price creep so that a proponent with a project worth $25 million cannot inflate that figure to become a "significant development"? It could change its quantity surveyors or a couple of furnishings and the project would go from being worth $25 million to $30 million. A number of costs shift during the process of construction. What guarantee will the state have that the assessed project is worth the stated figure and has not been inflated because someone is trying to game the system that will be in place? Does the Western Australian Planning Commission have quantity surveyors to assess the details of the projects? I am keen to understand that. Again, I think the 20 000 square metres of net lettable area and the 100 or more residential dwellings make sense. We will see the 100 apartments and the 20 000 square metres, but I am keen to understand the background to how the government landed on the figure of $30 million.

Some concerns exist about the provisions for the substantial commencement. Four years is generous. Does a substantial commencement clause leave the prospect of legacy projects just sitting there? As part of this process, I will seek to get a better understanding from the minister about what that will look like. For example, a 30-storey high-rise hotel project might have four floors underground for its car park. If a developer begins cutting out and reinforcing the car park and then laying the initial foundations, is that considered to be a substantial commencement? Could a developer consider the work on the underground car park to be a substantial commencement but then decide not to proceed with the project because the economy continues to suffer and believes that now is not the time to build a hotel? I am keen to get some clarity on what that will mean as part of the process. Before a developer lays the foundations, it is not an insignificant amount of work to go through the initial engineering works and site works and all the other work required to dig a couple of storeys underground for an underground car park. The Brookfield Place tower was a massive hole in the ground for a long time. That could easily happen again, possibly with a substantial commencement. Does that leave us open?

Mr J.E. McGrath: It's not under what you're trying to achieve here.

Mr Z.R.F. KIRKUP: I agree with the member of the South Perth that that is not the intent. The concern I have is whether it leads to an opportunity for someone to game the system just to leave it like that under a substantial commencement. I am keen to get some clarity.

Concerns have also been raised about timing. The project has to be submitted for a development application, I think, within this 18-month window, and then there are four years within which to substantially commence. Undoubtedly, given the minister's reform-orientated agenda, she would want the WA Planning Commission to act quickly—judiciously and appropriately, but quickly—to make sure the process was expedited. I am curious why the planning commission is not held to a similar time line to the one that I saw. Was that looked at? Could the minister see the planning commission taking a number of years before it got back to someone as part of an approvals process? Again, excuse my ignorance, but is there a statutory requirement to come back to a proponent within a given time? I am keen to understand more about the timings that will be explored, I suspect, in consideration in detail.

Another concern that has been raised is that we understand that this new streamlined, flexible approvals process has been done because of existing projects and projects already in place with the WA Planning Commission. What happens if a developer already has a project, they have gone through a number of the efforts to submit and maybe they get an outcome—they get an approval with certain conditions—and someone comes in right next door and the initial proponent then has to comply with conditions set by well-known, existing frameworks? Say there are two apartment blocks already with a 15-storey height limit. Under the new approvals process could a new proponent come in right next door seeking a project with 30 storeys that would go against all existing frameworks? Would that be unfair dealing with proponents at different stages of their existing projects?

I understand as well that there have been some concerns about the processes and resourcing of the WA Planning Commission. Will the WA Planning Commission be given more resourcing to deal with what I expect will be a possible flurry of projects submitted to the agency? I am keen to understand what that might look like and whether that has been sought by the WA Planning Commission. I am curious to understand this as well. I would love to know more about who the ultimate arbitrator will be for the approval process. It bears understanding when there is a particularly complex industrial project or something regionally significant. Would there be industrial or regional specialists on it? I do not know. I am keen to understand a bit more about the role of the WA Planning Commission in that respect.

The other thing I want more insight into is developer contributions. From what I read, DCs now have to go toward some public works as well. I could be wrong, but traditionally assets were paid for by the state or local government, but now we see DCs paid by —

Ms R. Saffioti: There is a new definition to reflect the City of Melville's concerns about what is considered a community benefit. This is an increasing issue for infill and density. I will talk about that. It is a legitimate concern that the City of Melville had about meeting rooms in a building being considered of community benefit. It is

being far more realistic what a community benefit is, such as playgrounds, parks and education facilities. It is so developments do not have empty meeting rooms for which they got bonus height because they delivered two meeting rooms that no-one is using that the strata owners have to pay for. It is quite an interesting movement in the infills discussion.

Mr Z.R.F. KIRKUP: I appreciate that. I imagine that will flesh out part of consideration in detail. I think the amendments also include things such as childcare centres. I assume it is quite an expansion of where developer contributions would usually go, but, as the minister said—not to verbal her—it is about trying to ensure that there is a better understanding of what a developer contribution for community benefit would go towards. I am sure we will explore that as well.

I turn to other concerns very quickly before I wrap it up. I refer to master-planned estates. I am mindful of one by—not the Brian Burke—I think it was something like "Burke Developments" in South Guildford, where there was going to be a master-planned estate that was done —

Ms R. Saffioti: Rosehill estate.

Mr Z.R.F. KIRKUP: It was Rosehill estate, sorry, yes.

Ms R. Saffioti: Wasn't it Rosehill?

Mr Z.R.F. KIRKUP: It was Rosehill, sorry.

Ms R. Saffioti: That happened under your government.

Mr Z.R.F. KIRKUP: That is okay; I am not knocking the development. All I am saying is that if a very large construction company is sitting on a lot of land and all of a sudden there is a master-planned estate to build all at once 100 new residential developments by the one company, would that become a significant development? I am trying to understand that. These are all the nuances that arise in a build that is obviously complex and touches on a lot of parts of the community. When I talk about community, that is the other matter. The role of community engagement and giving due regard to it going forward is part of this. The use of "due regard" throughout the bill is of interest to me. It does not compel the WA Planning Commission in any way, shape or form. I suppose giving "due regard to" is less sure. It has to give due regard to community engagement, due regard to local government, and due regard to a range of schemes or planning codes that are already in place, but it does not have to adhere to them.

Mr A. Krsticevic: It's subjective.

Mr Z.R.F. KIRKUP: Yes.

Ms R. Saffioti: That is planning systems as such. Planning systems will always be subjective. We have to be clear about that.

Mr Z.R.F. KIRKUP: Yes, sure.

Ms R. Saffioti: This is not like a scientific equation. Planning is not. This is what is interesting about planning; it is all subjective. That is my view of planning.

Mr Z.R.F. KIRKUP: Thank you, minister. When there has been development in their community, every member here will have been petitioned from time to time that not enough engagement or not enough information is being offered. When a commission has to provide due regard to community engagement, I hope there will be a bit more structure about what "community engagement" looks like. Only by having good community engagement and good community involvement, do we see good planning outcomes. I have spoken a number of times to the member for Bateman about what is happening in his district at the moment, which is a good example, and, undoubtedly, as I said, we will talk about it in this place. The need for good community consensus and good community engagement is absolutely key to the buy-in of making sure communities are along for the journey. From the conversations we have had, obviously a lot of things have happened in that community that are certainly above and beyond what would be anticipated throughout the planning process. As an example—I am sure the minister has a —

Ms R. Saffioti: I have very much investigated the issue around Melville and exactly what transpired. It is interesting that the activity centre plan was silent on height.

Mr D.C. Nalder: The community was consulted and advised that the maximum height would be less than that of the Raffles Hotel, and 15 storeys because it is an M15, and on the second level, 10. They have approved 30.

Ms R. Saffioti: I will go through it and explain the activity centre plan that was approved by the previous minister. I am not blaming the minister. There are two sides. The South Perth side has a height limit and the Melville side does not. That is what the current council is now trying to address. There was a lot of concern and contention about what community benefit was given for those height bonuses. We are trying to address these issues in the bill because they are legitimate issues.

Mr D.C. Nalder interjected.

Ms R. Saffioti: Yes.

Mr Z.R.F. KIRKUP: From the conversation the member for Bateman has had with me, he will undoubtedly speak about this in much greater detail than what I could ever offer.

Ms R. Saffioti: Sorry, I do not want to interrupt, but I am very interested in Melville because I have always been interested in how it all happened.

Mr Z.R.F. KIRKUP: It is a good example, I suppose, of where community engagement comes in. When we talk about giving "due regard" to community engagement and the community's involvement, I think it is imperative that the planning system in Western Australia work only if the people of Western Australia have that buy-in to what happens in their community. In his role as parliamentary secretary, the member for Perth spoke in this place about what that might mean for radius developments. It is obviously about recognising that communities are immediately impacted by development and giving them greater involvement. Again, in saying "due regard", that can cast aside some of the community concerns or the way the commission may involve itself in trying to undertake what a community believes should happen in its own area.

In a much more expeditious summary, we appreciate the reforms that the minister has brought to this place. Notwithstanding that, we still have a number of concerns about the corruption and politicisation of projects and developments and how they may come about. From my perspective, the process by which this bill has been handled has been disappointing, especially when the government initially tried to ram it through this place. I have already raised questions, and undoubtedly there will be more issues, about commercial neutrality, stakeholder and community engagement, the role of the minister when conflicts arise, the interaction between the Aboriginal Heritage Act and the Environmental Protection Act, the significant development threshold, the substantial commencement clauses, the time frames for projects and for the WA Planning Commission to respond to applications, the role and resourcing of the WA Planning Commission, developer contributions and, I suspect, a number of other issues, and in this case the master-planned estates matter. A number of issues will be raised by my colleagues. I am sure that members on this side will not get heated, but the minister understands of course that planning impacts what all Western Australians do. It is a complex area for anyone to deal with; this is a complex bill. Many concerns exist on individual projects that will haunt people for the rest of their lives, and haunt communities for so long as those projects are there. It is important that we get the planning system right. When it is done right—the community has good engagement and developers provide a high-quality product that reinvigorates an area and a community—the outcomes can be fantastic. Personally, I am very fond of the Metropolitan Redevelopment Authority and the MRA controlled zones. I have seen that come to fruition in places such as Midland, where they have played a good role in revitalising that community. When we see things done right, there are great outcomes for the community, but that should not be at the cost of setting aside community concerns, other instruments, the role of local governments, existing planning codes and the existing legislated role and framework of the WA Planning Commission. Part of this is the new extraordinary role of the minister and Premier.

There is a lot to go through. I appreciate the opportunity to speak on the bill and the contributions of my colleagues to come as we go through this legislation. It is important that we interrogate this bill thoroughly and, undoubtedly, raise as many questions as we have, because whatever questions we have, the community will have a thousand times more. This is an important process—one that we should be given significant time to get through and to achieve. With that, I commend the bill, notwithstanding some of the concerns that we are raising. I look forward to hearing the contributions of my colleagues and moving into the consideration in detail stage.

MR W.R. MARMION (Nedlands — Deputy Leader of the Opposition) [4.37 pm]: I rise to speak on this very important Planning and Development Amendment Bill 2020. During this COVID-19 period, three very important bills have gone, or will go, through this house: the Procurement Bill 2020, the Environmental Protection Amendment Bill 2020 and this planning bill. These are three very substantive bills and ones that I am, and was, interested in speaking to. The same people on this side who share an interest in this area will probably speak on these bills. That has caused a bit of a problem because at times there have been briefings on an urgent bill when we have been in this house debating another bill. This is a substantive bill and is pretty thick, with nearly 100 pages. I understand that Evan Jones has been involved in some of the reforms that have been put into this bill, which started back in Minister John Day's period. Obviously, a lot of reforms have been crying out to be introduced for many years. This bill contains "Part 2 — Special provisions for COVID-19 pandemic", which is the area which I will focus on the most and which our lead speaker focused on.

Before I talk about the bill and the process, I congratulate the advisers on the briefings they gave us in the very short amount of time they had. I did not go to the first briefing because I was talking on the Procurement Bill 2020 at the time. This 13-and-a-half-page document is fairly useful. We very rarely get that. When this document was produced, the nearly 100-page bill was not available. Contrast that with the Treasurer, who also had an urgent bill the week before—the Procurement Bill 2020. I know a lot more about procurement than I do about planning, unfortunately. I could read the Procurement Bill; it was a shorter bill and I could read it and understand it straightaway because of my background, but there were not many speakers in that debate because I do not know that a lot of people have a ready interest in and knowledge of the area. However, planning is an area that impacts on a lot of people; they are impacted on by procurement, too, but they do not understand that. Planning impacts

on every single member of Parliament, and I agree with the minister that it is very subjective. That is one of the reasons that any planning issue—whether it is a microplanning issue or a big planning issue—impacts on every member of Parliament. If I have time, I will probably talk about two major planning issues; one is in Nedlands and one in Subiaco.

I did not go to the first briefing on the Friday, but on Tuesday of the following week there was another briefing and I managed to get to half an hour of that before the bill was read in, and that is when I picked up this document and a copy of the bill from the advisers. Fortunately, the opposition was able to persuade the minister to give us the weekend to read it and talk to our communities about some of the impacts. Without that, I would not really be speaking here today. I would be able to speak on it, but I would be speaking mainly on the process, which I thought was extraordinary. I do not recall a bill coming into this place and being rammed through on the same day, so I am pleased that the government changed its mind and allowed the opposition to read the bill over the weekend. It is a very important bill and it impacts on all of us.

The aim of the bill is exemplary: to improve the planning approval process by getting better outcomes for the community, cutting red tape, and simplifying the planning rules by making them more consistent. That is exactly what we want. As is explained in the briefing notes, three streams of reform are proposed through the legislation, the regulations and policies. In the brief time I had to look at the legislation, I contacted both of my large local councils, Nedlands and Subiaco, and spoke to the planners, the mayors and the chief executive officers to get a feeling for their views on the bill. I hope the minister will address some of the concerns they have raised in her reply to the second reading debate or during the consideration in detail stage. A lot of their concerns relate to how the process will be run—how the systems and processes are put in place to address some of their concerns. Some of them are quite serious concerns; our lead speaker has already raised some of those.

The first point raised was that the chair of the Western Australian Planning Commission is currently also the acting chair of the State Design Review Panel. He is well regarded and I know him well, but one key concern is that if this bill goes through, there might be a significant conflict of interest if the chair of the WAPC is also the acting chair of the State Design Review Panel. The previous speaker spoke about significant developments. Another key concern with this bill is the definition of "significant development". I will not read it all the way through, but basically it is either 100 dwellings or more and a capital cost of $30 million or more, or 20 000 square metres or more of net lettable area, which again has to be of an estimated cost of $30 million or more. The key component that I think we are mainly concerned about is that the Premier can refer any proposal deemed to be of state significance to the Western Australian Planning Commission for determination. I think we need some sort of framework around that: What is the government planning in advising whether something is deemed to be of state significance? Is there going to be criteria around that, or is it going to be super subjective, with no criteria? Will there be some guidelines? If a project is deemed to be of state significance and is referred to the WA Planning Commission, what notice will be given of that? Will there be a statutory requirement for the Premier or the minister to put it in the *Government Gazette*, put out a press release, or advise the local authority that will be impacted, and will there be a time frame for that? Those are the sorts of things that we are interested in.

The lead speaker for the opposition also mentioned some concerns about propriety. He mentioned the possibility of the Premier having a meeting with a developer, which he is perfectly right to do. That is what a Premier does—Premiers have meetings with people. The Premier may have a meeting with a developer, and then, three weeks later, a project that that developer had on its books may be deemed to be a project of state significance. The influence around that will then be of concern. Other developers will say, "I want a meeting with the Premier as well. Why is that project deemed as having state significance and not mine?" There is a whole lot of propriety issues. I think the member for Cottesloe will probably concentrate on that area.

That is one point. The mandatory referral of significant development applications to the local government authority for comment only is of concern to one of the councils. That council is concerned that because of the subjective nature of developments—as the minister said—local governments already have issues with density and height, and if only local government authorities' comments are sought, perhaps local governments will get further blame for development in their areas.

As I mentioned, the Premier has the ability to refer any development application deemed to be of state significance to the WAPC for determination. This raises concerns about the potential power of some developers and their lobbyists, and how this will work in practice. I have already mentioned that. There is a development in Nedlands called the Chellingworth Motors development, and I will return to that later in my contribution, if I have time.

Somebody commented that to end arguments about design review panels, it has been suggested that the state government should mandate them. This person believes that they are vital in the proper implementation of Design WA documents. The member has a lot more experience than me in that area. The design review panel for the Chellingworth development, which I have read, was a very good document and actually highlighted a lot of issues there. Certainly, the design review panels that I have read seem to be significant and very useful documents.

Ms R. Saffioti: The state government design review panel—is that what you referred to there?

Mr W.R. MARMION: Yes. I am not sure whether it was the lead speaker of the opposition who raised the issue of change-of-use applications being abolished. There are reasons that that issue should be addressed. There could still be some implications; it could cause problems. Let us say, for example, somebody applied for a change of use for a building from an office to a cafe, and there were parking requirements for that. If it were a change of fewer than 10 car parks, I understand that the requirements can be relaxed or discarded. I would be interested in the minister's views on that. It may be that there are lots of those. There is a coffee shop in Nedlands on the corner of Princess and Dalkeith Road, and in the mornings people queue in their cars so that they can park to get their coffee. Some members know it well. If the beauty parlour around the corner was given a change of use to set up as a coffee shop, the parking would be chaotic. There are legitimate issues that local government must deal with when people put in an application for change of use. We all agree that it is frustrating for an owner to have to wait a year or two for approval for a change of use to conduct a legitimate business on their premises. Indeed, in this time of COVID-19, that is exactly the sort of change that is needed to create jobs, so we certainly support any changes in this area.

I turn now to the special matters development assessments panel. I understand that after 18 months, the special matters development assessment panel will have the same sort of processes as those under the Western Australian Planning Commission. Perhaps the minister can explain what those variations will be. I understand a local government representative will be appointed to that panel. I am interested to know whether the minister has someone in mind and who that will be. What will be the process for selecting the local government representative for the special matters development assessment panel? Other members may raise questions about that as well.

We all support red tape reduction. It does not matter which side of the house members are on, we all support cutting red tape.

A member interjected.

Mr W.R. MARMION: Of course, when these matters are raised with local government, they will say that sometimes something cannot be deemed approved. When I was the Minister for Housing and Minister for Commerce, I was very keen to implement deemed approvals. The department was not keen about them; I was, especially when applications were signed off by a registered planner who had done all the homework. That is another issue. I would be asked, "What if they missed something and it is approved?" The department would raise a whole lot of issues. Imagine how frustrating it is for someone who is seeking approval for a development that complies with all the R-codes. Someone has done all the work to make sure that it complies with the codes, there has been proper planning around it, and it has cost lots of money to get that done. It then goes through the council in a not-very-quick time, and eventually goes through exactly as it is, with hardly any changes. That is frustrating. When I have raised this matter with councils, as I managed to do last Friday, they have pointed out that sometimes they can make a development better by changing the R-codes. That is probably true. It might be going against the R-codes, but it might be better for the neighbour and the development if windows are in certain spots to let the light in and do not overlook another property. That is getting down to the minutiae. That is the commentary that can come from councils.

[Member's time extended.]

Mr W.R. MARMION: I have raised the issue of car bays. This will be an issue in Nedlands, for sure. The minister knows about the Chellingworth site. There is to be a new activity centre and two developments—Woolworths and Aldi. Also in that area, some of the house sites are being upscaled to 10-dwelling developments, which will mean more cars in that area. That is another issue. If, hypothetically, under these rules, the Western Australian Planning Commission looks at the Chellingworth site, which I will get to in a second, and decides that it is fine, it will have to make sure that it looks at the impact of traffic from all the other proposed developments in the area. It cannot look at traffic and parking implications from just the one development it is assessing. Another point that local governments make is that a little bit of local knowledge is needed about other developments that are coming up. If they are not referred to the WAPC, it may not know about those developments. It will need to know about them. In answer, the minister could say that the WAPC will talk to the local authority and find that out. I understand that there are mechanisms that could cover that.

Before I get on to the Chellingworth development, which has some good points, I want to make sure that I have not missed any other key points that I wanted to raise. One council suggested that the changes for significant developments were unnecessary because they are already considered by development assessment panels. That point was raised by the member for Dawesville, but not in such a blatant way as this particular council has raised it. The minister might want to comment on the difference between the WAPC and the development assessment panels. I think I know the answer.

On the way that the WAPC will work, I would be interested if the minister could give us some commentary about giving due consideration to council input and environmental agency input. Main Roads would normally be involved in a significant development that has traffic implications, and it absolutely would if the development was on a main road or a highway and, heaven forbid, the developer wanted access to a controlled-access highway, which I hope could not happen. I would be interested in the minister's commentary on how the WAPC will interact with some of those key agencies on a significant project. I have read the bit about the environment and I get the impression

that if a project will have a significant environmental impact, the Environmental Protection Authority will still be in the game. That is the way I read the words, but other people have said that it will not be, so I think they might be wrong. If a project will have a significant environmental impact, the EPA will still be in the game. Councils will be in the game for consultation, but "due regard" means "Thank you very much; we've had enough consultation." There are also other agencies, such as the Aboriginal heritage department, Main Roads and the Water Corporation, if, for instance, there might be some significant drainage implications or drainage might need to be upgraded for a development. What are the implications there? I think that covers the key points that I wanted to raise about the bill.

Another concern is with the capacity of the WAPC. This is a serious point. A lot of development assessments are undertaken by local authorities. Some will argue about whether local authorities have the expertise, but they have people who analyse developments and write reports. What has been raised with me is whether the WAPC has the capacity to write those reports. What happens if there is a project in Nedlands, a project in Cottesloe and a project in Bateman? Let us say that there are a dozen projects that are really important to get jobs going. What capacity does the WA Planning Commission have to assess those projects? Does it have a time line? If there is going to be a stop-the-clock mechanism, can it stop the clock? I understand that under this bill, it cannot stop the clock for the local authorities. I would be interested in the minister's comment on that in terms of cutting red tape and the time line for approvals. Quite often the clock stops and there are delays, and that is when we say that it is deemed approved when a certain time line has expired. I would be interested in the minister explaining whether that will apply to the Western Australian Planning Commission when it deals with significant developments. There will be winners and losers among developers.

An interesting example is the Chellingworth Motors development, which is going through now. What would happen if it were to hit a roadblock? It is not in the process but it could become a part of the process when the bill goes through and becomes an act. Given that the development will cost more than $30 million and is halfway through the process of being assessed, will it automatically come in as a significant project or will it have to apply to become a significant project? Paul Blackburne has undertaken terrific public consultation on his project ONE Subiaco. Probably every member in this house has gone through his project; certainly I have a number of times. He has done a lot of work consulting and making sure that the development fits in with the community and the pavilions. What will happen if another developer comes in and is fast-tracked after doing a half, one-third or a quarter of the work that Paul Blackburne has done? One could argue that he would be disadvantaged because of the amount of money he has spent getting the early application approved. There will be winners and losers. The issue of "substantially commenced" versus "not substantially completed" has already been raised by the member for Dawesville and it will be covered by the minister when she responds to him.

In my remaining few minutes, I will highlight a project in my electorate. It is called the Chellingworth development because it is on the Chellingworth Motors site, which is on the northwest corner of Stirling Highway and Dalkeith Road. The development comprises 301 residential apartments. It will get across the line with 301 apartments. I have done a quick calculation of what the cheapest unit in Nedlands might sell for and I assure members that the Chellingworth development would easily get over $30 million. It has 455 car bays and other great stuff, including a gymnasium, a wellness retreat, six cafes, three retail tenancies, nine office tenancies and, as the minister stated in her interjection—it was a good interjection—it has a public community meeting room. There we go! That relates to the issue about something that the public may or may not use. It is a significant development. It has gone to the State Design Review Panel. It is easy to read its reports. I am very impressed by the design reviewers on the panel. I will not mention their names. I know quite a lot of them. The Government Architect is well regarded—he is a top person—as are his associates. The six design reviewers are all good. Observers include the chairman of the WAPC, David Caddy, plus someone from the department and some people from the senior architectural office. I have been told that this project stems from the eastern states, but I recognise someone I worked with in the project team, and he is a very good planner. He is being paid to deliver the design requirements for the developer and respond to any issues raised by the State Design Review Panel.

In my remaining seconds, I will read out what the panel said about the development's three towers. The panel report came out on 17 December 2019 and is titled "State Design Review Panel Report, 105 Stirling Highway: DR3". The report states in part —

> The Panel takes the view that the three proposals presented to date, with Plot Ratios … between 6 and 6.8, demonstrate that such density/yield in this location does not deliver adequate amenity or public benefit to warrant the confirmation of a PR ratio of 6 as part of the Draft Nedlands Precinct Plan, or the award of the bonus being sought (which is more than twice the currently allowable Plot Ratio).

It goes on —

> … the Panel suggests pursuing a medium-rise built form approach which would offer a better contextual fit for this site which is 6050m^2 in size and does not have the benefits or attractions of —

This is significant —

> a CBD, river front or TOD context.

I have to say I was pretty impressed that the design review panel made those comments. It went through all the different aspects of what should be done when designing a building. The panel did say something complimentary. The panel notes in its concluding remarks that the good work undertaken recently by the developer has presented some positive opportunities with this project. However, the panel states also —

> There remains no strategic justification for a building of this scale in this location and the proposal does not deliver the level of amenity appropriate to a development of this nature. The building typology and scale is suitable for a CBD, or major metropolitan centre but not a Local Town Centre located on an Activity Corridor without a TOD context.

I want to highlight that. What would happen to this project if it were to become a strategically significant project? If the minister or the Premier were to decide that this was an important project for Nedlands and for jobs, and if, despite this very good report from the expert panel members, it was declared a strategic project and was built, a lot of people in Nedlands would be upset. Even the expert designers who wrote that report would be disappointed with that sort of outcome.

With those comments, we will support any bill that will cut red tape, make the planning process more accountable and transparent, and deliver better outcomes for the Western Australian community.

DR D.J. HONEY (Cottesloe) [5.07 pm]: I want to go in the opposite direction from the member for Nedlands in the structure of my contribution to the debate on the Planning and Development Amendment Bill 2020. I want to outline what I consider to be important background, in particular about my electorate of Nedlands—I mean Cottesloe. A takeover is coming, member!

Several members interjected.

Dr D.J. HONEY: That is right. We will be there soon. If we had the infill that some people want, maybe there would be an additional seat in the area.

When I mention concerns about planning, and in particular about infill in my electorate or the way in which development occurs in my area, I often receive derisive comments from some sections of the government. Some people like to claim that any concerns about higher density are simply nimby concerns, or not in my backyard. In fact, as I have pointed out in this place previously, the electorate of Cottesloe has higher average density than the great majority of the metropolitan area. I will repeat that. One of my staff members did an analysis of the number of people per hectare, which I think is a fair measure of density in an area. If we look at the equivalent R-code as a measure of density, we see that Joondalup has an equivalent R-code of R13; Cockburn has an equivalent R-code of R10; Fremantle has an equivalent R-code of R9; Rockingham has an equivalent R-code of R8; Belmont and Midland each have an equivalent R-code of R7; Mandurah has an equivalent R-code of R6, so a very low density; and Kwinana has an equivalent R-code of R3, so a large amount of open space. If we look at other important areas in Perth, we see that South Perth has an equivalent R-code of R16, which is significantly higher than that of Joondalup; the electorate of Bateman has an equivalent R-code of R16; and Riverton has an equivalent R-code of R20. If we look at Scarborough, we see it has a very high equivalent R-code of R22. The equivalent R-code in that area is the same density as that of the City of Perth. If we look at Carine—the member for Carine may be interested to know—we see it has an equivalent R-code of R17. Churchlands has an equivalent R-code of R17, Nedlands has an equivalent R-code of R14 and Cottesloe has an equivalent R-code of R12. If we compare Cottesloe with Rockingham, as I have said before, we see that the equivalent density of people in the electorate of Cottesloe is 50 per cent greater than the equivalent density in the City of Rockingham. The western suburbs and my electorate in particular are pulling their weight on that.

If we look at the percentage of medium and high-density housing—this is defined under Australian Bureau of Statistics figures; it is not my own definition—we see Joondalup is 17 per cent, Belmont is 35 per cent and Kwinana is 13 per cent. If we look at South Perth, we see it is 53 per cent. Bateman is 25 per cent, Churchlands is 36 per cent, Nedlands is 48 per cent and Cottesloe is 43 per cent. Almost half the residences in Cottesloe are already medium and high-density housing. I am happy to share that document with the minister if she wishes to look at it. This means that my electorate in particular but also those other western suburbs electorates where people are perhaps focusing on some development are already pulling their weight more than the great majority of the metropolitan area in terms of density. There are very few high-rise apartments in my electorate; most of the multi-resident dwellings comprise apartment blocks of a few storeys. They are quite discreet and most people do not even notice they are there. I encourage members as they drive down Stirling Highway from Claremont to Mosman Park to look carefully at the residences, because they will see that the great majority on the eastern side of the road are multistorey already. As I said, almost half—43 per cent—of the residences in my electorate fall into the medium and high-density category.

I am always bemused when people use “nimby” as a derogatory term. I find it fascinating; is it the contemplation that people should not be concerned about what happens where they live? I am fascinated by it. It is as though it is a pejorative thing to say that a person should be concerned about what is happening in their backyard and immediate community. The reality is, as members of this place know—I will go through some detail to reinforce that in a bit—planning decisions have a major impact on a community and individual residents. This is not something

that happens in isolation. Those impacts can vary significantly, such as new buildings overshadowing properties. We have proposed developments in Subiaco that will effectively mean that the adjacent properties will receive no direct sunshine at all. That has a major impact on people. One might say that a lot of people who live in Subiaco are not from a well-off background but have worked hard and strived to move there. They have their dream home and all of a sudden the sunshine is blocked all day and there are many people looking over their residence, when before they simply had a neighbour over a fence. There are parking and traffic issues, privacy and community infrastructure concerns and the like, which is particularly relevant for some areas.

The issue of traffic is fascinating. I hear about transport-oriented developments. Anyone who thinks that Stirling Highway is a transport-oriented development clearly never drives down that road. Stirling Highway is at capacity. If we put thousands and thousands of residences along Stirling Highway, there is no capacity for that highway to cope with substantially increased traffic. However, if we have development on the rail corridor around rail stations, clearly the rail line has great capacity to take more passengers. A lot of the time, outside peak hours, that capacity is under-utilised. There is a great opportunity there. When we talk about transport-oriented development, we need to do a reality check by asking whether that transport-oriented development is realistic. Just putting it in a popular place on a busy highway is not necessarily the criteria that we should look at when we call something a transport-oriented development.

I am not alone in my concerns about the impact of planning changes in my electorate. Plenty of other members have expressed concerns in this place. It was an interesting exercise to look up the members who have presented petitions in this place with concerns about planning decisions. They include the member for Burns Beach on 12 May 2020, the member for Collie–Preston on 11 June 2019, the member for Mount Lawley on 8 May 2019, the member for Warren–Blackwood on 14 February 2019, the member for Burns Beach on 13 February 2019, the member for Kalamunda on 22 November 2018, the member for Scarborough on 20 November 2018, the member for Bicton on 18 October 2018, the member for Southern River on 18 September 2018, the member for Mount Lawley on 16 August 2018, the member for Southern River—he clearly has some concerns—on 19 June 2018, the member for Forrestfield on 21 February 2018, and the member for Belmont on 13 February 2018. All those members petitioned this place against planning decisions in their areas, and, I assume, aimed for the Minister for Planning to take some cognisance. Planning decisions are of wide concern.

One of the practices that I have observed since I came into Parliament is that of verballing, which is the practice of falsely attributing a statement or position in order to harm someone's reputation and standing, in this case, mine. This has been no more the case than about planning matters and concerns about infill and development in my electorate. In considering this bill and my analysis of it, I think it is worthwhile to clarify my view on these topics. Firstly, I believe that we should make effective use of the land we have available for development and offer a range of genuine housing choices; that is, people should have a genuine choice—from single homes through to apartments—but it needs to be a genuine choice. If the only choice for new housing options becomes apartments, that is not a genuine choice for people. There should be a range of choices. It may be said that construction of apartments will provide those other choices, but it is an important choice. I believe that people who live in a community have the right to influence the way that their community develops. Although there will be occasions when broader community concerns override local community wishes, that should be the exception and not the rule. Executive government should not have unfettered power to override a community's wishes. There must be checks and balances. I think that is critically important for this bill. There must be checks and balances and genuine community consultation—consultation that informs the plan and is not just a tick-the-box exercise.

I believe that there are many opportunities for significantly higher-density developments in my electorate. In fact, this is already occurring. The apartment developments around Claremont Oval are an excellent example of a substantial increase in overall residential density done in a way that does not adversely affect existing residents. The Claremont on the Park development will consist of some 750 homes. Only 4 103 homes are in the Town of Claremont, so it will be a 20 per cent increase in density in that area. I have not had a single complaint about that development because it is being done in a way that does not adversely impact the other residents in the area. There will be a very substantial uplift in density in Claremont—20 per cent—without community concern. I think that the proposed redevelopment of the Amana Living site—the old retirement village—in Claremont looks like an excellent project. It is a large site and the proposed plans have some good offsets. I think that is a project that will provide a significant increase in density in that area. There will be a little controversy, but I think it will be limited and that that development is a worthwhile opportunity. I believe that a substantial opportunity in uplift through the whole of the western suburbs is in the current rail corridor. I have discussed this option with all the concerned people and community groups in my area. The rail corridor from Subiaco to North Fremantle could take many tens of thousands, perhaps even hundreds of thousands, of residents in a genuine transport-oriented development. By that I mean building over the railway line itself. I have discussed that idea with other people. I know that is not a novel thought and that other people have considered it.

Since I was elected to this place, I have advocated for the rejuvenation of the Cottesloe Beach foreshore. The Premier, in speaking to this bill, was motivated to write an article in *The West Australian* about that. I think the Premier is right, in part; that area has become progressively run down and needs to be invigorated. However, having said that,

Cottesloe is still Perth's most iconic and popular beach. That is witnessed by pictures of Cottesloe Beach being used on brochures for national and international tourism. People regard that beach as a considerable attraction. The Premier has been very public in his criticism of the Cottesloe beachfront and compared it with the recent developments at Rockingham. There are important differences to note. Much of the development in Rockingham is in the town centre, which happens to be adjacent to Palm Beach. There is also very significant green park between the beach and the town. The hinterland from the beach is flat, which is also very important to consider when comparing Rockingham with Cottesloe. In Rockingham, there is very little elevation of the area back from the beach or over the beach itself, whereas the area back from the beach in Cottesloe is atop a cliff that is equivalent to four or five storeys. Therefore, a six-storey apartment will appear as a 10-storey or 11-storey apartment on Cottesloe Beach. In addition, Cottesloe Beach is close to the eastern side of Marine Parade. The proposed developments on the other side of Marine Parade are only 103 metres from the beach. The Blackburne Azure apartments on Flinders Lane in Rockingham are excellent developments. Some members may have seen them. They are set back some 254 metres from the beach. The Nautilus apartments on Rockingham Beach Road are 130 metres from the beach and total nine storeys above the ground, which is essentially nine storeys above the beach height. The potential development sites of il Lido on Marine Parade and the adjacent blocks to it are 103 metres from the beach and start around five storeys above the beach. They significantly overlook the beach. I and many people in my electorate, as I have said, would welcome high-rise development in the town centre of Cottesloe, east of the railway line. Multi-storey apartments there would be wonderful for activating the centre of the town to provide customers for the businesses in the area, many of which are doing it pretty tough. That would be a genuine transport-oriented development. However, many people in my electorate have grave concerns about unfettered high-rise development on the Cottesloe beachfront and believe it will destroy the amenity of the area. Cottesloe Beach is immediately adjacent to a residential area, whereas much of the development in the central part of Rockingham is adjacent to the commercial centre, so it is appropriate for that to occur there.

I have publicly supported in the media the plans for the redevelopment of the Ocean Beach Hotel site. I think it is a well thought out plan that provides for additional residents and would activate the Cottesloe beachfront, restaurants, bars and the like. There is a little controversy about that, although I think it is relatively minor controversy. I see that as an appropriate site for that sort of development. That is a 10-storey development. However, if we saw that style of development occur along the whole beachfront, I believe it would ruin it. That is a concern about this bill. Maybe the Premier and I are not so far apart.

[Member's time extended.]

Dr D.J. HONEY: If we were to limit the height of building on Cottesloe Beach to the same height above the beach at Rockingham, we would have a limit of around four storeys. The local planning scheme already developed for Cottesloe allows for a variety of heights. In fact, it allows for six storeys at the very southern end of the main beach area; it is eight storeys, or 32 metres, at the Ocean Beach Hotel site; and it is three storeys on Marine Parade, with five storeys as the setback. There is already significant potential, and, as I say, if it were developed to those heights, they would be substantially greater heights than are developed anywhere near the beachfront in Rockingham. The Cottesloe council has been doing excellent work on its foreshore masterplan. It has spent over $600 000 on detailed planning and it has $3 million earmarked in this year's budget for works. Can I say to the minister and the Premier that any additional support to help it with that beachfront development and those plans to change that area would be very worthwhile.

As the lead speaker for the opposition in this debate has already indicated, the Liberal Party supports this bill, but with some important reservations. Given the very limited time we have had to review and consult on this bill, any amendments are going to require mature reflection, and most of those amendments will be recommended in the other place. This is a complex bill. It has extraordinary powers contained in it. It obviates much of what people generally in the community would regard as appropriate consultation for developments in their area. As such, we need feedback from the community. The Western Australian Local Government Association had a chance to meet with its council only on Monday. I have not had a chance to hear that feedback yet. I am certain WALGA will have some recommendations for changes to the bill. I am sure that members of the community have no idea whatsoever about what is in this bill. I think the minister and the government were misleading in the public communication about this bill. We were told that it would enable people to build pergolas in their backyards and to do extensions on their houses that they currently require council approval for. I have been through this bill in considerable detail; I have devoted a significant amount of time to go through it. There is nothing in this bill that enables that, yet if I talk to members of the community, they tell me that this bill will do that. It will not. It may be the case in subsequent regulations or a second-phase bill, but it simply is not in this bill, and I think that is misleading. The second reading speech and communications on this bill said that communication and consultation would be improved. In fact, this bill specifically obviates the requirement for consultation. It does not codify consultation and information to the community, but takes some of the existing communication and consultation out.

The lead speaker for the opposition on this bill and the member for Nedlands have outlined the principal concerns with it, and I want to spend a bit of time going through them. One of the principal concerns is the potential to foster corrupt practices when there is so much planning power concentrated in one or two people. That is no reflection on the minister or the Premier of the day. This bill has two parts. Firstly, the COVID-19 provisions and then the

main changes to the Planning and Development Act. The Premier and the minister are human, and the truth is that those people who have access to the Premier and the minister are likely to have a better reception for their concerns than someone who is contacting them remotely—for example, people who attend paid functions. 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, and that is a really fundamental concern for me. As I said, I make no reflection on the minister or the Premier now. I think it is possible that someone could be subject to influence simply because of the people the government will be communicating with. Given the substantive changes to the Planning and Development Amendment Bill 2020 in which the minister will be given considerable power—it is codified in the bill, not as an exception but as a norm—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. What drives that more than anything else is the lack of transparency and no requirement for the minister to publish any decisions and no requirement necessarily for people to be informed that decisions have been made. I think that is a considerable risk and I think most people would be concerned about that. I have mentioned briefly the lack of transparency of decision-making by the Premier or the Minister for Planning. They can make decisions with no requirement whatsoever for them to be explained: "What is the basis?" "Why is this an exceptional development?" "Why is it something that needed consideration?"

If I have time, I will go through parts of the bill in detail. However, some specific criteria for deciding whether something is a significant project are written into the bill. The $30 million and the 20 000 square metres are in there but a caveat refers to anything that the minister and the Premier think is a significant development or a development of state significance. That really means anything. There are no strict guidelines around that. If it is possible to get the ear of the minister or of the Premier and convince them it is significant, any project could potentially be considered under the COVID laws but more particularly the planning laws. Community consultation with local councils is deliberately bypassed. Again, I know that is frustrating sometimes but it is also a great risk that local concerns will not be dealt with properly. As I have said, the government has been big on spin with this. One of my children googled this as a matter of interest. He came back and told me that all the top hits for his google search were that under this bill, people would be able to build a pergola and extend their house without the need for councils to interfere with that, if you like, property right. As I have said, this bill will not provide for that at all. If we asked what was the community perception of this bill, that is the community perception of it. Despite the statements about "improves communication or consultation", it is quite the opposite. Specific clauses limit communication and consultation.

I will go through some of the details in the bill. The Planning and Development Act provides a process for developing local planning schemes. However, in fact, the minister will have complete control over that. The minister will be able to require any local government to insert anything the minister sees fit into its local planning scheme. That is a considerable power for the minister to have. Consultation will be restricted. Section 28 of the act, "Consultation on and public notice of proposed State planning policy" has been removed completely from the act. Planning codes, which is a new provision, are designed to be the next level of granularity in a planning process. Under the planning codes, the minister can require the council to change any part of a planning code—any part. That can be something as specific as one block of land within a local planning scheme.

I was also intrigued by clause 28 of the bill, which completely removes the requirement to inform landowners of changes to a local planning scheme. A local planning scheme can be changed and there is no requirement whatsoever to inform the local landowner of that change. I will not have a chance to go through all these details but I will pick out some highlights to go through them in detail during the consideration in detail stage.

The approval period for both the provisions related to the COVID-19 powers and the substantive bill concern me because there is the opportunity for project banking. I understand that the COVID provisions have been made under a national framework by national cabinet. However, in New South Wales and Victoria the focus of these powers is on shovel-ready projects. I was sent a note by someone that states that Victoria has just approved $1.5 billion of shovel-ready projects. This Planning and Development Amendment Bill 2020 allows 18 months for the special powers to apply and then four years for the project to be substantially started. We have already had some good debate on what that will mean. Although it is said that the special provisions are an urgent part of the bill to allow us to help the economy recover now, if the focus were on shovel-ready projects or projects that would be ready in a much shorter period, I think it could be considered to be a genuine focus on stimulating our economy now when we desperately need jobs. As members on this side have said, we all understand that simplifying approvals when it is appropriate and removing unnecessary red tape will reduce the cost of projects and encourage more projects to occur.

The opposition's concerns require serious consideration by the government. There is a balance between community concerns and development, and that is made all the more acute by our current job crisis. We want jobs to be created and clearly there is some concern about that balance. We will see significant improvement in the construction sector and in our general economy only when jobs are created. I think that is an area in which the legislation struggles. By itself, simplifying the way or the time it takes to approve a project will not ultimately lead to a net increase in the number of jobs in the economy. There will be an increase for those particular projects, but if we are going to drive a substantial growth of the construction sector in Western Australia, we need other industries; we need the sorts of industries that we were developing and growing under the Barnett government to occur under this government.

MR D.C. NALDER (Bateman) [5.37 pm]: I rise to make my contribution to the Planning and Development Amendment Bill 2020. I do not wish to repeat all the same things as previous speakers, so I will try to keep my commentary to more specific parts of the legislation. At the outset, I want to say that I support the reduction of red tape and the need for simpler and quicker processes. There is a conversation around how long capital can be tied up in order to be committed to certain projects. I have raised in the house before that, anecdotally, developers have advised me that it can take up to three years to get the approvals to build an office tower in Perth CBD. In Singapore, it takes a matter of weeks. I have never said that we should be aiming for weeks. I like a lot of the developments that I see in Singapore; some of the new architectural design in Singapore is to be commended. Although I am not here to argue for approvals to be done in weeks, I believe that a lot more needs to be done to streamline processes so that decisions can be made on a quicker basis. I am sure if we can achieve that, it will be possible to attract capital to Western Australia for development projects. I support the need for simpler and quicker processes.

I also support the principle of governments making decisions at a government level, with one caveat. I say that I support it, because decisions being made by government is an important part of democracy. I believe that over the last 20 to 30 years we have given more and more authority to bureaucrats and the government itself is playing more of a governance role over the top. But bureaucrats are not elected by the people of Western Australia. I believe that decisions and authority sitting with government is an important part of our democracy. I say that with one important caveat—there must be absolute transparency around those decisions and the basis of exercising discretion must be top of mind. Again, like the member for Cottesloe, I am not trying to portray the existing planning minister or Premier, but in the past, on both sides of the house, we have seen decisions made with a lack of transparency that was later proven to be undesirable and not in accordance with what we uphold as a standard in Western Australia. I support the overarching intent of the bill, but greater transparency is required in trying to find a process. I put it back on the government that it needs to ensure that it can provide confidence to the people of Western Australia that any decision or discretion exercised is done with the upmost integrity in mind and that the opposition or the people of Western Australia can critique that decision-making and, if necessary, criticise the decision that has been taken. That, to me, is something that sits right at the core of this bill.

I want to take that a bit further. It is imperative that we achieve better outcomes. I would like to think that in speeding up the processes, in looking at these processes to improve the ability to make decisions and make things happen, it is backed up by a transparent process. I agree with the majority of this bill; however, like other members, I have concerns about it. I accept that often there are concerns going in. As I said, I do not want to repeat a lot of what has been pointed out by my colleagues before me. Often, it is not what is necessarily in the bill, but what sits around the bill that becomes really important, and I would like to take this conversation to the policies that fall behind this legislation. I want to frame this by talking about what has occurred in my community. I have been close to it over the last few years and it goes back to before this current government. There are some serious concerns in my community, particularly through the suburbs of Applecross, Mt Pleasant and Ardross, which hold a widespread view that the planning department in the City of Melville is incompetent at best. That is pretty strong language, but I know from correspondence from my community that they are deeply concerned by decisions that have been taken through the City of Melville, and it started with the consultation process. I must admit that I did not look into the detail of it enough during that consultation process. I took at face value what was explained to the community through that consultation process. I attended the consultation. I sat there and heard firsthand what was explained to communities on both the City of Melville side and the South Perth side. I must admit that I did not read the fine print. Later, the council explained to the community that the developments in the Canning Bridge precinct, particularly on the Applecross side, would be limited to 15 storeys; the heart of the precinct would be limited to 10 storeys in the next layer and four storeys in the transition zone. Those three areas were called M15, M10 and H4, and the numbers related to the intended height of the buildings in that area.

Mr W.J. Johnston: Who told you that?

Mr D.C. NALDER: I was at the consultation processes that were run by the councils. The one in South Perth was at the chamber and the one in Applecross was in a community hall in Mt Pleasant. It was council led, but I cannot say that there were planning people there from either council or from the state government; I could not give the minister an accurate answer on that.

Concerns were raised at the time around the transition zone—H4, which was limited to four storeys. I sat there as people raised their concerns and it was suggested that they should not worry. They can go to four storeys but technically, adjacent to that, they can go to three storeys. With the height of the roof, they said that technically they can go to three storeys. They did not explain to people that technically the H4 could go to six storeys. We looked at some of the developments that had been approved, and through that consultation process they were advised that the intended density in the transition zone would be, on a quarter-acre block, about 10 apartments. I know of a quarter-acre block adjacent to that—slightly less than 1 200 square metres—and it currently cannot be subdivided into two, technically, yet on the other side they were talking about 10 apartments. People were still unhappy with that. We are now seeing 21 apartments being approved on a block of 1 078 square metres, at a height of 19 metres, but it involves 10-by-two car stackers. When I questioned the council about the increased height, it advised me that it wanted to encourage developers to build luxury apartments in Applecross. I said, “Okay. That makes sense.”

In reality, we have seen an approval for 21 apartments on a block of 1 070 square metres on Kishorn Road, and all the height has been taken up by the 10-by-2 car stacker, and every one-bedroom apartment is minimum height—the old eight-foot, minimum height one-bedroom apartments, with the anticipated market being international students. This has caused some serious concern. There are 21 apartments with no visitor parking, and there is real concern about what that means for the amenity of people in the surrounding area.

That is just one H4 example, and it is not picked up on in this bill. My point is that a general view in my community is that the council has not done this well and, in fact, that it has done it really badly. There is a general feeling that if the state government were to take over, it would be great, but my concern, when I look at this bill, is that it will not necessarily lead to improved amenity and improved outcomes with the development process. I understand that some work has been done on Guidelines WA, but I still believe there is a long way to go on that.

I want to read out a letter I wrote to the Minister for Planning back on 14 March 2019. There is no criticism here; I just want to make these points about where I believe the gaps are. I raised concerns about the Canning Bridge activity centre plan and requested that it be suspended pending a comprehensive review by the Western Australian Planning Commission. I said —

> People in my community, in general, understand the need to support greater density in and around precincts. They expect however, these precincts to be well considered and properly planned, that these precincts become vibrant, dynamic places and provide better amenity for the community as a whole.
>
> There is a fear in my community, from what they have witnessed at Melville City Council, that our planning process is following all the same principles as other overly congested poorly planned cities. The community was assured through consultation that heights in the centre of the precinct would be restricted to 10 and 15 storeys. There are developments now underway —

In fact, now near completion —

> for 30 storey apartment towers.

I will just touch on that. The question was raised of how it went from 15 to 30 storeys, and we were advised that it was due to the improved public amenity. The public amenity was questioned. I am still not clear about it, but I believe it is to do with the public seating out the front of the 30-storey Sabina apartment tower, and what is called—I have forgotten the term—the driveway in.

A member interjected.

Mr D.C. NALDER: No; what do you call it in Greece?

A member: The verge?

Mr D.C. NALDER: Not the verge—a piazza. They said that there is a cobblestone piazza. I am pretty sure it is the driveway into the car parks for the three towers that people may be able to walk through. It may be that it is a little bit wider than a normal driveway, but we look at the public amenity. I have no criticism of the developer. I believe, from my perspective, the developer would pursue maximum opportunity for its development. It comes down to the planning processes. Whether it is the responsibility of the state or the local council, it is the planning processes that ensure that we get the right outcome for the community. I encourage anybody to drive past and have a look at this. In that one block, there are three towers with a total of 457 apartments with residents who cannot access Canning Highway and have to come back into the suburb. That one block increases the number of dwellings in the Applecross suburb by 14 per cent, and more super blocks have already been approved for the development of more apartments in Applecross. I am really concerned that we have allowed this without necessarily understanding the ramifications. I look at that increase and I cannot see how consideration has been given across the whole of that precinct to transport, open space and a number of other issues. The letter continues —

> With the CBACP, —

That is the Canning Bridge activity centre plan —

> there is an urgent need for a coordinated infrastructure Master Plan for both ‘hard’ infrastructure (traffic, power, water, sewer etc.) and ‘community’ infrastructure (open green space, libraries, recreational facilities etc.).
>
> The request for consideration of a suspension of CBACP is based on the following arguments
>
> 1) The absence of criteria to measure height/density bonuses against tangible community benefits. We are witnessing recommendations from planning officers at Melville City (and development approval) to allow double height/density in exchange for innocuous public benefit or improved amenity.
>
> 2) The absence of a coordinated and costed Transport Delivery Plan demonstrating how the City of Melville, PTA and MRWA —

That is, Main Roads —

> will implement/achieve the fundamental requirements of the Integrated Transport Strategy (ITS). The ITS prefaced the delivery of high density within the CBACP on achieving a community shift away from car use towards cycling/walking/public transport (Mode Share Targets). This requires significant State and Local infrastructure spending on documented items including:
>
> - New bus station within integrated transit hub, including new pedestrian access,
> - Light rail link from Curtin University,
> - East–west rapid transit system along Canning Highway,
> - "Kiss and ride" facilities for Canning Station Interchange,
> - Priority bus lanes and dedicated cycle lanes along Canning Highway,
> - Public Transport Boulevards,
> - Cycle/walking path networks linking to new bus station.

What is happening in Applecross right now is the towers are going ahead—we can look out there and see it—but none of these integrated transport things is underway. Would the minister like to interject? I am going to run out of time.

Ms R. Saffioti interjected.

Mr D.C. NALDER: I need to keep going. My point is that we are well underway on construction or completion of hundreds of apartments in the area, and none of the supporting transport infrastructure, from the city or the state, has actually commenced or been agreed to commence. The letter continues —

> The absence of a Master Services Plan (power, water, communications, gas, sewer, waste etc.). We need to ensure all services can cater for the precinct at maximum planned density or, as a minimum, understand what additional infrastructure is required as the precinct develops. We should not simply leave it to future Governments or ratepayers to 'pick up the tab'.

I think this is an area in which things can be sped up, particularly when I look at the Perth CBD. We say that approvals potentially take three years, but, to me, planning should establish master precincts and identify the maximum intended densities. That would mean that all the work needed for transport and other services could be undertaken, such that individual developers would not need to undertake that work or get approval for it. It could just be done. If that was done, the only thing that would need to be debated would be whether the architectural design fits within those planning precincts.

The letter continues —

> An absence of any open public space. Any precinct that is earmarked for higher density should have a minimum percentage of the area set aside for open community space. Melville City should be required to purchase open space.

In my view, given that I look at this block —

Ms R. Saffioti interjected.

Mr D.C. NALDER: I need to keep going.

[Member's time extended.]

Mr D.C. NALDER: I am going to run out of time.

Ms R. Saffioti: Yes, but community benefit—we are trying to pick that up in this new definition.

Mr D.C. NALDER: I understand what the minister is trying to do, but I am looking at what we have today; therefore, the policies surrounding this bill will be critical to understand.

The City of Melville has purchased a super block in Applecross to develop. I would not be opposed to that, but it has now approved a development that will have double the density initially intended. I wonder whether it will use the rates that it will receive for that additional density to convert the existing super block it has into open space for the community. When members of my community talk to me about this, they have a couple of concerns. Obviously, height is a concern because it stands right out and it is a little bit over the top. I think those heights should be in the Perth CBD. But at the same time, the community does not mind the creation of a vibrant community around the centre of Applecross, provided that there is good open space. People say that in Applecross, at the moment, the river is there for people to walk alongside. But there is only the road, a cyclepath and then the water. There is actually no open space. People have to travel some distance to get to parks. If that density is going to be created, the area will need additional green space.

It continues —

> The absence of consideration for other community infrastructure.

There will be increased density and an increase in the number of dwellings in Applecross, but Applecross Primary School currently is full. It is a heritage building and it cannot be built on. The school has already put a preschool on the oval, which is green space. We do not want to take up the green space of ovals where kids play. If these things are going to be approved, what consideration will be given to the amenity, say, of primary schools if they have to cater for an increased number of students? These are real issues for my community. No consideration has been given to that at this point in time. It continues —

> The absence of a study determining the impact of awarding substantial building bonuses (in some cases 100%) on all community services, public transport and infrastructure items. Bonuses of this magnitude were never contemplated.

I touched on that. It continues —

> Outstanding Design and appropriate setbacks should be a minimum standard, not the basis for additional height/density. The —

Canning Bridge activity centre plan —

> … (H4 transition zone excepted) allows development to use the full envelope of the block for the first three storeys.

Applecross residents run the risk of ending up with stranded assets when super blocks are created. Right now, there is a super block on Canning Beach Road, alongside the river, which is made up of about 10 residences. The blocks immediately to the south of that, which have residences built within one metre of the super block's boundary, are about to get a 15-metre wall on their boundary. It may be that in the future they will be changed to high density, but they are strata title properties; they cannot be developed unless they are combined. At some point, individual residents, who are not combined within the group, could be stranded and they will be able to do nothing. Their properties will be surrounded by 15-metre walls with a little residence stuck in the middle. What do we do for those people? This has not been considered, but I believe it is up to us to consider that.

The reason I am raising these issues is that we are approving greater discretion for the commencement of projects worth $30 million and with more than 100 residences. At this time, properties worth more than $30 million and with more than 100 residences have been built in the Canning Bridge precinct. The question that my community has been asking is: will this bill and the policies that sit around it continue to allow the approvals that we have seen or will centralising that decision-making power achieve a better outcome?

Mr W.J. Johnston: But they were done under the current system.

Mr D.C. NALDER: We are still championing that it be improved. What I am questioning is: will this bill deliver a better outcome or will work still need to be done? I fear that if we do not work on that, we will continue to see properties developed in the same way as they are being developed now, which does not improve the amenity of those areas for my community.

To digress, and to further back up the concerns in my community about what has occurred in the planning department of the City of Melville, I have written a number of letters to the City of Melville on issues to do with the approval process and I have sat in on some of the joint development assessment panel meetings at the City of Melville. I bore witness to a ratepayer who was raising concerns about the Australian building standards and questioning whether some approved developments complied with Australian building standards. I refer to a development on Macrae Road, Applecross, of 30 apartments on about 1 250 square metres.

Sitting suspended from 6.00 to 7.00 pm

Mr D.C. NALDER: Prior to our adjournment, I was raising a concern, having been a witness at a joint development assessment panel hearing in the City of Melville at which ratepayers questioned compliance with Australian building standards. On 14 April, I sent an email to the CEO of the City of Melville, and I am still waiting for a response. I am not saying that this is factual and therefore I will not announce them, as I am still waiting for a response from the City of Melville and I would like to give it that opportunity. There are 13 developments in the City of Melville that have been endorsed by the city but do not comply with Australian building standards. Some of the issues include underground carparks with very steep driveways that have not been completed where they meet the verge and cross the footpath, so they present a danger to pedestrians or young children in particular who might be cycling past. All up, there is a total of 14. When I raised the matter of the government taking greater control of development approvals, I supported it for the reasons that I stated at the beginning of my contribution, with a caveat about ensuring greater transparency about any discretions that are exercised by the Premier or the minister, such that they can be critiqued by the public and the opposition and, if necessary, criticised.

On the policy side, if the government is going to take control and exercise greater discretion, are we going to get better outcomes? My concern is that a whole heap of work still needs to be undertaken to give confidence to my community that these processes will lead to better outcomes that deliver far better amenity for the community than it perceives it is receiving at this time. When I talk about my community, what I find fascinating is that some of

the people who have shared concerns with me about the processes that have been adopted by Melville city council are reasonably large property developers who are concerned about the processes being undertaken, some of the things that are being ignored by the City of Melville and some of the ways that it calculates heights and densities in our community.

In summing up, I am supportive of the intent of the bill, but I would like to see greater focus on the transparency of any discretion that is exercised. The onus should be on the government to ensure that it continues the process of improving policies, such that we have a city for the future of which we can be proud. I want the government to undertake further work on the policies to ensure that we end up with a far better outcome for our community.

MS L. METTAM (Vasse) [7.05 pm]: I, too, would like to make some comments about the Planning and Development Amendment Bill 2020. From the outset, speaking as the shadow Minister for Transport and the member for Vasse, I welcome the proposed legislation. The principles behind the legislation and what is proposed are certainly sound. The bill is about incentivising construction and creating jobs at a time when they are certainly needed most. I understand that over the last four weeks, 62 000 Western Australian jobs have been lost due to the COVID-19 pandemic. According to Deloitte Australia, if we count payrolls, the number of jobs lost is 80 000. This bill is timely not only from that perspective, but also when we consider the planning reform process undertaken over the years by the previous and current governments. This bill represents the next step in that process.

Planning is the government's key instrument to shape a community and investment and to create jobs. The reason that many members on this side of the house are speaking on this legislation is the significant impact that planning and planning reform, or bad planning, can have on a community. Planning is subjective and it shapes both urban and regional areas. There is legitimate concern in the community and across industry that there has been a shift from facilitating development to managing and working with the many layers of planning development bureaucracy in this state. It has been a major problem. There is consistent feedback that there has been a shift from strategic planning to a culture of regulation and control, which stifles good development.

The ACTING SPEAKER (Mr I.C. Blayney): Excuse me for a minute, member for Vasse. Members, if you want to talk, could you take your conversation outside.

Ms L. METTAM: There has been a focus on statutory planning instead of future planning, and it has become an environment in which precautionary principles prevail. The overwhelming response to concerns, no matter how remote, has been to ignore what are good projects. Very good projects have been presented in the past. I often hear frustration from people who privately invest in projects because of the five years of bureaucracy involved in seeing a project come to fruition. Unfortunately, development ambitions and endeavours have been stifled over the years, with many people walking away from proposals because the process is too hard.

In my role as shadow Minister for Tourism, I met with URBNSURF, the group involved with the wave park in Melville. There were legitimate concerns about the proposal for a $30 million wave park in Melville. One of the glaring issues with that particular proposal was that the proponents had for years gone through the process of trying to work with agencies to get that project off the ground. They had invested about $500 000 in that process, only to be told—in their words—at the eleventh hour that that project would not be successful in the proposed location. As a result, they have now progressed that project over east, in Melbourne, where it has been well received. I understand, in response to reports in *The Sunday Times*, that there is an opportunity for URBNSURF to come back to Western Australia and invest in the south metropolitan area. However, I have spoken to those involved in that group, and the whole process has left a sour taste in their mouth, given the significant hurdles they have already gone through and the amount of money invested, and the reception and success that they have subsequently received in another state.

As I stated, although this bill is in response to COVID-19 and is about trying to fast-track processes and approvals, this planning reform process was initiated under former Minister for Planning John Day through the blueprint for planning reform. Over the last 10 or so years, we have seen a maturing of planning in Western Australia. I was going to touch on this later, but a good example of that maturing is the positive response to the work that this government has undertaken in Design WA, and the moves to improve the quality of investment as it relates to apartments, with medium density to come. This shift towards the maturing of planning in WA means that from all accounts, WA is a really exciting state in which to invest. The next step that has been presented by government with this bill represents some great opportunities.

Major projects are by nature politically complicated. The role played by joint development assessment panels, and the right of appeal with the minister, have already made significant inroads in this area. The short-term initiative of stimulating the economy through what has been provided in this bill by expanding the approvals powers to the Premier, the minister and the WA Planning Commission is certainly a worthy endeavour. If that can be successful, particularly in addressing some issues of transparency, and if that can be achieved through that time frame, that will be a good thing for Western Australia at this time, given what that capital investment will mean for WA for jobs and for tourism opportunities.

The bill provides that the WA Planning Commission will become the new decision-maker for significant developments for an 18-month period in order to get projects determined in the short term. The bill specifies that a significant

development proposal must have an estimated cost of $30 million or more and involve 100 or more residential dwellings, or be a commercial development with a minimum of 20 000 square metres of net lettable area of commercial floor space. I have heard feedback from industry about projects that do not meet that threshold but are genuine, job-creating projects. There has been some feedback already from industry about potentially expanding the criteria. Trying to initiate and fast-track projects as a job-creating endeavour to make Western Australia a good place to invest in and to encourage investment by providing that 18-month time frame for investment is certainly a worthy endeavour. If it can be achieved, I think that it will be only a good thing for Western Australia.

Other members of this place have talked about the issues around transparency. I think the member for Cottesloe touched on the fact that there is no requirement for the minister to publish these decisions that will be made with such discretion or how they were determined. We are all quite interested and keen to understand, and for the public to understand, how such decisions will be made. It is the government's role to make decisions, but when we are talking about significant projects, it is important that there is some transparency as well. It is thought that if a proposal for a project is significant, it would be very difficult for an applicant to make a case that it should not be advertised and subject to public scrutiny; nonetheless, the bill says that the Western Australian Planning Commission may advertise and there are no specific obligations around that. There are references to consultation, but, again, the legislation does not spell out clear obligations and requirements in doing so. There is an understanding that the Department of Planning, Lands and Heritage would produce a responsible authority report, involving community consultation and an advertising process going forward. It is fair to ask what will be involved in this process.

As the member for Vasse and shadow Minister for Transport, I often hear about planning project conflicts with Main Roads Western Australia. A private investor looking at progressing a particular project often finds a disconnect or conflict between the advice of Main Roads and the planning commission. I believe there is an opportunity here to resolve some of those issues. Main Roads often feels that it can override planning decisions on critical developments when there is inconsistency. Potentially, this is a significant unresolved issue. I think Caves Road in Margaret River, in my electorate, is a great example of development being stifled by a lot of restrictions imposed by Main Roads.

There are references to what other states are doing in relation to the COVID-19 pandemic. South Australia certainly has been on the front foot in pulling out any developments that had been slowed down. It has made sure that a minister can declare that a project is of state significance if it has been frustrated by a bureaucratic process.

In South Australia, as I understand it, this is done against quite a clear framework, which raises the need for transparency and an understanding of what is being presented here.

This legislation will allow the Western Australian Planning Commission to undertake a role to progress projects. It highlights the importance of ensuring that the bureaucracy has the resources, means, capacity and enthusiasm to do that and to work cooperatively with other departments. I referred to Main Roads earlier; the Liquor Commission and the Environmental Protection Authority are other examples. There has been a reference to the fact that after 18 months a special matters development assessment panel will be formed. I pointed out previously that development assessment panels, which were initiated under the former government, have largely been very successful. There will be a process to reduce the number of panels from five to three, with the addition of a special matters development assessment panel. I think that is a worthy initiative that, I understand, has a lot of support.

There is much support on this side of the house for cutting red tape in the planning system. I certainly support any measures to streamline and simplify the planning process. All 134 local governments across WA and their communities have been greatly frustrated at inconsistencies between local governments, relations between local governments and the state government, and duplication in the planning process. Establishing consistent time frames for projects and setting a maximum number of days in response to stop-the-clock mechanisms will be well supported right across the community. Consistent time frames for consultation will also be welcomed. I understand that the regulations would allow for a shift in the change-of-use applications that have been referred to.

[Member's time extended.]

Ms L. METTAM: I think there would be great enthusiasm and support for a shift on change-of-use mechanisms within the department and in the regulations. The costs associated with change-of-use applications can be a significant issue, which holds back small businesses. The intention is to abolish a number of change-of-use applications for small businesses that have had a change in their operations—for example, from cafe to restaurant—and waive the requirement for cash-in-lieu for parking bay shortfalls, which is certainly a welcome endeavour as well.

The member for Cottesloe also touched on local government and simplifying policy developments. Local governments and people applying for permits will no longer have to apply for a development application when doing minor work on their properties. They will need to seek only a building permit from their local government.

The government has promoted examples of that but they are not included in the bill. I understand that those types of examples are intended to be included and I would like some clarity on whether they will be included in the regulations or in other legislation. Obviously, there are differences across the state in how local governments work and how efficient they are. Local governments are often criticised for being bureaucratic and holding up development,

but they can also be frustrated by the expectations placed on them by the Western Australian Planning Commission that they find difficult to deliver. I am pleased to say that in the City of Busselton, a building permit will suffice to erect a patio. There is no requirement, and it has not been a requirement for the last 10 years, to submit a development application to build a patio in the City of Busselton. I appreciate that some local governments have an approach to planning that is more progressive than others.

There is a perception in the community about consultation. A balance needs to be struck between showing leadership and taking the community with you when progressing, incentivising and supporting development. There is always much talk about improving community engagement but often not much in the way of an explanation about how this can be achieved. I go back to the role of the WAPC. With the responsibility it has comes great pressure to ensure that it can achieve the very good goals set out in the legislation, which are to ensure good development and have in place a transparent process that ultimately creates jobs and matures the state's development process. The quality of the consultation is particularly important. How committed the government is to bringing experts in on the consultation process will, in many respects, illustrate how successful this legislation will be in the community. This is about bringing the community with us. These reforms attempt to encourage agencies to work in a cooperative and coordinated way, and that is how the success of these reforms will be measured. We need to ensure that the government agencies' intentions are fully aligned and that they have the right resources to undertake the job and take up the opportunities that are presented within the 18-month time frame set out in the bill. The role of the WAPC and the government in leading the department is to ensure that jobs and good developments are created as a result in that period. The proposition of having special projects to help job creation to support the state's economy is certainly a good initiative. It will be good to see what this bill will deliver in the short term. There may be some flexibility about what constitutes a significant proposal. As I stated earlier, there has been feedback about what is potentially of state significance and provides jobs for the local community. There is an outstanding need for transparency in this process, as other members have highlighted.

Cutting red tape is one of the objectives of the bill, and that is very worthy. The success of that will be the ability of the key agencies to work together, including the Department of Lands, the Environmental Protection Authority and Main Roads. The measure of a government's success is how it makes decisions. There is quite obviously an outstanding need for transparency around those decisions, and there is an expectation from the community and an onus on government that it make good decisions to incentivise investment. At this time more than ever we need to ensure that some good investment is happening in the state and that we see the further maturing of our planning landscape. Ultimately, the government has to do this and it has to take the community with it on this journey. This bill represents a significant opportunity for this state when we need it most, with what can be created through jobs. As a state and as a city we are a relatively blank canvas when it comes to good investment and private development opportunities. Quite clearly, there is an obligation on the government to get this right through transparency, community engagement and leadership. With those remarks, I commend the bill to the house.

MR A. KRSTICEVIC (Carine) [7.31 pm]: I, too, want to make a contribution to the debate on this very important Planning and Development Amendment Bill 2020. As we know, planning is a critical part of everyday life. Planning our built form and the environment we live in is dear to everyone's hearts, and everyone has something to contribute in this space. It is such a massive undertaking to go through this process. It has taken many, many years over many governments to get to this point. To be honest, I was a little bit amazed by the antics of the government last week trying to push this bill through in one day without the opposition having even seen it. We were going to briefings and the advisers did not have the legislation. Stakeholders were saying they had no idea, were asking what was going on and were saying they had not been consulted or they were not part of the process. The government tried to ram the bill through this place without giving us at least a few days to have a look at it. At the end of the day, the government saw sense. Looking to push through such an important piece of legislation that affects every single person in Western Australia is an example of the arrogance of this McGowan government on so many levels. Every single member in this Parliament has an interest in this legislation to represent their communities and get their ideas, concerns and issues on the record, but also to understand what it is and how it is impacting us. We all deal with issues in this space on a regular basis. It is great that we were able to go into this week and to have some time to consult with people.

We have heard through the media and other avenues that the Western Australian Local Government Association is not very happy about this bill, its process, how it has been consulted and where we are at with it. I am not aware of the finer details of WALGA's involvement, but as members would remember, a partnership agreement was started in this term of government by the Labor Party. That partnership agreement said to WALGA that the government wanted to work with it, and it gave the parameters and guidelines in which legislation would be brought to this Parliament and how WALGA would be involved in that process. I am interested in whether the minister is able to say whether the partnership agreement was followed.

Ms R. Saffioti: The COVID-19 clauses are in there.

Mr A. KRSTICEVIC: The minister talks about COVID-19 clauses, but let us not kid ourselves here.

Mr W.J. Johnston: Are you opposing it?

Mr A. KRSTICEVIC: No, I am not opposing it at all; I am a big supporter of planning reform. However, let us not kid ourselves here that this is due to COVID-19. After nearly three and a half years in government, it is introducing this legislation. In its dying days, the government is bringing this very important piece of legislation forward. It is great that it has come in, but it should have happened a lot sooner. The government should have brought it in one or even two years ago, but it did not. Of course, people are saying that the government has not consulted in that three years. Like I said, I would be interested to know where the partnership agreement fits into this. As I said, I am not saying that planning reform is not important. We all have cases; I have heard other members talk about cases in their electorates and I will talk about my electorate and the issues it addresses. However, it is interesting to note that the Minister for Local Government says how wonderful the Western Australian Local Government Association is. He talks it up and tickles its tummy when it rolls over but as soon as it stands up says, "Hey, hold on, there's something that you haven't done; off to the side, WALGA, we're not interested in what you have to say, you'll be washed down the drain in this process."

Mr D.A. Templeman: Stand up for your principles.

Mr A. KRSTICEVIC: I support this legislation.

Ms S.E. Winton: You've had four minutes and said nothing.

The ACTING SPEAKER: Members, you have all made a nice little contribution helping the member on his feet. I would appreciate it if the rest of his speech is heard in silence, thank you.

Mr A. KRSTICEVIC: Thank you very much. I will get back to that because I looked at what was said in the media release and the second reading speech about local government. I notice that the minister said in her second reading speech that there are 134 local governments. I thought: 134! I was the shadow Minister for Local Government, but I do not remember there being 134; I thought there were 139. If we take Nedlands off, there are 138 members of WALGA. I was just wondering whether the minister could explain. Have there been some government amalgamations that we do not know about or is she predicting some amalgamations will happen before this legislation goes through the Parliament? Why are only 134 local governments referred to in the second reading speech?

Ms R. Saffioti interjected.

Mr A. KRSTICEVIC: She does not know how many local councils there are in Western Australia. When I read that, I thought it was quite a disgrace and thought: how could she get that level of detail wrong? However, of course, as I said, she is discounting WALGA and the number of local councils. That is fine if that is what she wants to do.

Several members interjected.

Point of Order

Dr D.J. HONEY: I believe that the standing orders allow for the member to be heard in silence and that is not happening. He is being harassed.

The ACTING SPEAKER (Mr I.C. Blayney): I have asked that the rest of his speech be heard in silence. If that is not the case, I will start calling people.

Debate Resumed

Mr A. KRSTICEVIC: Thank you very much, Mr Acting Speaker. I have a lot of areas to cover and I need a small amount of time to do it in, and I want to get there.

Ms S. Winton interjected.

The ACTING SPEAKER: Member for Wanneroo, I call you to order for the second time.

Mr A. KRSTICEVIC: The issue of consultation is on the record, as is the obvious error in the minister's second reading speech about the number of local governments. It is such an easy error to make that it makes me wonder how many other errors there might be in this legislation. Again, we have not had much time to look at it so I hope there are not any other errors. I hope that is the only mistake the minister has made in the drafting of the bill and in the second reading speech. As I said, those figures might be accurate, so please correct the record if I am wrong. For many reasons, this sort of reform is critical. As other members have mentioned —

Ms S.E. Winton interjected.

The ACTING SPEAKER: Do you want to go home early, member for Wanneroo? Carry on.

Mr A. KRSTICEVIC: Thank you very much, Mr Acting Speaker. I refer to the powers in this bill around the Heritage Act and the Environmental Protection Authority. In what instances will the Heritage Act be put to one side and will heritage listings be adhered to as they have been? I am hopeful that they will be and I imagine that will probably be the case. The ability for the Western Australian Planning Commission to override the Heritage Act, the EPA and other acts is a bit of a concern. Being a former councillor at the City of Stirling, the member for Balcatta will be very familiar with the Karrinyup Shopping Centre redevelopment. The City of Stirling tried to kill off the Karrinyup Shopping Centre redevelopment because it wanted the Westfield Innaloo shopping centre redevelopment to go first.

A government member: That's a lie.

Mr A. KRSTICEVIC: No; that is what was happening because I was involved in discussions with numerous people around the Karrinyup and Innaloo shopping centres. The City of Stirling was not against the Karrinyup Shopping Centre redevelopment; it supported it, but it wanted Innaloo shopping centre to be redeveloped first and then Karrinyup to happen after that. People in this space know exactly what was going on.

Ultimately, Karrinyup got over the line through a JDAP, which is fantastic. It is an important strategic development for the northern suburbs. Where is the Innaloo development? That has been taken off the cards; it is not happening. Thank God it was not the other way around and the JDAP approved the development in Innaloo and told Karrinyup to wait. The member for Balcatta may not be aware of that. If he asks a few questions of people from the City of Stirling, he will find out that it is accurate.

Mr D.R. Michael: I was there, mate!

Mr A. KRSTICEVIC: I was there also; do not worry about that.

It is important that these sorts of significant developments do get up and are not held up. Part of this legislation also gives a lot more power to the Western Australian Planning Commission. Some of the problems created by development in the community are a result of the WA Planning Commission's decisions and directions. They have created a lot of our problems.

In my electorate, housing opportunity areas in the City of Joondalup have been contentious for a long time. A number of mistakes were made in the process to make HOAs a bad development. However, the Joondalup council initially went through an extensive process, got agreement from the community and everyone was on side. The council put forward a plan to the WAPC, which had 100 per cent support from the local community at that point. The WAPC told the council, "No, you need to upsize all those areas. We're not happy with what you've done there." The council looked at it, but did not go through a consultation process with the affected stakeholders. The council then accepted the WAPC's up-zonings, but the council also put in special clauses for apartments. That meant developments for apartments needed to be over 2 000 square metres, which meant that an R40 development could not be apartments. The council sent it back to the WAPC, with some clauses to protect the apartment developments getting out of control. Of course, the WAPC, being the expert it is, knocked off all the clauses that protected the community, and all of a sudden—bang—these developments were out of control.

Ms R. Saffioti: What year is this?

Mr A. KRSTICEVIC: It does not matter what year it was. These WAPC experts that the minister is going to rely on year in, year out have been there for many, many years and their minds are set. I do not know whether the minister has the power to direct the WAPC or make things happen quickly.

Ms R. Saffioti interjected.

Mr A. KRSTICEVIC: If the minister does have that power, as she has indicated that she does, maybe she can help the people in the City of Joondalup to get some of these things fixed a lot quicker and more easily. I know there are structure plans and all these processes are in place, but they have to drag their feet through these processes so that some of these developments can be stopped. These things are still popping up. I know that people are frustrated. I am not saying it is the minister's fault; I am just saying that people are frustrated. I do not know whether the minister can direct the WAPC in every step of the process. She is obviously indicating that the minister has full control of the WAPC. If that is the case, we need her to do some things.

Ms R. Saffioti interjected.

Mr A. KRSTICEVIC: The minister is asking who the minister was, and she is saying the minister has full control over the planning commission and the planning process. Either she does or she does not. If she does not, the WAPC makes those decisions. Some of those decisions are destroying the community as a direct result of things that the WA Planning Commission has forced back onto councils, so councils need to be careful about trusting everything that comes back from the WAPC. People in the City of Joondalup would say to me, "Why hasn't the City of Stirling done density in certain areas?" I would say, "Maybe the City of Stirling hasn't done it because they don't trust the WAPC to give them the right outcome under the current rules and guidelines and they're waiting to see what happens in Joondalup." Joondalup totally stuffed up, and obviously that scared people off. That is worth considering.

The other thing I want to ask the minister is: what impact will the National Construction Code have on all this? I am not sure whether the minister is aware of the National Construction Code and the 2016 national regulations, which her government has extended to May 2021. Every single state in Australia is working under the 2019 National Construction Code. Not following the National Construction Code will have some serious impacts on large-scale developments. In 2018, a number of research institutes and ClimateWorks Australia wrote about this and said that not following the code will decrease the energy efficiency of buildings by up to 30 per cent and add $1 000 a year to energy bills. The government could reduce cost overruns by $4 billion and deliver at least 10 tonnes of cumulative emissions savings. Maybe the environment is not high on the government's agenda for some of these significant developments, but if it follows and adopts the 2019 National Construction Code guidelines, it could make a significant contribution towards the environment and energy costs, with household energy bills being reduced by $1 000. I am

sure the minister is not on top of this, because it is not something that she would be aware of, but it is very critical that we do this. A couple of industry groups asked for an extension until 2021, but many other energy groups did not ask for an extension. That is something the minister needs to look at to try to explain why the code has been pushed out. I am sure that the Minister for Commerce can help her with that because, as far as I can remember, it comes under his portfolio.

Car bays and parking are critical issues for developments. When I discuss this issue with people in my community and they ask why there are so few car bays, I say, "Because the government doesn't want you to have a car; they don't want you to drive a car. They don't think you should have a car at all. They don't want to have any car bays, because that is the future." When is that future coming? How far away are these developments? The member for Perth, to his credit, came out to my electorate. We took a drive around certain parts of the electorate. In certain parts he was saying, "This is amazing; this is fantastic." There were trees and it was just absolutely amazing. I then drove him to another part of the electorate, only 100 metres away, where it is a concrete jungle. Forget about growing trees, we could not find space to grow a weed; that is how great this concrete coverage was. I think a lot of Europeans would have been very happy with the way the concrete was laid across this particular block.

Ms R. Saffioti: That's racist.

Mr A. KRSTICEVIC: It is not racist; it is a fact. It is not racist at all. I know plenty of people who would be very happy with the way the concrete was laid at the front of the driveways. Of course, they would have been disappointed that they did not have the market garden in the backyard, because that is obviously, traditionally, what they like to do.

That is the worst part about these developments. They are concrete jungles that we are again building under the direction of the Western Australian Planning Commission. That is what it wants the outcome to be, because it went back to the council, cut off certain parameters that it did not want to happen, and this development was the outcome of that agreement—let us call it—between the WAPC and the council. If the WAPC is so good at this, why is it allowing, approving or agreeing to rubbish developments? Why is it not aware of the broader details and guidelines? Of course, we are putting a lot more emphasis on it. One of the biggest issues we all know about is community consultation. I do not think the WAPC knows anything about community consultation; I do not think it has ever done it in its life. I could be wrong. It is normally the councils and others that do that. Now, all of a sudden, it will fall on its side of the equation and I am not sure that it has the resources and capacity to do this, unless of course the community consultation is the usual consultation that we often get, when people are asked what they think, but their response just goes into a box and will not change the outcome, but the WAPC will be able to say it has done the consultation.

[Member's time extended.]

Mr A. KRSTICEVIC: I am very concerned about the community consultation component and also the ability for the WAPC to have the capacity to drill down to developments at a local level. It is great at the strategic stuff, great at being the helicopter over the top—everybody is good at that; it is very easy to do that—but when we get to the detail, we really want to put it to the community. That is why we have so much pushback. That is why so many people are so upset. Instead of bringing the community with us, over successive governments we have had very little success because we listen to certain planners, and those planners give us their view of what is great in theory. In practice, that is not what things on the ground look like. I always say to people, "We don't want to build structures; we want to build communities." That is what it is about—building communities, not structures. We need to work out what the community is going to look like and then build the infrastructure and processes around it, and we do not do that. I am not sure whether this bill will do that; I hope it does.

Several members interjected.

The ACTING SPEAKER: I call you for the third time, member for Wanneroo. Minister for Mines and Petroleum, I call you for the first time.

Mr A. KRSTICEVIC: I have spoken to mayors, I have spoken to councillors, I have spoken to community —

Mr D.T. Punch interjected.

The ACTING SPEAKER: Member for Bunbury, I call you as well.

Mr A. KRSTICEVIC: I have spoken to community activists who have been involved in this space for many years. In the small amount of time they have looked at this, they have given me a wide range of responses. Some of them think it has a lot of great things in it, and it has. Some of them are not sure about it, and others are sceptical. However, the Minister for Planning has basically put her credibility into this legislation. If at the end of the day it produces rubbish, then the minister will wear it; but if it produces great outcomes, the minister will wear that. I am happy that the minister has made this a once-in-a-generation opportunity. I hope it gives us perfect outcomes and delivers better results because, like everyone in this house, we want the results to improve.

It is one thing to read a piece of paper but the actual implementation on the ground is the key issue here. I have seen lots of documents and reports telling me that something is perfect, but when I look at the final result on the ground, it is absolute rubbish. Of course the glossy documents were fantastic, but they were not what was delivered. Planning ministers have in the past waved documents around and said, "Look at these beautiful developments. This

is what we're all about." I say, "Yes, that is fantastic. That's perfect. That's exactly what we want, but unfortunately it's not what they're building down the road. They're not building anything close to that, but if that were the case, it would be fantastic."

We know about the car bays and parking. It is a massive problem, especially in Duncraig in my electorate, where we have culs-de-sac. We have block after block of massive apartments going up in culs-de-sac and there is no room for rubbish bins or for parking; it is just ridiculous. Some of these developments are an absolute joke, and I do not know how they even got off the ground. It is destroying our community, not building or fixing up our community. I have been in lots of discussions with lots of people, including the current minister and the member for Perth, who came out to have a look. I said, "Look, we need to do something about this. It's not about blaming one person or another." To be honest, I do not think it has anything to do with the Minister for Planning. Is the minister a planning expert? I do not think so. Is any Minister for Planning a planning expert? I do not think so. Who do they listen to? John Day was a dentist, so let us be realistic here. These ministers listen to the WAPC, the Department of Planning, Lands and Heritage and the so-called experts and look at what is put in front of them. If they do not know what is going on, it looks great. People could sell snow to an Eskimo with some of those documents, no problem at all. The minister thinks, "Well, okay, that looks pretty good." They speak to a couple of people out there who probably know as much as them but still might be in significant positions in councils or whatever and they will say, "Yeah, that looks fine", so they sign off on it. Of course, once they get into the process, it is so hard to turn the bus around. This thing is so huge that it just overtakes the whole process and takes a long time to get the changes put in place.

I remember a particular individual who was building a large building in Osborne Park. He wanted to have about 125 parking bays on this development. He had a big fight with the City of Stirling because the City of Stirling did not want him to have the car bays. They said, "You cannot have that many car bays"; I think it was a five-storey building, or something. He said, "But I want the car bays. It's my land, I can do what I like." They were fighting with him to say, "No, you can't have the car bays."

Mr D.R. Michael interjected.

Mr A. KRSTICEVIC: I do not know; I am not sure. Anyway, there was a fight about car bays and I asked him what was going on. He said that he wanted the car bays because the City of Stirling and other councils—I am not picking on the City of Stirling here—had knocked back car bays for all these other developers. Down the track, when someone wants to lease his building, they will have plenty of car bays. The guy next door has none. People will want to lease his building over the building next door because they want somewhere for their customers, their staff and other people to park. He said, "So I want more car bays. I'm happy to lose money on space and have car bays." Car bays are a big issue, and I know in the community it is a massive issue that so many cars are being parked on the street because people have nowhere else to park. These apartment blocks have eight two-bedroom apartments and only three visitor bays. There could be 20 or 30 people living there. The car garages are only single garages. They do not get double garages. Parking and cars are, and will continue to be, a serious problem. Whether at a shopping centre, a transport route or a train station, people still want their cars. That is just the way it is. Maybe in 10, 20, 30 or 50 years' time, they might not want them. We might have driverless cars somewhere down the track, or we might have shared cars. All these things might happen, but no-one can foresee that in the near future, so people are struggling with these concepts.

Obviously, a member raised before the issue of the minister and the Premier being able to direct and/or push significant projects. I want to know what the checks and balances there are going to be. I think it is important to make sure that we do not lose control and that we focus on proper process. I think that is very, very critical in this space. It will be very quick and easy for people to identify when proper process has not been taken.

I would be interested to know another thing. Once this legislation goes through and is assented to, can the minister then click her fingers and call in some of these areas that are happening at the moment and are a disaster and fix them up? Can she say, "No, stop that right now. Under the new legislation, I have the power to stop that, because the community says it's a mess, the council says it's a mess, and we can see it's a mess. We need to go back to the drawing board on this and I want to draw a line in the sand"? Or does it just keep ticking over and does the community have to go through the longwinded processes?

Interestingly, somebody emailed me about good design. They said that the development industry and planners can say we like it all, but the writer is just not seeing it, so unless we start enforcing standards that create places where people want to live rather than places they have to live, things will not improve. I think that is very, very important. The other thing that this individual said to me was that just because the planners keep saying it is great does not mean it is. Planners want us to start believing what they are saying rather than building what actually meets that standard. They can say, "That's great, that's great" as many times as they like, but if the community knows it is not, that is where it is at. I think that really needs to be looked at carefully.

As I said, I think the Western Australian Planning Commission has a lot to answer for, but it also has a lot of opportunity here to try to fix things up. It is perceived to be the expert and the gatekeeper—the body that drives this strategic direction—but it is also responsible for implementation at a grassroots level. If it has no connection to that and we are getting bad outcomes, it is disconnected. I can tell members that I have never been able to get someone

from the WAPC to come out and check these developments. I have been to plenty of meetings at which people from the WAPC have said how wonderful a lot of these things are. I say that they should come with me, and they say that they do not have time; they cannot do that; it is not their job to go out and see what is actually happening on the ground. Again, as I said, the member for Perth came out and had a look. I thank him for that and for trying to help the people in the electorate of Carine to get some of those things fixed up. Unfortunately, they are still dragging it out. I think consultation is going to be a critical part of all this process.

I know there were about 5 800 individual responses, or thereabouts. That is slightly more than there were on puppy farming, so it is great to see that planning is almost on a par with puppy farming when it comes to feedback and consultation. I assumed that a lot more people would have been there. I was disappointed, again, that supposedly only 49 submissions came in from the 139 local governments that there actually are. I find that amazing. It seems a very low number for something that is important to every single local government. This planning stuff is the bane of their existence and brings them pain and suffering for so many different reasons. I am very disappointed if it is the case that they have not all put in a submission. I do not know why that is the case; I am just amazed by that. It just does not make sense to me.

There are no time lines for some Western Australian Planning Commission developments. We need time lines. I know that this needs to be done quickly—this is a COVID-19 response bill—but we need time lines so that things can start to happen within prescribed periods and so that projects are not dragged out. People have mentioned the 18-month time frame, but what will happen at the end of 18 months? How much longer will it take for significant developments to be approved? It could take another 18 months. I do not know how long the WAPC takes to approve developments, but depending on how complex they are, it could take another four years. It takes time to complete some projects. I just think that we need to tighten up these things to make sure that they happen quickly.

I would also be interested to know whether permission to build and building licences will still be needed. We are getting rid of the planning side of things, but there is still the building side of things. When it comes to simple things like patios, how much time will we really be saving? It is great to save a bit of time, but will there still be mechanisms that go slowly through a council to get a building permit? Again, I am not familiar with how long the planning component of that takes, as opposed to the building permit component. I am interested to know whether we will track the legislative changes for these design changes to make sure that councils are meeting their benchmarks and that these things are happening. Will there be key performance indicators or reporting back to the minister or the department to make sure that what is happening on the ground is consistent with what is meant to be in the legislation? As we know, a bit like the stop-the-clock principle, there are always ways to get around these things. There are always ways to manipulate the process. There are always ways to make figures look better than they are, unless we dig down deeper into that.

I want to know how much oversight the minister and department will have over this to make sure that all the great ideas proposed in the bill happen and come to fruition. They are important. We all want to fight for our communities and we all want to make sure that we get good design because, at the end of the day, these are the suburbs that we live in, raise our children in and retire in. If we just build structures and do not build communities, we will be letting down ourselves and our communities. We have done a lot of that in the past. I hope that this bill takes away from some of those mistakes and that we get things right this time.

MR J.E. McGRATH (South Perth) [8.02 pm]: I stand tonight to support the Planning and Development Amendment Bill 2020 for one main reason: there are people out of jobs. We are going through a jobs crisis that has been brought on by something that none of us has ever experienced in our life—that is, this COVID-19 pandemic. Governments around Australia have had to act. This government is now acting through the Minister for Planning to fast-track processes and approvals.

According to the last census, 113 000 people are involved in the construction sector in Western Australia. I think it is over one million people around Australia. Governments like ours have obviously identified that this sector employs a lot of people, but it cannot employ people if there is no development. In recent years, in my electorate and in a lot of places around the state, developments have been stymied and stifled, and have run into roadblocks. A development in the City of South Perth—the best development in our city, which was going to be a landmark statement development—ran into a roadblock. The Minister for Planning called in that development and said, "No, the proponent has been held up for too long." The city wanted it to happen; it had the full backing of the council—not of all residents—and the minister called it in. I supported that.

How are we going to house our population when it gets to 3.5 million people? That is the projection. The Liberal–National government and this government both agree that we cannot have suburbs going up all the way to the other side of Yanchep or down the other side of Dawesville, even though the member for Dawesville would like to swell his electorate. We cannot do it. We have to find places where people can live. We have to build close to transport hubs. The Mill Point hub in South Perth is very close to the city; we are right over the road from the city.

There is also the Canning Bridge hub. It has been difficult for me, because there was a lot of opposition to the tall buildings around Mill Point Road. When the Canning Bridge was brought in, I think by our government under John Day, the then Minister for Planning, people did not like the idea of height and more density. There

are a couple of six-storey buildings that people were not happy with at first, but now they are quite accepting of them. They understand that if there is a train station, people have to be able to walk to it. We have to get people out of their cars. This is a huge challenge for us.

Getting back to the construction industry, sometimes when I am walking around or driving around, I see these developments that are not huge developments; they would not be in the $30 million category. Small subcontractors cannot get involved in the huge developments, like the big shopping centre at Karrinyup, which is worth $500 million or $800 million; they do not get a look in. But they do with the smaller developments. That is why we need more of them. I think the WA Planning Commission does a pretty good job. It acts only on the commitments that the government makes. When the government says that this is what it wants, the WA Planning Commission says to councils that they have to increase their density, and I think we have to. We have to look forward; we cannot look back. People in South Perth have said to me that they still want to live in a village and I have said to them that they stopped living in a village when the baker stopped delivering bread in a horse and cart. That is when it was a village. People would go to the local garage and the guy would come out to clean the windscreen. They would not have to get out of the car; they would give him the money and he would go away and come back and give them the change. That no longer happens. The world has moved forward. I think of these people in the construction industry who are now out of work. They have no job. What about the young apprentices who are in furlough? They have been told to go away and have a break. How is it going to affect their apprenticeship? Does it mean that they will be half a year or nearly 12 months older when they have done their time? I do not know. All these people have been affected. When I see fluoro vests and hard hats on construction sites, I think that is great; I think Western Australians are employed. That is what we have to do.

With the $30 million category that the government is bringing in for these significant developments, people say what if it is only $27 million and the developer just plays around with the figures a bit or changes what he is going to put inside to get it up to $30 million? I do not really care about that, because I do not think every development that will be put forward will be accepted. It will be up to the minister and the WA Planning Commission to say, "We're happy with this development, but we want to know that you've got investment certainty, it's well designed and you're ready to commence construction to create jobs." They are the ones that will get the tick. We are not in government, but I do not think that everyone who applies will get a tick. The decision-makers at the WAPC will have to make sure that the development will be good for the area, the community, the state, tourism—whatever. All these factors will have to be taken into account. If a development is a bit suspect, I do not think it will get there. The problem with the bigger developments now—there are half a dozen in South Perth that have been put on hold—is that the developers cannot get bank finance unless they sell the apartments, so if they cannot sell the apartments, they do not get the finance. I think that whoever comes forward to the government would need to be pretty ready to go. That is the only way we can do it. We can press the start button and get people back into employment. That is why I support the bill.

I will quickly talk about a couple of projects in South Perth that I want to the Minister for Planning to consider. Sometimes she takes notice of me, but not always.

Ms R. Saffioti: So far so good.

Mr J.E. McGRATH: So far so good! Currently, six developments in South Perth that are in excess of $30 million each have either been approved or are waiting approval. All but one of those developments is around Mill Point; the other one is in the Canning Bridge precinct; that is, within the 800 metres around Canning Bridge. For various reasons, those developments have come to a standstill. I spoke to a proponent of a development—it is not one of the six—and asked, "Would you be interested in putting it forward to the government?" He said, "We're pretty happy. We're going through the process and we're happy to leave it in the process."

I had never heard of the term "deemed approval". Local governments have encouraged developers to go ahead with their development application even though they have never had any intention of approving it because they were worried about community backlash. These people spend a lot of money putting in a development application. A development application for bigger developments can cost a couple of million dollars. The developments go through all the checks and balances with Main Roads for parking and all that sort of stuff. That is a flaw in the system. The joint development assessment panel system has been very good. When it was first introduced, people in South Perth thought that it would just rubberstamp developments on behalf of the developer, but that did not happen. A lot of projects were knocked back by the JDAP. JDAPs have been okay.

I now want to talk about a couple of projects that I think might be good for the government to consider. The one that I have mentioned to the minister before is the South Perth railway station. I was reading *Hansard* today and do members know that back in 2005, the City of South Perth was talking to the government—Alannah MacTiernan was the Minister for Planning and Infrastructure—about a South Perth station? A City of South Perth media release of 15 September 2005 titled "Early Construction on South Perth Train Station will have to wait" states —

> The City of South Perth recently wrote the Minister for Planning and Infrastructure, Alanna MacTeirnan, in relation to Southern Suburbs Railway Kwinana Freeway realignment works, near Richardson Street.
>
> The City's CEO, Cliff Frewing, strongly urged the State Government to include the proposed South Perth Train Station's foundation and platform construction with the other ongoing Southern Suburbs Railway works.

It was always going to be a Park ‘n’ Ride station, but the city wanted the platform done. The media release quotes the mayor at the time, John Collins, who said —

> “In order to minimise long-term costs for the community as a whole, we urged the Minister to construct the foundation and platform for the Station at the same time as other construction works are occurring,” …

The minister said, “We don’t have the money at the moment.” The media release continues —

> While the City believed it was logical to construct the Station and platform walls at the same time as the Railway and realignment works, the Minister stated that an additional $2 million in State Government funding was not currently available for the platform walls and footings construction.

The minister said that the South Perth train station was due to be constructed and opened in 2010. That was her plan. The government changed in 2008. Someone in the Barnett government decided that we did not need a train station, but the plan was for a station in 2010. How do we build a station now? A constituent came to me some time ago. He is a retired property consultant and very well regarded in the electorate. His name is John Garmony. He does not mind me mentioning his name. He said that we need to look at private sector funding—a public–private partnership—for the South Perth railway station. We could sell the air rights above the Kwinana Freeway, rail line and new station. We could build something above it. That was his idea. He said also that the developer could create a commercial, retail or hotel project in the area spanning the freeway and rail line. Who knows? The development could incorporate a major retail outlet, supermarket or hotel complex. He said also that such a development would provide better public access to the Swan River. Back in the 1950s, when the government of the day put a freeway through that area, the people of South Perth were cut off from the Swan River. If a government wanted to build that freeway today, it would never get approval for it; it would have to go underground. The people of South Perth were cut off from the river, where they had all learnt to swim. We always get it rough in South Perth—members know that!

Several members interjected.

Mr J.E. McGRATH: Mr Garmony also said that this would be a gateway from the railway station to Perth Zoo, which gets 700 000 visitors a year. There are a lot of tourists, but more locals go to the zoo than tourists. It would take people past Civic Heart—that is the development that the Minister for Planning recently called in—and into Mends Street. I want Mends Street to become a place that tourists want to visit. When tourists come to Perth, they can jump on the ferry and go across the river to Mends Street.

Mr Garmony said that there are many examples around the world of this type of project. I go to Sydney a bit. When I go by train to Bondi, above the train station past Kings Cross is a tall building containing a shopping mall and apartments. He said to me that Mirvac is planning to build a big apartment block above Waterloo Station, which is just outside the city. Big cities need to do that, because they do not have a lot of room. Perth will be like that one day, but that will be a fair while off. The South Perth station will require engineering underneath the rail line, and drilling to put the foundations in place, but modern engineers are able to do these things. It would not be a Park ‘n’ Ride station. What are they called, minister? It would be a station at which people cannot park their car but must be dropped off. The precinct between Richardson Street and Judd Street will contain a lot of apartments and commercial developments. I see that area becoming a bit like West Perth, with 1 000 or 2 000 people going into the city every day to work. They will not drive their cars; they will go by train. After work, they might have a couple of beers at a little tavern, or at the Windsor Hotel or something, and they will jump back on the train and go home. This is all futuristic. I do not know whether this would fit into the minister’s plan for getting people into work, but I am putting it out there.

I have another example. The other one, which is a no-brainer, is the old East Perth Power Station. That is ready to go. That has just been bought by a consortium. There are no residents around that area, so community consultation would be pretty easy. It is just up the river, and Optus Stadium is on the other side. It is shovel-ready. What a great opportunity! I do not know what the proponents are planning for that site.

I now want to get on to an example from left field. The minister will recall Dr Carmen Lawrence. In February 1990, she became the first female state Premier in Australia. Members may not know that early in her premiership, she proposed the idea of a cable car for Perth, and announced a $50 000 award for the best idea to produce one. I am just warming up on this one, so I seek an extension, please.

[Member’s time extended.]

Mr J.E. McGRATH: After 30 years, I think it is time we looked at the cable car. I do not know whether the cable car is something government might also look at. The balls are all up in the air, are they not? I say that we should look at building the cable car. The preparatory work has been done already. In 2015, when the Liberal and National Parties were in government, European experts from the international cable car industry travelled to Perth and completed a 190-page—that is longer than the minister’s bill!—economic and technical assessment, concluding that the cable car would provide 340 jobs and generate $30 million annually. The study made four recommendations and it appears, from what I can deduce, that only the first recommendation was carried out. The first recommendation was to distribute the report to stakeholders for feedback. The member for Dawesville might have been in the office to get the feedback when it arrived! The Barnett government put it on hold.

Mr P. Papalia interjected.

Mr J.E. McGRATH: The minister will get a mention, too.

Tourism Council Western Australia chief executive officer Evan Hall is on the record in an article on the WAtoday website on 23 November 2018 as saying that the economic and technical assessment had been completed and that he was aware of four companies—one international, one interstate and two Western Australian—that were waiting for government to set the parameters mentioned in the assessment. He went on to say that cabinet needed to appoint a lead agency to oversee this project so that these companies knew who they could apply to. They did not know where to go; all they knew was that they were interested.

An article on the PerthNow website on 23 September 2015 quotes former Premier Colin Barnett as saying —

> "Elizabeth Quay, which is rapidly nearing completion, has been designed so that a gondola or cable car can be installed going to Kings Park,"

The West Australian published a story on the cable car in July 2017. It reads —

> The cable-car concept was raised in 2014 when the Tourism Council said Perth … needed "a must-do tourism experience like climbing the Eiffel Tower, catching a Sydney ferry or riding the London Eye".

There ain't much to do in Perth; you know that! The article continues —

> At the time, planning minister John Day asked the Metropolitan Redevelopment Authority to investigate the design, operation and costs of a cable car …

At the time, Minister Day said that Swiss-based consultants had done a feasibility study and found that the concept was an attractive project that was well positioned to capitalise on the growth and development of Perth. The original concept was for the cable car to connect Elizabeth Quay to Kings Park, but the consultants recommended it be extended to include stations beyond Fraser's Restaurant, at the DNA Tower and Synergy Parkland. If we were to take a cable car to Kings Park, why not take it right through the park? Why not take it the length of Kings Park so people could look right over the river? It would be an amazing view. At present, if people want to see that, they have to drive up to the park, find a car park, park their car and then go have a look—they might see a bit of the river. The estimated cost was $60 million to $80 million. The consultant's argument for extending the range of the cable car was that it would spread tourists throughout Kings Park, as they do not often explore deeper than the park's entrance features. If we put tourists on the cable car, they can go around the park. Cable cars also allow wider access for elderly and disabled people. If there were things inside the park, like Central Park, which has a zoo, a lake and all sorts of stuff, we could make it a full-day experience.

In an article on the ABC website, Evan Hall explains the different impacts of major tourist infrastructure projects, including one-off events, like inviting a major soccer team to play. If we bring a major soccer team to Perth, while the team is here, it is great, but it then goes home. If we have something permanent, like the cable car, it is different. He said —

> "You need those attractions there because events are very seasonal, they're one-off …
>
> "What you need is attractions which are going to keep people coming 24/7, 365 days a year—that [are] always available, always a reason to travel to Perth and Western Australia.

We would be the city with the cable car. At present, we are the city with the Bell Tower, which should have been about 100 metres taller. Mr Hall continues —

> "We haven't had a major attraction approved in over 20 years. We're well behind other capital cities."

I do not regard Optus Stadium as an attraction. It is a sportsground, and it is an amazing sportsground, but people only go there when there is a game on. People will not fly to Perth to see the stadium when it is empty, but it is a great facility and we are all proud of it and of what we were able to manage. The minister gets a mention now. Previously, the Minister for Planning, Rita Saffioti, has said —

> "If the private sector wants to submit a proposal for a cable car to Kings Park then we will look at it."

Does the minister remember saying that? I am sure that she would. Now we have a pathway. When in opposition, I remember the now Minister for Racing and Gaming and liquor licensing talking about the TAB a lot and saying that it should not be sold, but the current Minister for Tourism, Paul Papalia, said that the government needed to "stop sitting on" the cable car study. We are putting the ducks in a row now for the government.

The Premier and the Treasurer want to kickstart WA's economy. There is no doubt about that. My neighbour, the member for Victoria Park; the minister; and the Premier, the member for Rockingham, want to kickstart the economy with major infrastructure projects, both government and privately funded. I heard the Premier say the other day that the government cannot provide everything. He gave a figure that the government contributes about 10 per cent to construction and the rest is privately funded. We need that because most of the state's gross domestic product is from private endeavour.

Mr W.J. Johnston: Capitalism!

Mr J.E. McGRATH: We love capitalism! I think the planning minister should look at the cable car proposal and see whether private investors will submit their plans. It would cost the government nothing. The Minister for Tourism wants to stop sitting on the cable car study, and the Tourism Council has said for years that WA needs these attractions. The time is right. I read that Korea has quite a few cable cars, and the operators of the cable cars are required to put 10 per cent of their profits into the facility, which is the parkland and the environment, so 10 per cent of the profits go into making sure that the environment is looked after.

I also want to quote my colleague the member for Vasse who, when she was the shadow Minister for Tourism, talked about the cable car and said —

> "I understand there has been some concern raised by the Kings Park stakeholders in the past; the role of government here is to step in and show leadership, particularly on situations that involve public land with issues of environmental sensitivity. To hand responsibility to industry falls well short of what this project represents."

I think that private investors would be very happy to get involved in a cable car project. This is where Mr Hall's idea of a lead government agency comes in. There are multiple stakeholders and they historically do not like change, so there will need to be some sharp work by the government to get this idea up and running, and to show people the benefits that can be had.

I support what the minister is doing with this legislation, and the Liberal opposition supports the bill, although people have expressed some concerns. One concern is about transparency. We trust the Premier and the minister to do this well, but I think that we still have to have transparency and be able to explain to the community why something is a good project, and I am sure that the minister will come up with those reasons. With that, I rest my case.

The ACTING SPEAKER (Mr S.J. Price): Thank you, member for South Perth. Your contributions will be missed in the future.

MR R.S. LOVE (Moore — Deputy Leader of the Nationals WA) [8.30 pm]: I would like to make a brief contribution to the second reading debate on the Planning and Development Amendment Bill 2020. The Nationals WA will support the bill in this house and, we expect, in the other house, although we never know what arcane processes may occur in the other place. As we know, the bill has a number of aspects to it. It is a hybrid between an 18-month COVID-19 response, planning matters going back to 2016 and, more recently, the "Action Plan for Planning Reform", which the Minister for Planning released in 2017. As part of the 18-month period of reforms, the Western Australian Planning Commission will be able to deliberate on applications for developments in excess of $30 million, residential developments of 100 or more dwellings and commercial developments of 20 000 square metres, excluding warehouses. In addition, the minister can make recommendations to the Premier on matters of regional or state significance that fall below that threshold, which the WAPC may also consider. This legislation will give the WAPC the extraordinary ability to bring together departments and streams of government process to smooth out some of the planning procedures. It will ensure that all the departments are in line with one another, if not completely overridden by that process in the case of heritage matters and the Environmental Protection Authority having to at least work alongside the commission in its deliberations.

With respect, the power that the Premier has to refer some of these matters for consideration raises the possibility of decision-makers facing a moral hazard when they deal with developers and others in the community who may be willing to strongly support political parties. Charges could be made about the reasons behind the deliberations to bring those types of projects before the commission. It is very important to have a high level of transparency and to recognise that those conflicts of interest could exist. In New South Wales, political parties are prohibited from taking donations from developers, and I think the same is true in Queensland. The extraordinary powers, which will operate for 18 months, lie with the commissioner, not the Premier or the minister. However, developments that do not meet the thresholds can be referred to the Premier and the minister; therefore, any potential conflict of interest will need to be considered. From the ALP's point of view, it would be wise to ensure that it is not seen to be taking donations from developers who may benefit from the WAPC's output or the referral process. Also, we are talking about 18 months, and the election will be in fewer than 12 months, so this will definitely cover the election period. There is an opportunity for the community to feel that there is a lack of transparency and due process, and I think it would be good for the government to make some pronouncements and have some process to ensure that that is not seen as a risk. I am not in any way trying to slight the Premier or the minister by saying that. I do not think the Premier is a dishonest man, but I think this is a matter of process, not personality, and we need to be very careful that the process is seen to be impeccable.

The Western Australian Local Government Association's reaction to what is being proposed has been discussed here, and I have had discussions with members of local government and representatives of WALGA since the bill was read in on Wednesday. I would like to thank the minister and the government for listening to the opposition and the Nationals WA last week in allowing this extra time, because it gives us an opportunity to discuss these matters with key stakeholders, including WALGA. WALGA is, frankly, not very happy with the consultation that has taken place with it. It has taken a position that is clearly opposed to the bill. I think WALGA feels slighted by what

has happened. It feels that the government has not lived up to some of the expectations that had been built up of consultation between the two sectors of state and local government. I know it is something that WALGA members would have been discussing amongst themselves, and no doubt it will make some pronouncements about that in the near future.

Local government is integral to the planning system in Western Australia. Originally, it very much started as a community-based planning system, and there has been some level of gradual erosion of the primacy of local government in that community-planning process over the years and a gradual creep towards the centre. I would be concerned if that is being accelerated without there being very strong consultation with, understanding of and comfort for local government to ensure that at least the second tranche of reform is done in full consultation with it so it can be on board. Local governments, and us as regional MPs, are in very key constituencies and we are voices for our constituencies. Local government in the city sometimes tends to feel that there is a disconnect between it and the community. In very small local government areas it is less of an issue, and oftentimes the community is well represented by the local government. Local government consultation and community consultation are very close to the same thing. It is not the same thing in the City of Stirling, but I think in the Shire of Murchison, much of the population will either be in local government, working for local government, have served on local government or be related to someone who has, so there is a much stronger connection, and we need to understand that.

In my view, local government is very concerned with the powers being granted to the Western Australian Planning Commission. There has been a history of some level of conflict between government desires to see infill and other things happening in certain suburbs, maybe redevelopments on certain beachfronts or other iconic areas, that do not always seem to be in accord with what the local government wants. Again, there is an argument that the community should be paramount in those discussions. If this level of power is to be granted to the planning commission, there needs to be a lot of consideration of how it can still take into account community concerns and ensure that communities are not overridden, either by the planning commission sitting in this 18-month period or by special development assessment panels that will be its offspring, if you like, in 18 months' time. I am flicking through these notes. I have absolutely no idea where I am with the notes, so they are not any help to me whatsoever, but they seem to give me some comfort. I wish I could read my writing; it would help!

I know that local governments are concerned about the level of consultation that has occurred with them. I think in ordinary times, especially the matters in this Planning and Development Amendment Bill that pertain to long-lived reforms, as opposed to the 18-month COVID response, would ordinarily go through much more consultation and we, as the Nationals WA, would be steadfast in our support for that to happen. However, we know these are not ordinary times and we are facing an unprecedented economic crisis. For instance, the number of housing starts forecast by the industry to be on the books is half what was expected a year ago. We also know that development and construction are very, very substantial employers in Western Australia. This is a crisis that needs to be addressed. That is really the only reason why the Nationals are prepared at this point to override the Western Australian Local Government Association's concern. It is done with the utmost respect for WALGA's position in the community and its position ordinarily in the state planning framework. I want to assure the folk at WALGA that, as has been discussed, we will keep its concerns front and centre. If any amendments are proposed at any point, we will consider them in line with that. When other bills on this matter come to the house and regulations are laid before the Parliament, we will look to see that WALGA's concerns are taken into consideration.

I want to briefly touch on some of the comments made by the member for Perth, the parliamentary secretary to the minister, in his contribution to the second reading debate. I note that he is not in the chamber and I do not want to attack him unfairly in his absence, but I will quote directly from the corrected version of *Hansard*. This may also allay somewhat WALGA's concern, given the member for Perth's very important role. He has been central to the minister's considerations on these planning matters. I will selectively quote—people are welcome to read his whole contribution to see where the context lies—a few matters that he raised. When talking about the level of local government consultation, he stated —

> More than a hundred local governments made submissions on planning reform. Members may know that I am not the biggest fan of WALGA, I am sorry. WALGA was not blindsided. Ministerial staff met with WALGA and departmental staff met with them back on 1 May.

He goes on to talk about WALGA's reaction to certain reforms in the past and says —

> I am not surprised by WALGA's actions because, let us be frank, it is not a body of reform, new ideas or innovation. It consistently resists change. It did it under the previous Liberal government and it is doing it now.

He goes on to talk about some of the contemporary planning matters that have been discussed and says that he has concerns that WALGA again is opposing it. He states further —

> Does it represent residents or constituencies or just its own interests? I will put the complaints of WALGA to one side because I am not surprised by them, frankly.

With comments like that, it is little wonder that WALGA is feeling a little bit disrespected in this process. It would be good to see a rapprochement with WALGA. I think WALGA feels that the memorandum of understanding, the state and local government partnership agreement, that it signed has been set aside in this process and it is feeling very much on the outer. It is important for the minister, the department and the government re-engage with the Western Australian Local Government Association to ensure that, as the regulations and other legislation is being considered, it is front and centre. WALGA plays a very central role in planning throughout this state, especially in regional communities, so we in the National Party will not tolerate it being left out in the cold. WALGA plays a major part in the fabric of regional communities—full stop.

The National Party also consulted other bodies, not just WALGA. Myself and other members of the Nationals have discussed the legislation with individual developers and planners, the Housing Industry Association, the Urban Development Institute of Australia and the Property Council of Australia. We know that industry has a strong level of support for the bill and a lot of the reforms it sets out. The National Party is dedicated to sensible economic growth, especially regional economic growth. Given the current COVID-19 crisis in the state, for not just health but also the subsequent economic devastation, we support this bill because we know we have to get the economy moving again. Over the next 18 months, there will be a great many challenges. Through consultation with industry bodies, it has come to our attention just how dire the situation is for the construction industry looking forward, as well as how important that industry is to the state in general.

The extension of subdivision approvals and processes for two years is another important measure, which has not been discussed much. The processes that have been disrupted by the COVID-19 upset, including being able to get work done and approvals completed, have been considered.

[Member's time extended.]

Mr R.S. LOVE: A two-year extension will allow subdivisions to continue, which will allow the pipeline of development to keep going for not only the next 18 months, but also in the period after that. The development of a special matters development assessment panel also appears to be well supported by industry. As we go through the consideration in detail stage, I have some queries about what residual powers the WAPC will have under that DAP to operate and smooth out the edges of competing government interests. Throughout the 18 months, will it have any ability through the department, the minister or the directors general who sit on the WAPC to ensure that it can still play the coordination role that the WAPC has with its special powers? That will be an interesting subject to discuss. The stakeholders are concerned that the department—not throwing any bad light on it—might not be either resourced or, at the moment, culturally equipped to deal with the role of being the report provider to the WAPC and the development assessment panel. That issue has been raised by not only industry but also practitioners in the planning field who feel that the department may need to look at forming some sort of special task force, a special unit or even taking in some outside consultants if it is going to be an effective and proactive body in providing reports and advice, and doing the groundwork to ensure that the WAPC and the development assessment panel that follows it are well supported in making their decisions. We would certainly like to see these matters progress. We would like to see some of the streamlining that has been spoken about, and all the other provisions in this bill and also mooted in regulation and future work, come to fruition.

Like every other party, with the best interests at heart of the state and the government, we would like to see a reduction in red tape. We are very interested in the details of the proposals around some of the matters that have been spoken about, including the issues to do with parking-in-lieu arrangements, which has always been a killer for small business trying to get established. As a shire president I used to be somewhat dismayed with the ferocity and strength of some of the council officers in trying to ensure that we rigorously enforced parking requirements in streets where there was no shortage of parking. That effectively meant that half of a block that should be used for retail ended up being quite unnecessarily a car park, at a huge cost to the development, and it often meant the development could go ahead. The cash-in-lieu components that have been spoken about are admirable. They are very important, particularly for those smaller proposals.

In our consultations with industry it was a bit of an eye-opener to learn just how much some of the development contributions actually equate to. One example was given in the City of Swan, where the development contribution is about $85 000 per home lot, regardless of the size. There needs to be clear transparency around the safeguarding of those contributions, the time line for its expenditure, and the purpose and efficacy of that expenditure. The development industry has quite a legitimate concern about those issues and it is an area that needs to be considered. I was also surprised to learn that one-third of the cost of land is tied up in all these charges, including development fees, development applications, contributions for public open space and others. It would be good to get more clarity around those matters. We are also keen to see how some of the streamlining will occur between state planning policies and planning decisions. I am a bit concerned. I know that we had the bushfires, we just had the big storms and there are other hazards, but I would have thought that we would be trying to get all state planning policies into some sort of a concise framework. Rather than simply having policies around coastal hazards, bushfire management and the like—as has been highlighted in the explanatory memorandum of the bill—a whole range of other planning policies could have been incorporated in a more streamlined manner.

Community engagement has been described as necessary. In regional areas especially, community engagement often starts with local government. I am very keen to ensure that local governments are not shut out of the development process of planning policy schemes and strategies, and that they remain one of the key decision-makers and drivers of those planning instruments and policies because, especially in regional areas, they are very close to the community, much more so than in the city. There is also a need to ensure that when local governments and other bodies sitting as decision-makers are looking at what has taken place with community consultation, that communities are well consulted on some of the development applications that come forward.

Having taken the member for Perth to task on some of his comments, I will agree with his proposal for a radius method of community consultation. Oftentimes in my experience as a local member, angst is caused in communities when consultation takes place with only a fairly tightly confined group of adjacent landowners for the development of, say, a large chicken farm or piggery, or some other industry that will have obvious effects on nearby residents, instead of consulting all the nearby residents who will be affected. That is a good reform and I strongly support it.

As I said, the whole issue of consultation with the Western Australian Local Government Association has been of concern for local government groups. The government could perhaps re-examine that, as it goes through the rest of this process, to ensure that local government feels consulted within all this. We will not again stand by and see it shut out of the process in the way it feels it has been. I know many local government groups did engage on matters other than the 18-month period for the Western Australian Planning Commission as a decision-maker in other matters in this legislation. There was a level of engagement, but I think they would like to have finalised that. I spoke about our understanding of the need for some degree of speed and for a shortening of the process, and an acceptance that, although the consultation has not been perfect, there has been consultation on a lot of that already. But in other parts of the legislation as it comes forward, and in some the regulations, we would like to see more consultation happening.

Other Nationals WA members will want to speak on this, but I reiterate our support for sensible reforms that aim to cut red tape and may result in lower costs. Another thing I want to say about consultation with industry is that 98 per cent of residential planning development applications end up being approved after having gone through a local government process, at an average cost of, I think, $1 000 per application. Perhaps if 98 per cent are being approved, there is $1 000 that householders could save by not having to go through a perhaps unnecessary process. There may be other ways to ensure that single house developments on appropriate sites can be approved with less red tape, lower costs and fewer time delays. There are proposals to introduce monitoring of some of the development time lines and approval processes. I think that is a good thing. Again, we would like to see smoother, quicker and more transparent processes, but in future we would like that to be worked out and agreed with local government on the way through.

With that, I will wrap up and we will wait for consideration in detail which will, no doubt, be actively engaged in by a number of members.

MR P.A. KATSAMBANIS (Hillarys) [8.58 pm]: I rise to speak on the Planning and Development Amendment Bill 2020 and probably, it would be fair to say, on the package of reforms that the Minister for Planning introduced through her second reading speech, some of which are contained in the bill and some that will come through other enactments, be it a future bill, which has been foreshadowed, or changes to regulations and other subsidiary legislation.

Planning impacts us all, particularly those of us in suburban electorates. It is one of the issues on which we intersect with our constituents on a very regular basis. Constituents are on all sides of the planning conundrum, if you like. Some are proponents of sizeable developments, others do not like the development being proposed, and many others are simply trying to navigate the myriad red tape that is involved in what is an extraordinarily complex system. That is why, whenever these bills come to this place, there is always a lot of interest in them from local members, because we are interested in them from the perspective of what they will do to our local community and how they will impact on the residents of our local community. I take that approach here as well.

I say at the outset that I think this package as a whole represents a microcosm of planning in this state. There are a lot of good things in this package, there are a few things that may not be that good, and there are a whole lot of other things that sound good in theory, and time will prove how well they operate in practice. I will try to cover some of those in my contribution tonight and again, as I said, cover them from the perspective of how that will impact my constituents in the seat of Hillarys.

I will start off with the bill. The bill makes some changes to our planning system. Most of the bill is concerned with proposed part 2, which are the special provisions that are being brought in for the COVID-19 pandemic. Essentially, they represent a bit of a fast track for some important, large projects that can hopefully kickstart our economy. There is no doubt about it—our economy is in peril right now. We know why it is in peril. It is in peril because we shut down for a health emergency. Before we shut down, we know that the economy was not exactly flying and it was not smooth sailing, but we do not know what it will look like on the other side when we come out. But, as always in this state, one of the drivers for economic activity, wealth and prosperity is the building and development industry. We want to empower that industry to go ahead and do what it does best. How successful it will be will be determined in part on the industry's ability to navigate through the planning and development system, but it

will also be determined in part by demand on the other side. Neither the government nor us in opposition can impact on that, but we can see some headwinds there, and we hope we can overcome them in the future. In creating a system for expediting large projects, the government has taken it upon itself to bring in a system that will operate for 18 months after this bill becomes law. It will essentially mean that all development applications that are over a $30 million threshold and either, in the case of residential developments, are of at least 100 residential units, or, in the case of commercial developments, 20 000 square metres of lettable space, excluding any warehouses, will meet the threshold, and they will come into an assessment process that is controlled by the Western Australian Planning Commission. There is then a separate provision in the bill for other projects that might be deemed to be significant projects that do not meet those monetary, unit number or square metreage thresholds. They can be called in by agreement between the minister and the Premier, and they can then be assessed in the same way by the Western Australian Planning Commission.

I have to say that when the term "Western Australian Planning Commission" is used by anyone who comes from the City of Joondalup, we hear it with a lot of trepidation. Other members on both sides of the house have already spelt out some of the issues relating to the creation of what are known as the housing opportunity areas in the City of Joondalup. That process was started about a decade ago with significant consultation. By hook or by crook, the City of Joondalup came up with a set of proposals that the community understood. Not everyone agreed with them—in planning, we rarely get agreement—but those plans were a result of significant community consultation and they were put to the Western Australian Planning Commission for approval. The WAPC sent them back to the City of Joondalup and told it, effectively, that it was not being ambitious enough and it was not allowing enough development in the area. The WAPC suggested how to do it and gave the city a guide on how to do it. Unfortunately, when those things were sent back to the City of Joondalup, the city at the time chose a method of communication that I think the member for Kingsley outlined, which was not really communication at all. It simply was not communicated correctly; I think everyone agrees with that. As a result, we ended up with some gazetted changes that cannot ever be said to have been agreed to by the public of the City of Joondalup. They were not the proposals that were subject to genuine public consultation, so, in effect, the people of the City of Joondalup, including all the people in my electorate of Hillarys, were landed with a planning scheme and a series of housing opportunity areas that were not what they thought they were getting. It has caused consternation in many areas of the electorate. It has caused consternation in Duncraig, Woodvale and Edgewater, and in my electorate particularly in a part of Northshore Drive, Kallaroo, which has its own specific issues. If I get a chance later, I will outline those issues, because I think they also apply to what might happen in the future.

Essentially, there were a lot of mistakes in that process and, rightly, I think, the people who need to have the finger pointed at them are a combination of the WAPC and the City of Joondalup at the time. I know the minister has been involved in speeding up that process. I have to say that I think the Mayor of the City of Joondalup, Hon Albert Jacob, has also been terrific in trying to fix what was broken in the past. I have had a lot of correspondence with the minister, and I know other members have as well, to try to improve something that should not have been imposed on our community in the first place. Therefore, when the people in the electorate of Hillarys look at a bill such as this one, which gives additional powers to the WAPC, and they look at it in the context of what has happened in our area in the last couple of weeks, serious alarm bells ring. Last week, we had an announcement. Unfortunately, our beloved local Bunnings store, just outside Whitford City, on Endeavour Road, Hillarys, is going to close at the end of August. It is an extraordinarily large site. The site has already been zoned for mixed-use development—we know that—and the owner may choose to take advantage of this particular development stream being created now. Local residents have already got on to me and said that they would like the Bunnings to stay. There is a petition and if anyone wants to sign it, please go online and sign it. They would love the Bunnings to stay, but if it does not stay, they want to have a genuine say on what goes on that site. That site is constrained by many factors. It is surrounded on two-and-a-half sides by a school, and abuts a very narrow, very busy and dangerous road—Endeavour Road. Obviously, there are other advantages, including that it is close to activity centres such as Whitford City and the like. Residents do not want something foisted on them in the same way that the planning scheme and the housing community areas were foisted on them without a genuine say and genuine consultation. When we, as local residents of the electorate of Hillarys—I include myself in there as well as being their local member—look at this, we think: where is the place in the sun going to be for genuine local input into any of these processes?

It is easy to consider large developments that might be taking place in the CBD or adjacent to the CBD, or next door or down the street from another large development, such as the ones that the member for South Perth talked about, but when it is in a middle suburb, it will fundamentally change the nature of that area. Good design is one aspect, but a lot of other aspects come into it. We do not want residents in the City of Joondalup to again be impacted in a negative way. I am not saying that they will be, but I would be interested to find out from the minister in her summing up or perhaps during consideration in detail exactly what is meant by the issues that the Western Australian Planning Commission must have due regard to. Does that mean that it will just listen to people or will it genuinely take their concerns on board? It seems to me that this is well intentioned, but there could well be some difficulty in the implementation and it is going to impact on local areas negatively. That area has already been not only negatively impacted on, but also positively impacted on by the changes. A lot of development is going on in the area bounded

by Banks Avenue and Cook Avenue in Hillarys and almost all of it is supported by the local community, but not so much for developments on the other side of Whitfords Avenue in Kallaroo, as blocks of flats are being built at the top of culs-de-sac, with only one road in and out of the local area. That is what is done when lines are drawn on a map without understanding the local context. That is what we do not want to see here.

I think we have a genuine right to demand that local residents get a proper say, irrespective of any fast-tracked process. Yes, let us have a fast-tracked process; that is fine. But let us not do that at the expense of appropriately listening to and weighing up the genuine concerns of local residents, if there are genuine concerns, depending on the proposal that is put forward. That site in particular is the sort of site that lends itself to this size of development, so it is a genuine concern of my residents. I unashamedly stand with them, because I want to see appropriate development in my area. My area is not an area about which people say, "Don't develop it; shut the gate." We are not about that. We are about seeing rejuvenation, and we are seeing it now. I talked about the housing opportunity area bounded by Banks and Cook Avenues. We need only look at places like Harbour Rise or the development that has taken place in Craigie on the old primary and high school sites to see that we can do density well and make it attractive. We can make it such a good-quality development that people want to buy there. We have done that in Craigie and with Harbour Rise and all the other developments that are happening around the place. We do not want to see some of the stuff that is going on, particularly in Kallaroo, where blocks of apartments are being built at the top of culs-de-sac right on the property line of other property owners, because that is not appropriate. I hope that with this sort of framework that is being introduced, local opinion will not just be paid lip-service to and it will not be just a tick and a flick exercise, but that the opinions of our local residents are listened to, they matter and they get a say in that development.

The other issue that concerns me with the COVID-19-style expedited development procedure is the power of the minister and the Premier to essentially tell the WAPC to consider any development application even if it does not fit the criteria because they deem it to be an issue of state or regional importance and it should be looked at. That is in proposed section 272 and, from memory, I think the analogous section is proposed section 281. As other members have expressed, this causes some consternation. It rings the alarm bell around conflict and potential conflict. First of all, in what framework will a Minister for Planning or Premier determine what is of state or regional importance? What sort of framework will they use? Will it be a rigorous and public framework? Will it stand up to scrutiny or will it simply be at their whim? As other members have stated, this bill gives the Premier and the Minister for Planning—I do not refer to the current Premier or Minister for Planning—inordinate power and, unfortunately, this state is one of those states that in the past has experienced the negative aspects of what happens when senior decision-makers have inordinate and unchecked power.

[Member's time extended.]

Mr P.A. KATSAMBANIS: At the very least, there ought to be some sort of framework around this decision-making that allows appropriate public scrutiny. I would hope that those who might be a bit more learned than me in the nuances of the planning system could propose something that would at least provide the public with a fair opportunity to scrutinise whether a Premier, a minister or both have made an appropriate decision when exercising these extraordinary powers that will be given to them in, admittedly, extraordinary times. That would be beneficial because it would improve the bill and, importantly, it would keep faith with the public that decisions will not be made behind closed doors and to the detriment of local communities, but will be made correctly and appropriately because they are decisions of state or regional importance and they ought to be considered in an expedited manner even if they do not meet the prescriptive criteria of being called into the Western Australian Planning Commission.

Other aspects of the bill are a little bit troubling for some people. The issue around substantial commencement gives rise to a bit of consternation. I often take the market-driven approach. If someone has bought a block of land and started to build a project, I shake my head and question why they would not want to finish the project and put it out to market to recoup their funds. If they are substantially commencing a project simply to land bank it for later, they are doing it to their own detriment, but it also creates an eyesore in local communities. Anyone who has driven around other parts of the world would have seen a lot of buildings at which they could point the finger and say that they were substantially commenced. Some were substantially commenced five, 10 or 20 years beforehand and just left there. We do not want to see that in Western Australia. We want to see expedited projects actually expedited. If they are going to be shovel-ready and pushed through the development approval process, we do not want them to be substantially commenced and then stopped. We recognise, of course, that sometimes that happens because of market imperatives. I alluded to that earlier and the minister agreed by nodding her head that some things are outside our control. We do not know what the market will look like in the next little while and whether there will be demand for these sorts of projects. We hope there will be because it will be a massive employment driver for our community.

I refer to some of the other changes outside the bill that the minister and other members have spoken about. I give an absolutely big tick to the planning approval exemption for minor extensions. It will be a strong driver for small business, understandably. It will also be a big relief for home owners, because they will be able to do little things around their house without needing to worry about planning approvals. The member for Kingsley spoke about being

trapped in a situation in which she had purchased a property that had a patio on it, and it was only when she wanted to change the patio that she found out that it had never been approved in the first place. A lot of people have been in that circumstance, though no fault of their own. Some people cannot be bothered going through the rigmarole. Sometimes simply having to go through the planning process for a minor improvement like a carport, patio, pergola or the like may make that project uneconomic for the home owner. That means that the small business person who would have done the job misses out, and the community misses out from having some of that money circulating in our economy. So, a big tick to the Minister for Planning. I look forward to seeing the regulations.

The expanded and simplified process to deem compliance for single-house developments that comply with R-codes, which will effectively be exempt from the planning process, ought to be non-controversial. However, the devil will be in the detail. It depends on where the exemption will be granted. I have had some experience in jurisdictions that have been doing this for a long time. As-of-right single-house developments often cause amazing enmity between neighbours. One of the biggest issues that I have experienced—as I have said, perhaps I have a lot more experience than other members on this one—is where two adjoining properties each have a gap between the building and the property line. It might be five metres, two metres, one metre or 500 millimetres. All of a sudden, a wall is built on the property line, and it is an as-of-right development. My goodness! When that happens, we end up with extraordinary enmity between those two neighbours. I think that in most cases, on balance, the aggrieved neighbouring property owner has some genuine right to question whether the planning process worked for them. I agree that we should have more deemed compliance with single-house developments. However, the devil will be in the detail. A person's property might be five metres from the property line, and if they encroached upon their neighbour by building to within one metre of the property line, that might be seen an as-of-right development. However, if they built on the boundary, I do not know that that should be an as-of-right development. I do not want to be prescriptive. We will see what the minister comes up with.

The other area of the bill that I think is really good is the more flexible approach to change-of-use applications for commercial premises. In theory, that is wonderful. I genuinely support that sort of reform. However, again, the devil will be in the detail. Perhaps the experience from other places should guide us about where we should draw the line on this. If a person is operating in a business zone as a clothing store and wants to replace that clothing store with a cafe or restaurant, it makes absolutely no sense to require a change of use. It is stupid and pointless. It is a retail strip and it can have different types of retailers. If a person has a medical suite and they want to convert it to offices, a cafe or a haberdashery store for that matter, it makes no sense to have to apply for a change of use.

Mr P. Papalia interjected.

Mr P.A. KATSAMBANIS: I am just trying to come up with all sorts of examples; the Minister for Small Business knows that they come in all shapes and sizes.

This has become a problem in other jurisdictions in mixed-use vertical developments, which are the sorts of developments we are trying to encourage in Western Australia. There could be a residential development with approval for offices and perhaps a medical suite on the ground floor, but a few years later someone may come along who wants to convert the medical suite or the offices into a cafe. Most of us would think that is all well and good—great, fantastic. I have no problem with that, but I am not necessarily sure that the residents would like it when the cafe opens at 6.00 am, the tables go out and a gaggle of people gather out the front and start chatting, disturbing them upstairs. There have been examples of stupid complaints as well. I am reminded of one example many, many years ago when the famous, or infamous, fisherman and footballer Rex Hunt wanted to open a fish and chip shop at the bottom of a residential building. The bottom floor of the residential building was approved for a restaurant, but the punters living upstairs did not want that sort of fish and chip shop. I think they would have preferred a more upmarket, snobby cafe or restaurant. I do not think that is a legitimate gripe, but, in some cases, changes of use in those mixed-use developments may create conflict. It may end up, again, that the people who have lived in the mixed-use development for some years feel as though the planning system has not worked for them.

Again, I think the devil will be in the detail in the regulations. By all means, I fully support making it easier for a change of use, but I am interested to see how far that will go on shopping strips, in retail and commercial areas, and even in some of those "industrial-ish" areas, if I can describe them that way, where some people might exceed the percentage of retail space that they are able to allocate. With retailers competing against the online world, a lot of that regulation is silly and probably should go. It is just that one area of vertical mixed-use developments, with residential upstairs and commercial downstairs, that I think might need a bit of flexibility on exemptions from change of use. I hope I have made myself relatively clear to the minister on that.

With that, I think other members have covered the other issues that relate to this legislation. We want the planning process to work; in particular, we want it to work to drive our economy but at the same time make sure that local residents get a proper say when the fundamental nature of their area—the character and their environment—will be altered significantly. If we can achieve that balance, we will be doing the right thing. As I said, in many of these situations, we do not know that until after the event—after this legislation has been implemented. In good faith, we are taking the minister at her word, but when the Western Australian Planning Commission and the City of Joondalup come together, local residents legitimately have some concerns, and I hope in the future those concerns can be allayed.

MRS L.M. HARVEY (Scarborough — Leader of the Opposition) [9.29 pm]: I, too, rise to contribute to the second reading debate on the Planning and Development Amendment Bill 2020. Planning, as we all know, is one of the most contentious issues that most of us face as local members of Parliament. Planning decisions always seem to be really great for most people unless they happen to concern the property next door to them or the property in front of them. Then, all of a sudden, planning decisions become of extremely high importance to most people—in my suburb, anyway.

I want to go back in time. We have had this legislation now for six days. It is very complex legislation. It will set aside a range of legal instruments, including the Contaminated Sites Act, the Environmental Protection Act, the Heritage Act, the Swan and Canning Rivers Management Act, and the Swan Valley Planning Act. It will allow for a decision to be made by the Western Australian Planning Commission to set aside consideration of some of those legislative instruments, which is quite a contentious proposal. We will question the Minister for Planning on the level of consultation that has occurred with the various community organisations that like to have involvement with matters that concern those acts of Parliament.

This bill was brought in by the Minister for Planning under the guise of a COVID-19 emergency bill. We said that claim was dubious at best, and argued successfully last week for the government to change its tack and not have the opposition debate a bill that we received only last Wednesday. A briefing was offered to the shadow Minister for Planning, Hon Tjorn Sibma, on Sunday afternoon. I think we canvassed it well last week, but it was a briefing that was offered to the shadow Minister for Planning, who has to form a position on the legislation to present to the rest of the party room, but the officer who contacted him could not name the bill, a draft copy of the bill was not available, and it had not yet been approved by cabinet. That was the circumstance in which we found ourselves last week, which is why we argued so vigorously for the government to see reason. Having said that, we have not had much time to consult on what is a very complex piece of legislation. Indeed, the legislation is particularly difficult to follow because the amending clauses in the bill do not correspond consecutively to the sections of legislation that they amend. In consideration in detail of this bill, members will be jumping from section 4 of the current legislation to proposed section 282, with some new provisions, then back to section 177. It moves around a bit, which will make it difficult to keep track of where we are as we debate it.

I would also like to cover off on the way that this government announced this legislation as a significant red tape reform that was required to lead us into a COVID-19 economic recovery. It was announced somewhat unnecessarily and provocatively by the Premier, who singled out Cottesloe. He, rather offensively, referred to Cottesloe as being a "Roman ruin". Them's fighting words for local members, and the Premier knew that when he said it. Those comments were deliberately designed to try to upset the member for Cottesloe, knowing full well how contentious planning is in his electorate. I know how contentious planning is in my electorate because we have been through a debate over the height of buildings in Scarborough, which has divided my community since 1974. A planning scheme was finally arrived at, but its provisions were basically thrown out the window with the twin towers development being approved, with towers three times higher than residents had understood would be part of the scheme. In effect, that is what we will be allowing the Western Australian Planning Commission to do, should this legislation become law. We will be allowing the commission to set aside the requirements. It will have to have "due regard" to the planning instruments that are in place—local planning schemes and all those other instruments—but having due regard does not mean that the commission will have to take into consideration those planning schemes when making a determination to approve something. My community has been through exhaustive consultation processes around the design of the Scarborough foreshore. Anyone who visits it will see the massive improvements that have been made. It is a very popular place as a result of the investment by the former government, the planning scheme that was put in place and by enabling the Metropolitan Redevelopment Authority to perform some of those improvements to the public space and work with developers on development applications and approvals that were consistent with community expectations.

The member for Hillarys mentioned some of the issues that could result from amending the change-of-use requirements to make it easier for applicants to change the use of premises. We will need to examine that in more detail with the minister. This bill contains a lot of regulation-making power and a lot of the devil will be in the detail when the regulations are drafted. I will need to be assured that businesses that are deemed offensive to most of my constituency will not be able to pop up. I am referring to places like Bikini Girls Massage. One of the biggest issues that struck me as a new member of Parliament in this place was when a rather odious character, Mr Bon Levi, opened up Bikini Girls Massage on Muriel Avenue in Innaloo right beside a child psychologist and a hairdressing salon. I will not go into detail about what happens at Bikini Girls Massage, but let me just say that it was not a fitting use, given the businesses located on either side of it. In another example, a very respectable business—Scarborough Traditional Acupuncture—that has been in operation for well over 20 years and offers Bowen massage therapy and other massage therapies had to stop advertising its massage services because located next door to it is another massage service. Oddly enough, it is frequented only by men. The women working at Scarborough Traditional Acupuncture had to stop advertising their massage services because when the business opened next door, they were confronted on a daily basis by men aggrieved that they could not get in to see a massage therapist. Issues can result if businesses are inappropriately located when the change of use is made too easy and we do not get the tension right. The change of use should be sensible. For example, if a predominantly sit-down cafe wishes to become a takeaway and alfresco business, that type of change of use should be easy for a business to implement. However, when we talk about

businesses that most people in the community would take offence to, we need to ensure that there are tensions in this legislation to prevent them from popping up in inappropriate places. Another type of business that I will mention is the synthetic drug retailers that peddle drug paraphernalia. I remember going to the member for Armadale's electorate a long time ago when I was the Minister for Police. The problem in Armadale was that one of the synthetic drug retailers that sold synthetic drugs and drug-smoking paraphernalia had opened right next door to the main drug and alcohol rehabilitation service in the centre of that suburb. It was completely inappropriate but also impossible to move it on once it was established. We do not want the change of use to become too easy so that businesses that have been prohibited from opening in certain areas by planning law are allowed to pop up where we do not want them because we have taken the tension out of the planning law.

We will support this legislation but we will propose some amendments on accountability. The minister referred to COVID-19 in the second reading speech and the bill includes the COVID-19 recovery period. I note that the recovery period is 18 months from when section 4 of the act comes into operation. Section 4 cannot come into operation until the legislation has been through both houses of Parliament and all the regulations have been drafted. There are new terms in this bill around the planning code. There are new provisions in this legislation for all sorts of areas of planning to be considered by way of regulation. Until the regulations are drafted, legislation cannot come into effect, so if the recovery period is 18 months from when the legislation and regulations are completed, the recovery period may not start in the next 12 months, and that is the reality of it. It may not be starting within the next 12 months, and we may find that this legislation does nothing to expedite approvals and to encourage investment, as the government is touting that it will. We are acting in good faith in supporting the bill, because we accept that some of these provisions may bring forward approval time frames for some developments, but we are concerned that there has been a $30 million value arrived at for developments with 100 or more dwellings or 20 000 square metres or more of retail space. It is always difficult in legislation, and a line needs to be drawn in the sand somewhere, but we know from talking to some of the medium-sized and smaller developers that their developments are not going to hit the $30 million floor. The difference is that the developers doing $30 million-plus developments can afford to have planning consultants, lawyers and others act on their behalf, whereas developers that fall under that bracket actually need the expedited approvals process because they do not have the capacity to navigate the system as effectively as those bigger organisations. Those developers, and certainly many of them are active in my electorate, will not come under the remit of this expedited approvals process, and I think that is a shame.

This legislation will also allow, in certain circumstances, the Western Australian Planning Commission to effectively set aside other legal instruments such as the Environmental Protection Act 1986. We will interrogate this as we go into consideration in detail to understand exactly when it might be foreseen that that could occur.

The other part of this legislation we will interrogate and that I am somewhat concerned about is some changes to the compulsory acquisition of land by government. There have been changes to the schedules and the Land Administration Act to make it easier for government to compulsorily acquire land should it be required in planning control areas for the provision of—it says in the bill—highways, important regional roads and other roads that are necessary because of highways or important regional roads, and, also, members might note, for public transport. This legislation will enable the government to compulsorily acquire land that would be required for Metronet projects, and we will need to understand exactly which areas the government has in mind for that compulsory acquisition. We will also need to ensure that there is a fair way of calculating what the value to the property owner may be. We want to make sure that the government can go about building its infrastructure, but we do not want to see private property rights stomped on in a compulsory acquisition process that favours government over private property owners. We will need to check with the minister how far that goes, and, as I said, the devil will be in the detail. A lot of this will be by way of regulations that we are yet to see. I take comfort that the regulations will be subject to the same provisions as other legislation, by which they need to be tabled in both houses of Parliament and will be subject to a disallowance motion. I know our colleagues in the other place would be most interested in looking at some of those regulations, particularly in the area of compulsory acquisition of land.

This legislation cuts local government out of many of these decisions, as the commission acts as a development assessment panel. Development assessment panels have always had government representation on them. However, this legislation will require that the Western Australian Planning Commission have due regard to the local government planning schemes and the views of the local government authority, but it will not require the commission to take on board any of those concerns or, indeed, even comply with the schemes or planning instruments that are in place. This legislation will also allow the minister to make a recommendation to the Premier to refer a development application to the commission for what will be a section 274 approval, which will allow the WA Planning Commission and the commissioner to use these extraordinary powers to approve particular proposals. We want to find out from the minister and, indeed, the Premier whether any such proposals are in the pipeline that might be under consideration by government and that might be a beneficiary of this legislation. There are in fact very few accountability measures around those referral powers. I will bring forward an amendment to ensure that when those referral powers are used—the Premier will make the direction on the minister's recommendation—albeit, it is likely to be unsuccessful; our amendments do not tend to be terribly successful in this place.

[Member's time extended.]

Mrs L.M. HARVEY: However, that amendment will require that within 14 days of making a referral to this expedited approvals system, the Premier publish the direction in the *Government Gazette* and table the direction in Parliament. That is consistent with the minister's referral powers under the Planning and Development Act to call in certain development approvals of state significance once they are before the State Administrative Tribunal.

Mr R.S. Love interjected.

Mrs L.M. HARVEY: We believe there needs to be some consistency around —

Mr R.S. Love interjected.

Mrs L.M. HARVEY: It has not been moved yet; I am still drafting it. I think a very simple amendment can be achieved using existing governance and transparency laws under the minister's powers to call in a development under the State Administrative Tribunal's remit. We believe it is appropriate to have that transparency measure in place.

Mr R.S. Love interjected.

Mrs L.M. HARVEY: Yes. I thank the member for Moore for his concurrence with my position on that. It is important that if we are to have a development approvals process for large developers in Western Australia, transparency and governance arrangements are put around the government that is facilitating the approval.

One of the other areas the member for Hillarys referred to was an understanding of what "substantial commencement" might be. From my reading of this legislation, any development assessment approved under this process will have a four-year time frame, but there will be an ability to seek an extension to that. We need to understand whether that extension will go beyond the recovery period or whether it could be an extension, potentially, well into the future. We would not like to see this legislation manipulated by people in the development sector. Most of the developers I have met are reasonable and sensible, but there will always be those who like to exploit legislation. We would not like to see developers rushing in to take advantage of this process to get all their development approvals in place and then gaming the market to determine when they might actually commence development. We obviously want these approvals to result in jobs coming online and in developments being constructed. We therefore need to understand what a substantial commencement might be. Would it be a grader moving soil around, a retaining wall to a site or an underground car park that might potentially have a high-rise residential complex built above it?

What is substantial commencement? Is it a proportion of the value being spent on the project as part of the commencement or is it something else? It is not clear from the legislation what it will be and we do not like to rely on regulations to govern this sort of thing because it then becomes less clear for the legislators in this place who need to understand exactly what we are bringing into law as we pass bills through this house.

One of the more curious things I would like to point out is that I am not sure that this process is really needed. I have heard from a lot of people in the private sector development industry that having a concurrent rather than linear approvals process is one of the options for government to help expedite approvals. One of the well-known developers in town—I will not name the individual in this place—told me that for some of his larger developments, he allows a four-year time frame for the approval because he has to go through the several different stages of approvals that cannot occur currently. His belief is that if we allowed for a concurrent approvals process, the time frame could be shortened from four years to as short as seven or eight months, while still allowing all the opportunities for input from the community, local government and everyone else. There would be no compromise of the very good planning system that we have in place, just a different way of government agencies behaving regarding approvals.

With all this additional work going to the Western Australian Planning Commission, we will need to hear from the minister about how it is going to be resourced. Will more statutory planners with experience in planning approvals be employed by the WAPC? Although the WAPC has a great skill set and is very adept at structural planning and long-term planning for Western Australia with the various region schemes incorporating all the schemes that are put together by local governments, the skill set for determining approvals is different and we need different people engaged in that activity. We need to understand from the government where those people are going to come from and how much funding is being put towards the WAPC to ensure that we get people with the right skill sets working on behalf of the people of Western Australia to try to get these developments through the system so that we can start to get construction jobs up and running and help get our economy moving. It does not make any sense to add a layer of complexity and a completely new function to an organisation like the WAPC unless we are going to give it people with expertise and additional funding to perform that role. Otherwise, all we will be trying to do is get a different result with the same people doing the same workload and taking on a little bit more. I suggest that might not be workable and that this legislation will probably need a funding commitment if we want to get it implemented and get the right people doing the job in the approvals process, which will become the remit of the Western Australian Planning Commission.

In closing, I congratulate the members who have contributed to this debate. I am particularly proud of my team; members have gone out of their way to consult with the various people in industry, their communities and their local governments in the very short time frame that was afforded to them. Bear in mind that we were in Parliament on Wednesday when we received the legislation and we were sitting all day Thursday, which left our members with time only in between parliamentary commitments to be talking to and engaging with the people we needed to

engage with to understand the impact of this legislation on the various groups that are interested in it. I am very proud of my team for the hard work and extremely long hours they have put in to consult broadly across the development sector and in trying to understand a very complex piece of legislation, which may have ramifications if we do not carefully consider it as part of the debate in this chamber. We are ready for the challenge with this legislation. As I said last week, we are not here to rubberstamp legislation because the government says it is urgent, under the guise of COVID-19. We are here to do our job as legislators and to ensure that we pass legislation that fulfils its purpose, does what the government says it is going to do and is funded appropriately to be implemented appropriately to perform the job that the government wants it to do. That is what we will be calling for; that is what we expect to hear from the minister when she sums up and those are the sorts of areas we will be interrogating as we go into the consideration in detail stage of this bill.

MR S.K. L'ESTRANGE (Churchlands) [9.55 pm]: Planning for the future of Perth and Western Australia is exciting. To try to make the City of Perth, the broader suburbs around metropolitan Perth and the state of Western Australia the envy of the world should motivate all members of Parliament. Planning is one of those portfolios that should inspire, motivate and generate incredible enthusiasm amongst the people, and it should be visionary. One of the things that many of us in this place want from planning is for Perth to be the greatest capital city on the Indian Ocean rim. Planning done well can get us on that journey. It can help people see that this city will continue to grow. Some people might say it should become the Singapore of the Indian Ocean rim, where everybody wants to flock to for trade, to live, to recreate and to enjoy our beautiful surrounds and our wonderful state, and planning can be a real and key part of that.

We saw some examples of trying to use planning to motivate and inspire the people of Western Australia with the previous Liberal–National government. We saw that with Elizabeth Quay, put out by the last Premier and the cabinet he oversaw to get that through. We saw it with Perth Stadium, with an incredible effort to get what is arguably a state-of-the-art, world-class, world-beating stadium right here in Perth, Western Australia. We have of course seen the ongoing development and upgrades around the Burswood peninsula, just to name a few. There are many, many more. We could also be bolder; we could do even more through our planning to motivate, inspire and see great changes for our city to benefit everybody, and our state. I often look at Rottnest Island and think that it is incredibly underdone in what it could provide international tourism and the people of Western Australia who can get there and enjoy a holiday. We could do a lot more and I do not think this government has shown real vision with its planning so far. Yes, it is planning to lay some railway tracks, and that is great—it has planned to do that for eight years before it came to government—but what else is it doing on the planning front? What other inspirational projects, other than laying some railway lines, is our Minister for Planning thinking of doing for the state of Western Australia and the City of Perth? I am not hearing much. There is not a lot of inspiration from, or hard yards being done by, the minister and the cabinet team to get some amazing things happening for Perth and Western Australia and our regional centres so that people can really enjoy a positive outlook for the future. We are not seeing it.

When I see reforms to the Planning and Development Act, in the Planning and Development Amendment Bill 2020, I sit up because I think, "Great, let's look at it. What are we going to do that will motivate and inspire? What reform will make life better for every single Western Australian so that they really think this is the best place in the world to be right now, and is the best place in the world for my kids and grandkids to grow up in?" We sit up and look at the Minister for Planning's plan and what do we see? We see an action plan for planning reforms. We see that it will look at the Planning and Development Act 2005, the Planning and Development (Local Planning Schemes) Regulations 2015, the Planning and Development (Development Assessment Panels) Regulations 2011 and state planning policies. We look at its broad outlook plan for those four areas. What does it show us? It shows us it will do some things that will make it easier to plan a pergola in somebody's backyard. That is all well and good, so long as the neighbours of that person putting up the pergola are happy with the extension or what they are going to do. We do not want people in their homes, their biggest asset, to be upset and to feel hard done by because of what their neighbours are doing.

Some frameworks still need to be followed. We cannot see those in the Planning and Development Amendment Bill 2020, of course, because although it has been an incredible selling point that the government will make extensions to houses and pergolas et cetera easier, that detail does not appear in the bill. Even though the government has pushed this out in media releases, we are yet to see how it is going to make life easier for households. I am not sure why the Minister for Planning has been pushing that out in the media when it is not even in the bill; I am sure it will come out in her second bill relating to this issue at some point in the future, but we have not seen that. We were lucky to see this bill at all before we got to debate it.

Planning policy is an incredibly important area because it is planning for where people live, the types of buildings people live in, what their surrounding areas and streetscapes will look like, and what their suburbs will look and feel like. It is an incredibly important aspect of government because it does those things and directly impacts on the people who live in the suburbs that it affects. It also deals with the surrounding intrasuburban amenity—the local parks and green spaces, for example, road infrastructure networks, and connectivity to the nearest significant activity centres where people can work, shop or get their services. These are all incredibly important aspects of planning.

If this minister and this government gets it wrong, it will not only impact on the living standards of the people and families affected, but also may leave an enduring legacy of negativity for future generations. If the government gets its planning wrong, it could make life very difficult and not very satisfying for people into the future. That is not inspiring, and we want to make sure it does not happen.

Is planning reform necessary? Of course it is. Should we do more to reduce red tape? Of course we should. No-one in this place wants to see unnecessary red tape that slows down development. People want development to go ahead to, as I said at the start, make sure our city can grow and grow well. But we need to make sure that the planning principles that underpin any development and any growth in this city are sound and that we are not left with a situation of winners and losers. We want a planning policy that looks after people and brings them on the journey.

The Department of Planning, Lands and Heritage, along with professional planners, architects, developers and builders, all play an incredibly important role in growing our cities and state while helping to improve our collective standard of living. For me, the key to getting this right and what is important is to make sure that developments—be they large-scale land and house suburban subdivisions, high-rise apartments, localised changes to suburban R-codes or individual house renovations—are appropriate for the area in which they are developed. They must value-add to our housing and our growing population, and they must be supported by the local community.

I am not for a moment suggesting that every development is going to have 100 per cent support from the community; we know that that is incredibly difficult to achieve. But I will share with members an example from my electorate of Churchlands. We have a group of apartments called Park Avenue Apartments on Selby Street in Churchlands, opposite my electorate office. It is a development with 98 residents or thereabouts; it is mixed-use on the ground floor, including restaurants and office space. Looking at an aerial shot of it today, I noticed it has a swimming pool in the middle. It is really a quite flash, nice-looking development. One would think that a 98-resident, multiuse, five-storey development in the suburban part of my electorate would get a fair bit of pushback; but when the planning went through for that development, I had one complaint, and that one complaint comprised around six or seven people. It was a group of people who got together and wrote a combined letter to me. I invited them into the office to sit down and go through their concerns, and we went through them. I am sure we would have sought some sort of ministerial feedback for what was going on, and that was it; I did not hear from them again. I think there is a reason for that. The reason is that that development was next to green open space in Grantham Selby Park; it was a short walk to Herdsman Lake and Maurice Hamer Park, which surrounds Herdsman Lake; it was around the corner from the Herdsman shopping area, which some members may use; it was alongside Grantham Street, which is an arterial road that has public transport linking it directly with the Mitchell Freeway and close proximity therefore to Perth; and, of course, it had good public transport on Selby Street and Grantham Street. When this complex was being planned, I think I got so few complaints because it was being planned in the right location for that development. I think that is a good example of what would have occurred if that type of development was located in another part of my electorate—let us say in a suburban street; it just would not work. A lot of members in this place would say that that is commonsense. Of course it is, but we need to make sure that these planning principles are understood so that people feel confident that that type of development will not suddenly crop up in their suburban streetscape, where it would be out of place. We do not want to see that. Developments can achieve close to 100 per cent support from people if the planning principles being applied are sound and well supported.

In my electorate of Churchlands, the criteria are important. This was also evidenced by changes to local planning schemes. Members may recall that some time ago in the electorate of Churchlands, mainly pertaining to the suburbs of City Beach and Floreat, a change was going to be made to local planning requirements for housing and whatever. The mayor of the day and his council were keen to make changes but the people were very unhappy with those changes, the net result being that the mayor and those councillors were punished at the ballot box and removed from office. If people really do not support what is happening in their area, it can have that effect on elected officials. That is not to say that local councils that cover my electorate are against development; in fact, quite the contrary. The City of Stirling is the local municipality in the top half of my electorate. The city put out a publication, which included some quotes by the mayor. The city's website states —

> The reforms include measures similar to many initiatives already in place or soon to be adopted at the City, including a new local planning policy Council will consider next week, which offers exemptions for simpler development applications and will result in less of these types of developments having to go through a planning process.

The mayor is quoted as saying —

> "We realise there isn't a 'one size fits all' approach for all stakeholders involved in the planning process but we look forward to working with the State Government and industry to ensure local governments can advocate for rigorous community consultation and provide local context to inform decision-making," Mayor Irwin said.

That is an example of the City of Stirling looking forward to working with the state government on these changes. Hopefully, the minister's consultation with the mayor and his council will be somewhat improved on her consultation with us in the lead-up to this bill coming to this place, as was evidenced last week. I will get to that in a moment.

I also want to talk about the Town of Cambridge and its view on planning. As the Leader of the Opposition said earlier, many of us have been contacting our local stakeholders to see how they feel. I contacted the Mayor of the Town of Cambridge to see if its position had changed from that expressed in a two-year-old article that I found in the local paper about how the town was addressing infill targets for the Town of Cambridge in areas such as City Beach, Floreat, Wembley and West Leederville. I added it all up from this article. The town had about 3 400 extra dwellings already in the pipeline out of a total target of 6 900 set for the year 2050. It was already halfway to achieving that target. It was looking at higher density developments around shopping activity centres, public transport, main road corridors and greenfield sites that were of little environmental significance. It was looking at areas like that within my electorate and, obviously, the suburbs that cross over between my electorate and the Town of Cambridge. It was good to see that it was thinking very carefully about where to put high density and where to create new developments, which would make sense.

To my mind, high-density developments should be built close to shopping centres, because when people retire to those types of dwellings, they want the amenity to access shops and services that they need without driving or catching public transport. It is good that the Town of Cambridge was also on board to achieve changes to make its town better for the future and to also help the state as it grows and its population increases. As I said, the key to planning is that it must be appropriate to the area; it must value-add to how we house a growing population—with emphasis on "how" we house that growing population—and it must be supported by the local community.

How is the government going to achieve its planning future, particularly for suburban infill or housing the population? I do have some concerns about the government, and it is unfortunate that I do because I started this speech, as the minister knows, highly motivated by the aspects of planning that will be improved to support our growing city. However, I have some concerns. Page 10 of the explanatory memorandum goes into some detail on division 3, and I want to briefly unpack a fair bit of that.

[Member's time extended.]

Mr S.K. L'ESTRANGE: I want to highlight some of the things on page 10 of the explanatory memorandum. It states —

> Division 3 introduces a new mechanism whereby such conflicts between different Government approval processes are identified, either by the Government decision-maker *before* it makes a decision, or by an applicant soon *after* a decision is made, and resolved expeditiously.

That sounds all well and good. It then goes on —

> The Minister and Premier take key roles in this conflict resolution.

We all sit up now and want to know how it is going to do this. The explanatory memorandum goes on to state —

> The point is to allow such issues to be identified upfront and then addressed in an expeditious way through a whole-of-government approach, under the control and auspices of the Premier and his Department.

Now the Premier is taking over planning; that is interesting. Let us see where this takes us. A bit further down on page 10, under "Section 280", it states —

> This section also outlines that where the Minister (with agreement from the Premier) gives a direction to another Government person or body, that person or body is obligated to comply with that direction. The person or body must comply with the direction, even if it would otherwise normally be unlawful or invalid, or contrary to some prescribed time limit.

I find that quite remarkable. Written in the explanatory memorandum, by the minister, is that we have a piece of legislation that basically says that if something that the minister is about to act upon would normally be illegal, it will no longer be illegal.

Mr W.J. Johnston: Time limited. Read it again.

Mr S.K. L'ESTRANGE: I am just reading it.

Mr W.J. Johnston: Read it again.

Mr S.K. L'ESTRANGE: I will read on. It goes on to state —

> With the Premier's agreement under s.280, the Minister under s.281 is to resolve the conflict between regulatory systems by broad powers to direct how a statutory function is or is not to be performed.

That is a little bit more than just a change to time limitations, minister. It goes on to state —

> … it is expected such an obligation will encourage upfront collaboration between Government decision-makers and applicants, as to how to avoid such regulatory conflicts from arising in the first place.

What does that mean? "It is expected such an obligation will encourage" sounds like, "Watch out! Either get this done the way we want it done or we're stepping in and we're going to make it happen." That does not sound like consultation; that sounds like a threat. It goes on to state —

> Finally, it should be observed the Minister's power is discretionary, as subsection (7) explicitly contemplates the Minister may decide not to issue a direction.

The minister is basically communicating to the entire planning community that she is a ticking time bomb and that they had better watch out because if they do not toe the line, she might go off. That is what that says. Although I am inspired and motivated by planning reform and think that planning reform should exist to build our great state and to make our great city greater, I think all planners and developers out there will be thinking, "How are we going to deal with this? How are we going to deal with a government that builds into its legislation a ticking time bomb that could go off in a developer's face at any point, regardless of what stage the planning of the development is at?" That is remarkable—absolutely extraordinary.

This type of power in the hands of the minister and the Premier is eminently risky. It is eminently risky because history tells us that it is risky. We saw that in the WA Inc era. Incredibly risky things were done then by the government, and it ended up in a royal commission and people going to jail. We even saw risk-taking by the last Labor government in the 2000s, with up to five—I think it was called the revolving door—ministerial sackings under the Labor Premiers of the day. We know that there is form when too much unfettered power and authority that is unable to be checked is given to the executive and that power interacts with the commercial community, which is just trying to do the right thing by its shareholders and its communities. But when this type of power, which can be unchecked, is created, it is dangerous. I point that out to the minister—it is dangerous.

The minister will have unprecedented planning powers under the bill that she has brought into this place. We know that last week she tried to force this bill through Parliament in one day as an urgent bill, even though the National Party had not even seen the bill. In her speech in reference to that, she said that our shadow Minister for Planning had abdicated his responsibility to take her office's phone calls, which we heard the Leader of the Opposition say was quite simply false. When we got to see the bill, we found that this unprecedented law will give her unfettered power. It is no wonder she tried to push this bill through in one day, even though the National Party had not even seen it and we had not been given appropriate time to consult or to review it in detail. That type of behaviour with this bill does not augur well for the planning and development community of Western Australia and how it feels that it will have to deal with this government moving forward. There is no better example of the dangers that lie ahead than what we heard in the Premier's interjections during last week's debate on the motion to suspend standing orders when we said that surely National Party members should be given the opportunity to read the bill before they were expected to debate it. Members will recall that the Premier called Parliament a nicety. Parliament is not a nicety, McGowan Labor government ministers and members. Parliament is one of the three pillars of our democracy. The executive is one, the Parliament is another and the judiciary is the third. A very important aspect of those three powers is the separation of powers. They must be separate so that they cannot be corrupted, yet we consistently see this government, through this Premier and his ministers, trying to cut corners. It is simply not good enough.

I flag to all members that they should be concerned about the power to overrule planning decisions that would otherwise normally be unlawful or invalid. They might understand why I and many others in Western Australia are sceptical about this government's ability to manage the planning portfolio properly. We on this side support this bill, and there is a reason that we support it. We support planning reform. We know that for this state to advance itself, we need planning reform. But we are still going to hold the cabinet ministers of the McGowan Labor government in Western Australia to account for how they execute that reform. If they cheat, lie or deceive in their method of executing their planning reform, it is our job as the opposition to hold them to account for that, and that is why I flag the very serious concern with the unfettered powers that have been written into the bill.

To conclude, should we be reforming the planning process? Yes, we should, and that is why we on this side of the chamber support reform of the planning process. Should we be reducing red tape? Yes, we should, and that is why we support reform of the planning process. Should we support developers and builders to provide increased and improved housing opportunities for Western Australians as we grow our state? Of course we should! We want them to be inspired and motivated to help make this city and state great for us, our children and our grandchildren. We on this side of the chamber know that planning should inspire and motivate, but we must do it properly, and to those ministers who are concerned about the bill and want us to vote against it, that is why we will be moving one or two amendments in this place and why the upper house will probably move amendments as well—to tidy up the government's mess. They can vote with us on those changes to make the bill safe from the government's destruction. That is what we offer those ministers. If they want to vote with us on that, they should feel free to do so. We must make sure that the planning framework is able to support development that is appropriate for an area, adds value to how we house our growing population, and is supported by the local community.

DR M.D. NAHAN (Riverton) [10.21 pm]: I would like to make a contribution to the second reading debate on the Planning and Development Amendment Bill 2020. I will also contribute to the debate during consideration in detail.

I think we all agree with the member for Churchlands that our planning system needs substantial reform. The Barnett government did a lot, maybe not as fast as it could, but it implemented substantial reform with a number of statewide planning initiatives, including Perth and Peel@3.5 million, the introduction of development assessment panels and developing the Liveable Neighbourhoods policy—this government has picked it up and is running with it, albeit slowly—which comprises issues of good planning, but more needs to be done. The government did a great job starting the green paper on overall planning reform. It received the green paper two years ago, but since then not much has happened. A lot of it is really good stuff. Planning deals with fundamental issues of property rights: where we live,

how we live, how our kids play, and how we interact with our neighbours. It deals with the essential parts of our lives, so we have to get it right. Generally, compared with other nations, we do it pretty well, but there are some problems. The problems largely exist because, for about 20 years, we have been changing the fundamental nature of the built form of the city; that is, we are a city that is sprawled out. Admittedly, most housing development still takes place at the fringe and it will continue to do so. Essentially, that is not controversial right now and it is not dealt with in the legislation. We are now moving towards the densification of existing suburbs that were designed to sprawl. Sometimes we can get around urban development—we have done it well in East Perth, Subiaco and other places—but as we push more into the densification of existing suburbs, there is huge tension in the community between those who want to develop and those who live there and it is reaching boiling point. The minister knows this very well. I was the shadow Minister for Planning for a period and I can tell members that it is one of the biggest issues in the community and it is ready to burst. The way to solve it is through reform that is steady and clear, brings the community around, and includes local government. Local government cannot be excluded, which is what the government is trying to do with this legislation.

There is also the issue that this is a COVID-19 immediate response bill. Last week, we saw one of the most undignified attempts to rush through legislation that I have ever seen. We were told on Thursday of last week that the government was going to introduce a planning reform bill. We showed up to a briefing at five o'clock. I make no comment about the competence or otherwise of the people who were there. They were just doing their job. A person from the Minister for Planning's office spent 15 minutes shuffling around papers. It looked like an exercise from *Mr Bean*. Papers were falling around; people were given the wrong paper. Fifteen minutes of that 45-minute briefing was taken up by that person throwing around papers. There were seven sets of documents about what was in the bill. The first two were in response to COVID-19, and the other five were major broad reforms that had been mentioned in the green paper. We were told at the briefing that we could not see the document. We did not know the name of it. We could not be informed about the content of it. We were told that we would start debating the bill tomorrow, at 12 noon. We had no time to talk to interest groups. So I called up some. No-one had seen this document. The minister said she had briefed people. Maybe she has whispered in certain selected developers' ears the intent of the legislation, but the Western Australian Local Government Association, and most of the lobby groups, such as the Housing Industry Association of Western Australia and the Property Council of Western Australia, were not briefed. We were briefed. They were not briefed.

The following morning, the government went out on its usual excellent public relations campaign and emphasised not the changes to state strategic projects, or the COVID-19 response, but said, and I read from the press release, that the planning reforms will —

- abolish change of use approvals for a number of different types of small business, …
- exempt a wider range of small residential projects such as patios …
- abolish onerous requirements on small businesses to pay cash-in-lieu …
- improve community consultation by mandating consistent consulting processes …

When we got the legislation, it was clear to us that it will do none of those things. Therefore, the government achieved its aim of getting a statement out in the media— of course the media did not read anything—and it put forward something that is not in this bill. It misled the public. Why would the government go to the extent of ramming through a fundamental piece of legislation and tell the public that the bill will achieve something that it does not even attempt to do? It is because the government knows that this legislation is very controversial. This is extremely controversial legislation.

The bill's response to COVID-19 is twofold. The first is that all structure plans and developments that have received approval will be given an extension of time. That is appropriate. Things will be impacted by COVID-19 and slow down. It is only reasonable for the government to tell everyone that they will be given an extension of time for development approvals. One thing we know from COVID-19 is that with the closure of international borders and immigration, fewer people will come to Western Australia on a permanent or temporary basis. There will probably also be less interstate migration to Western Australia, although that number has been negative for years, so there may be an increase in demand. That is an appropriate move.

The second response is that the government will create special processes for significant state projects. There are two prongs to how that will be achieved. That process will be used to expedite developments clearly, and I think exclusively, in the urban development space. The member for Cottesloe has indicated that if we think that building high-rises will be the major spur for economic growth to replace the lack of demand due to COVID-19, we are dreaming. Right now, 6 000 apartments are scheduled to be completed over the next four years. Even on pre-COVID-19 estimates of demand of 2 000 apartments a year, the three years of development already committed to and approved, some of which is being built, will more than meet the demand for apartments for the next three or four years. Why would people bring forward those projects? Without doubt, we are going to get hit with a reduction in population growth, so where is the demand coming from? Nonetheless, that is what the government has decided to do and it will be held accountable for it.

Then we read the bill. Other states have projects of state significance. In fact, we have had them for decades. They have been a cornerstone of our mineral resource development policy for decades. Usually, it is through agreement acts—that is, mining projects, manufacturing projects and sometimes other things, like a waste-to-energy project. At one time, there was a pulp mill that was a project of state significance. The Department of State Development expedites those projects that have state significance through the approvals process. The idea of having projects of state significance is not rare at all. It works if it is done properly. New South Wales has had projects of state significance for over a decade. A large number of projects are focused on urban development. New South Wales has also participated, as has the McGowan government, with the COAG initiative to use planning to expedite development in response to the COVID-19 pandemic. That is where this legislation comes from. A couple of things come out of the New South Wales example and also apply to our agreement acts and our projects of state significance in manufacturing and mining. Projects of state significance in New South Wales have a very extensive, independent decision-making and probity process. People can apply under certain criteria. It applies across the board; it is not restricted to urban residential developments and it does not have a monetary figure attached to it. The criteria ask whether it is a project of state significance and what strategic problem that restricts the project needs special consideration. Projects include Darling Harbour, the Barangaroo development, and a number of power, waste-to-energy and recycling plants. The projects are complex, long ranging, cross a range of planning mechanisms, require some certainty to the planning process and often take a lot of time; therefore, the existing planning system does not fit very well. We know this, and so they have some projects.

By the way, New South Wales does not have a single high-rise apartment development as a project of state significance. It has some urban renewal projects, but not a single high-rise development. New South Wales has a couple of stages. Firms can apply, but if one of three things impact on the project, it does not go to the minister but to New South Wales' equivalent of the Western Australian Planning Commission. Firstly, did the local government approve the project? If not, it goes to the planning authority. Secondly, have a large number of community concerns been expressed—50 or more—about the project? If there are, it goes to the planning authority. Thirdly—this is very important in New South Wales—has the proponent given a donation to a political party? If one of those things occur, it goes to the planning authority. Note that in New South Wales property developers cannot donate to political parties. We saw the problems they had in New South Wales with the senator. That process indicates that there is discussion with local government and extensive community consultation, and that the decision-making process in the planning authority is at arm's length from the minister.

New South Wales also has an extensive probity system that links directly with its Independent Commission Against Corruption to ensure that the special powers that are necessary in making these decisions are used appropriately. This process is not only important for the project proponents to make sure that they do not get in trouble, but also for the ministers in order to avoid apparent conflicts of interest that kill major projects. We have a lot of these processes in the minerals sector. In fact, most projects that are of state significance are, essentially, the same things up there. If the government wants to spur development in response to COVID-19, it will not get it from building a bunch of apartments; it will get it from resources developments and associated infrastructure. That will add a burst to our economy going forward to replace the demand lost because of COVID-19. I am puzzled about why the government restricted state significance to urban development. Maybe there is a condition that the Premier and minister together can identify that a state significant project will include non-residential construction. We will talk about that in consideration detail. The interesting thing about New South Wales is that it went ahead and developed a response to the Council of Australian Governments' development and expedited planning processes for a whole range of projects. But it did a whole range of other things that we are not doing. It fast-tracked the assessment of state development projects, and I will get back to that. It also supported councils and planning panels to fast-track local and regional–significant developments. Where is that? It expanded the list of works that can be carried out without the need for planning approval. The government has talked about it, but that is not in this legislation. It introduced a one-stop shop for industry to progress projects that were stuck in the system. Where is that? It also put in policies to get rid of the backlog of cases in the decision-making process. Importantly, it invested substantial additional money and infrastructure spending to facilitate the development of those expedited projects. Where is that? The COVID-19 pandemic requires a holistic, across-the-board response in many areas, including planning—not just a special state significant development portfolio that the minister will be given carte blanche to run.

Another thing that New South Wales has done is identify up-front the expedited projects. There are 48 projects; it identified 24 in April and 24 in May. Where are they? If this whole venture is about expediting development over the next six months or so, where are these projects? New South Wales has some criteria about timeliness. The first priority is whether it is shovel-ready; that is, can it begin to develop in three months? In fact, it has a couple of weighted criteria. The longest period it will consider before a project can begin is six months. Here we are with four years! Our expedited process says that projects have to be undergoing development—have shovels in the ground—in four years. If we are still responding to COVID-19 in four years, we are really in trouble. Why is it that period of time? Four years is way too long.

[Member's time extended.]

Dr M.D. NAHAN: If we go through the list of projects in New South Wales, I can tell members that not a single one is an urban development. New South Wales has a lot of high-rise developments. In recent times it has developed more than any other place. Not one of its projects is an urban-type development. I go back to: why did the government focus on those? Let us go back to this program and identify whether there is a need for a state–significant project program. Yes. Actually, we already have one. We did not need it for high-rise developments. We are trying to graft more dense, higher-level developments into our communities. It is highly controversial. If we do not get it right, there will be a few developments, but then there will be a holy backlash against it, which will stop it. That will hurt the whole state.

One thing we need to do is involve all the interested parties in the decision-making process. It takes time, but that is what is required. If we lock out local government and the local community and give the decision-making power to the minister and the WAPC with carte blanche, dictatorial powers that no department has, other than the police, we will undermine the development process in this state. The powers that the minister is giving herself and the WAPC to override the decision-making processes and all the other legal instruments is just too much. The government is doing it without any transparency, any apparent sense of probity and without any feedback, other than having to go through the State Administrative Tribunal. It is inappropriate and it will backfire on the government. In addition, because the government is focused on only residential developments, it will not get much bang for its buck.

The planning system needs reform. A lot of the things that this measure to allow expedited state significant projects is trying to overcome will have real impacts. After meeting various legal requirements and getting planning authority, people have to run through a gauntlet of obtaining permits. There can be many types of permits from different sections of local governments with different requirements. We can all regale each other with examples of those. That needs to be changed. The simple truth is that the government has come up with a system that gives big developers with projects of $30 million or more, a special, expedited set of rules and processes that small and medium-sized developers will not get. Small and medium-sized developers, who do most of the development in the state, will still be stuck in an unreformed system that has fewer resources. The big developers with projects of $30 million or more, which is not that big, actually, will get special treatment whereby the minister can go directly to the WAPC and the WAPC has the power to override all other regulations, including local government schemes, and does not have to discuss anything with a range of decision-makers because it can override them anyway. The government is discriminating against small and medium-sized developers. If we had anti-competition laws in this state, this would be improper. I am sure that many of the large developers are worried about these changes too.

When the member for Churchlands was talking, the minister told him to just put some amendments on the notice paper, and we will. We would like the minister to respond to the following questions: What is the decision-making process? Where is the transparency? Does the WAPC have to indicate to the community that it has received an application for a state significant project and that it has decided that it is one? Does it disclose that decision to the public, including the reasons for its decision? Is there a period when affected parties such as local government must be communicated with? When the WAPC makes a decision that a project is a state significant development, with conditions, does the WAPC have to publish its decisions and consult publicly? Do third parties impacted by these projects have a right to question them? The WAPC told us that there are no third party appeals to these decision-making processes. We need to hear from the minister, because we cannot jump to the conclusion that what we read here is all there is. Is there a transparency mechanism? Are there probity requirements? Is there communication with affected parties? Do affected parties have the right to question the decision of the WAPC? If not, I personally cannot support the bill. I cannot support a bill that gives carte blanche to a select party and overrides all existing planning and regulatory laws that apply to it without an explanation and without impacted parties having comment on or input to it and being able to ask questions. I tell members that if people in my community knew that that was the case, if it is indeed the case, as it is in the communities of other members, there would be a huge uproar about this. If it will apply to projects of urban development such as the East Perth power station, let us say, that development is not that controversial. That is not too bad; that is sensible. No-one is going to complain about that. But if it goes to building a high-rise in an existing leafy community and impacting on its transport and car parking, and it takes up public open space, there will be a holy uproar about it, even if it is not in the suburbs that members represent. There will be a backlash. It might be politically sensible for the government, but it will set back planning in the state significantly.

I go back to the beginning. The reason we are here is that we have not progressed wholesale reform of the planning system adequately over the last three years, particularly the last two years. The whole focus of that is that governments should get back. Many of the reforms might come in the next set of legislation; I do not know. This government should do a number of things. It should be more strategic. It should ensure that local government refines its remit back to strategic planning for its area. It should get out of micromanaging developments, get away from pergolas and extensions, get away from onerous and uncoordinated restrictions on the development process and be more strategic. This is not a strategic move. This is a move of someone putting up a white flag and saying, “I give up. Big developers, you go out and do it; I cannot.” That is not the way to do it. This is not the way to progress our state. I listened to the minister. We will seek to amend the bill to put in basic accountability mechanisms, probity mechanisms and community consultation, but if we fail to do it, I will absent myself from the Parliament, because I simply cannot support a bill that gives unfettered power to the WA Planning Commission and the minister and

undermines the progress we are making in development. I have to emphasise that everyone has referred to their own electorates. I heard the member for Cottesloe say that the suburb of Riverton has the highest density outside the City of Perth—I would think that Leederville would have higher density, but nonetheless—of all the suburbs. Do members know what? I do not have too many problems with densification in Riverton. I do have some problems with battleaxe blocks, but that issue falls outside this bill. My electorate has done very well so far, and I am pleased with the process, but I tell members what, my short period as shadow minister showed me that groups all around our community are on the edge of revolt about the decision-making process on densification. If we do not get this right, although we will get a few big developments, we will stop the appropriate progression of diversification of our living systems—that is, higher density, urban infill and urban redevelopment. Giving too much unfettered, unaccountable power without adequate probity in this way is a cop-out. Unless the minister can convince me otherwise, I cannot support this bill, and I have been arguing for planning reform for 30 years. This is not reform.

MR K.M. O'DONNELL (Kalgoorlie) [10.50 pm]: I, too, would like to speak about the Planning and Development Amendment Bill 2020. The member for Churchlands spoke about what he did support and what he did not support. I, too, would like to say that the bill provides an urgent response to the COVID-19 pandemic and will facilitate some significant development projects. We all want significant development projects, especially now, in this day and age, and into the future. We want to remove regulatory roadblocks and significantly reduce red tape. I have never met anyone who said that they enjoyed red tape. It is everywhere and I am very keen for red tape to be reduced. It would be a very good thing. The bill will strategically refocus what urban and regional planning is considered important and enhance how development contribution funds will be utilised for community benefit. It will also provide a more robust planning environment, with a high degree of professionalism and enforcement capability. Yes, yes and yes.

I note one area that some other members have mentioned—namely, the scope for the Premier, on the recommendation of the minister, to refer additional proposals of state and regional importance to be assessed under the new pathway. I assume there will be major developments in the metropolitan area of $30 million or more. They would be significant but probably not as noticeable as a project of $2 million or $5 million in a regional area, which could be very significant projects that are of great benefit. I think that is a very good provision. Should the minister or Premier go outside the $30 million boundary, I do not know whether that would set a standard or a guideline for a future project in another city. Some cities observe and like what others do and try to follow suit.

With regard to the contribution fund, the explanatory memorandum states —

> … clarifying how development contribution funds are utilised for community benefit. … and clarify as to how monies payable as a development contribution are raised and spent on public open space … and community infrastructure (including for community centres, libraries, schools, …

Are the developers of a $30 million development expected to fulfil community obligations? If so, do they do them on completion of a project? Hopefully, if they could bring some things forward, it might ensure that they do undertake the project.

I want to talk about the definition of "substantially commenced". Various people have asked what will constitute "substantially commenced". The explanatory memorandum states in part —

> … to start actual construction and other development activities within four years of the 18-month recovery period or soon as possible thereafter.

My reading of that is that once this legislation comes into operation, four years can be added after the 18-month recovery period before anything practical has to be done. I have been informed that "substantially commenced" could entail clearing a block and calling it a car park and/or putting in concrete footings and things like that. I refer to the start of the explanatory memorandum, which states that this bill amends legislation —

> … in order to achieve two broad aims:
>
> - Provide an urgent response to the COVID-19 pandemic, as it relates to planning and development impacted by the greatest economic crisis since the Great Depression, …

That is why I think it is a very good thing that we are trying to do here. However, I disagree with and just cannot fathom how these big developers can get approval and then not do practically anything for five and a half years after this period starts. Later, they can apply for a variation or an extension. I would have thought that if this is to do with the COVID-19 pandemic and creating jobs, we would really want the developers to get started. I dare say that most of them will have a crack, but for some developers, if there is not a good margin of profit and they have very deep pockets, they will just sit on these projects and leave them.

Since I have been in Parliament, I have seen in my travels in the city a few building sites where nothing has happened, and there are vacant blocks. That is not a good sign. It will be very disappointing if developers get in on this bill and then do nothing. I will applaud any developer who gets in on this and has more than half completed the project, if not completed it, within two years of starting, depending on the size of the project. To me, that would be impacting on and responding to the COVID-19 pandemic.

Because I am not in the building game, I do not know about cutting red tape. For a $30 million development or bigger, which permits or approvals will be cut? Are we looking at building, noise, road access or liquor licensing permits? How much red tape will be cut and does the minister have any examples?

I want to make a comment on proposed section 275, "Application of legal instruments and matters to which Commission must have due regard." The explanatory memorandum states that the commission is not bound by any legal instrument. Having been a police officer for many years, straightaway I thought: not bound by any legal instrument—holy cow! That is a bit of a worry. The explanatory memorandum continues —

> … which is to say any planning or non-planning law, rule or other requirement that might otherwise apply to limit the Commission's decision-making power.

Within the police force, it did not matter: we were covered by the law and had to abide by it. I do not know whether I am reading too much into this, and I dare say the minister is going to talk more about it; I just thought that not being bound by any legal instrument is a big one.

I have printed out a WAtoday article from 29 October 2019 by Gary Adshead as an example. It reads —

> A controversial Perth Hills property development has been hit with conflict of interest claims …
>
> The 550 hectares of land at North Stoneville is owned by the Anglican Church, which has hired property developer Nigel Satterley to transform the bushland into a 1400-house development …
>
> About 1000 residents in the area have argued against the proposal, saying it's in an extreme fire zone and would be too damaging to the environment.
>
> Save Perth Hills has also complained that WA Planning Commission chairman … is potentially conflicted because he is also an advisor to the Anglican Church.

Mr Caddy was quoted as saying —

> … I will take all relevant governance requirements into account to ensure the integrity of the planning process is upheld."

I would have thought that if a project came to the chairman of the Western Australian Planning Commission from a company or business that they were advising, they should completely remove themselves from that process, but he did not say that. That made me think, as we go forward, that the commission does not have to abide by any legal instrument. The chairman of the WA Planning Commission can say, "I'll deal with this, even though I am an adviser to that company", which I think is wrong. I hope commonsense prevails. The article continues —

> … the Shire of Mundaring rejected the Satterley development plan citing bushfire risk as one reason.

They even had a rally at St George's Cathedral. One of its spokespeople said that the town could not support a 200 per cent increase in population. The article continues —

> Labor's MP for Kalamunda Matthew Hughes said the Church had a "moral and ethical" issue because of the risks associated with a high-density development in the bushfire prone area.
>
> "The displacement of native animals, the loss of nesting habitat for wedgetail eagles, the impact on the cockatoo population, people are concerned about those things …

The member for Kalamunda also said it was "at odds with the Church's own climate change policy". The member for Kalamunda, apparently, is a former Anglican school principal, so he has full knowledge and awareness of the Anglican Church. He said —

> … it provides an opportunity for yet more income to the Anglican Church," …

I understand that that big development could also reduce the bushfire risk of the town site, if the bushland were gone from there. I read that article out because it provides an example of how this bill might be used. If people are not happy with a project, will the commission take that into account? We need to bear in mind that the explanatory memorandum also says —

> The Commission may also have regard to, and apply, any legal instrument, with or without modification … have had to address issues relevant across different and often overlapping approval regimes.
>
> … it must still give due regard to relevant considerations in making a determination. These relevant considerations include the purpose and intent of any planning scheme, orderly and proper planning, amenity, relevant State planning policies … and other policies.

But it does not mention people power and what happens when residents are up in arms about something. Would the commission take into account what the community said? That is an example. I understand that the minister probably cannot even comment, because it has not gone to the commission yet. The minister might think of another example and whether people will get a chance to have their say. That is basically what I am getting at. When I was a councillor for the City of Kalgoorlie–Boulder, planning approvals came through the office numerous times and,

as I said, we would make recommendations. I asked then Mayor, Ron Yuryevich, "What if we don't agree with this proposal?" I will give members an example in Kalgoorlie–Boulder. The Muslim community wanted to build their own mosque, but not a huge mosque. They just wanted a place of worship. Ron said that if we knocked it back—it would not matter if we were against Muslims or whatever—it would go straight to the State Administrative Tribunal, which would make the decision and it would be out of our hands. However, if the proposal met planning criteria and all the other things, we would have to agree to it, because it had met the law.

I was asked early in the piece by a constituent why I became a councillor. Before I could even answer he asked, "Do you want a block of land rezoned?" His perception was that if I was going on the council, I must have just been trying to do something for myself. That was not why, and I never did. I hope we do not go back down memory lane with these building projects and redo Brownlie Towers in, say, Nollamara or somewhere further inland by building a 15 or 20-storey tower. However, I cannot see that happening. I do not know how to word that better; I apologise.

I want to talk about developers. I do not mean to be personal, but has the member for Balcatta ever been a developer?

Mr D.R. Michael: No.

Mr K.M. O'DONNELL: Has the minister ever been a developer?

Ms R. Saffioti: No.

Mr K.M. O'DONNELL: No. Has the minister ever played Monopoly?

Mr D.R. Michael interjected.

Mr K.M. O'DONNELL: All right. Has the member played Monopoly?

Mr D.R. Michael: Yes.

Mr K.M. O'DONNELL: I would say the minister played Monopoly as a kid, and has played it with her kids.

The SPEAKER: Member, it is getting too late at night to be talking about playing Monopoly.

Ms R. Saffioti interjected.

Mr K.M. O'DONNELL: All right, sorry. I was just trying to ask a question.

Several members interjected.

The SPEAKER: My grandkids beat me so I do not play!

Mr K.M. O'DONNELL: I am trying to liken it to when people are little and are playing Monopoly. They have their property and their favourite colour, and they want to own four houses. They try to get more and more and then they try to crush the other people around them.

Mr W.J. Johnston interjected.

Mr K.M. O'DONNELL: Yes, so did I. When they get the properties and someone is coming around their way, they want their money. They do not care what is going to happen—but that is not all developers.

Several members interjected.

The SPEAKER: Members!

Mr W.J. Johnston: Can I make a point to you, member? My daughter is currently looking for an apartment and we have been to lots of apartments. You can really tell the quality ones from the rubbish ones and the quality ones are worth more. It is the same cost to build, but the products are different.

Mr K.M. O'DONNELL: Yes, correct. I am not saying that property should be cheaper.

Mr W.J. Johnston: That is the point. Good developers make the best out of their properties.

Mr K.M. O'DONNELL: Correct, and I agree. I have done that. I have looked at units and housing and thought, "Wow, I wish I could live in one of those."

Mr R.S. Love interjected.

Mr K.M. O'DONNELL: No. All right. I thank the minister.

MS R. SAFFIOTI (West Swan — Minister for Planning) [11.08 pm] — in reply: That ended abruptly!

Mr K.M. O'Donnell: I was told it was too late at night!

Several members interjected.

Mr K.M. O'Donnell: The Speaker did not want me to keep going.

The SPEAKER: No, the Speaker would like you to sit down now so we can listen to the minister!

Ms R. SAFFIOTI: It has descended into anarchy, late at night!

Mr W.J. Johnston interjected.

Ms R. SAFFIOTI: Thank you, Mr Speaker. Members, sit down. We have a few issues to go through after all those contributions on the Planning and Development Amendment Bill 2020.

Several members interjected.

Ms R. SAFFIOTI: I have 45 minutes, but there were a lot of issues raised. It was an eclectic contribution.

A member: Diverse!

Ms R. SAFFIOTI: Diverse, from every section of the Liberal Party, as predicted. I think four different views came from the Liberal Party. At least the Nationals WA was consistent.

Several members interjected.

Ms R. SAFFIOTI: The good thing is that, unlike the member for Carine, its entire contribution was consistent. One sentence flowed into the other. I will go through all the issues. I have heard from the opposition that it will be moving amendments. I have not seen those amendments and I am not aware of what they are. We are going into consideration in detail tomorrow. I put out a hand of friendship last Thursday.

The SPEAKER: Can I put out a hand of friendship? Is it your birthday today?

Ms R. SAFFIOTI: Yes, it is, but only for another 50 minutes!

The SPEAKER: That is why I thought I would get in there. Happy birthday!

Ms R. SAFFIOTI: Thank you. There is no better way to spend your birthday, members! No better way.

A member: It won't be your birthday for much longer!

Ms R. SAFFIOTI: Yes, 50 minutes. I might see my birthday out here, on my feet, in the chamber.

There are proposed amendments, apparently. I have not seen them. As I said, I put out the offer of friendship to the opposition last week by saying that I am happy to talk and engage. I have not seen the proposed amendments. It is unlikely that we will be able to support things that are sprung on us tomorrow, on the same day. The opposition said a similar thing to us about being alerted to legislation. Again, I have been sitting here. I think I have missed about 25 minutes of all the speeches.

A member: What a way to spend your birthday!

Ms R. SAFFIOTI: I know! As a courtesy, I would have liked the opposition to have shown us the proposed amendments, and we could have potentially helped to draft them, but we will see how it goes tomorrow. If the opposition were serious about those proposed amendments, it would have given us the opportunity to work on them. Amending government legislation on the floor of the house without consideration by our legal teams is probably not going to work. But, like I said, the opposition stood up and preached about consultation and working and getting notification. To inform me at 10 o'clock the night before consideration in detail that there will be amendments drafted—I have not seen them—again shows that the opposition is not serious about those amendments, because if it were serious, it would have engaged with us.

The Leader of the Opposition made comments on the consultation, again, paraphrasing my staff, which I think are unfair. The opposition got the bill last Tuesday. That is seven days. It did not get the bill on Wednesday; it was last Tuesday. We offered two briefings, which we provided on Tuesday and Wednesday. I texted my opposition number on Thursday to say that if the opposition wanted any other information, to please let us know. I think that 57 questions were sent yesterday evening. The answers to those questions were finalised and provided. So, 57 questions were sent yesterday afternoon, and we had provided all the responses by late this afternoon. We have done everything to work with the opposition. Those 57 questions arrived late afternoon yesterday and my team has now answered those questions—they have been sent back to the Liberal Party. We have provided two sets of briefings and I offered further briefings if people wanted them. I am not sure what paradigm the opposition is in, but the government prepares legislation and then comes to the Parliament. We do not normally prepare legislation together with the opposition. No government does that.

Mr W.J. Johnston: Didn't happen before.

Ms R. SAFFIOTI: It did not happen under the previous government. It is not like everyone sits down together to draft legislation. The government prepares legislation, brings it to Parliament, and we brief the opposition. We briefed the opposition twice before we introduced the bill; we gave it the legislation before we introduced the bill, apart from the National Party, for which we sincerely apologise; and we put out the hand of friendship. The opposition stood up and said that something happened on a Sunday. I do not want to go through it again, but we made a real attempt to brief as early as possible when we had the final version of the bill. That is what we did. As I said, the Liberal Party plays the victim very, very well in this place. It continues to play the victim because it is very good at it. I think it is inherent.

Mr W.J. Johnston: They used to do it when they were in government.

Ms R. SAFFIOTI: Colin Barnett taught them all, and they have all learnt it.

Mr R.R. Whitby: The master.

Ms R. SAFFIOTI: He was the master of the victims. As I said, 57 questions were sent to us, and we answered them within 24 hours. Then I learnt at 10.30 pm that the opposition will move amendments tomorrow. I told opposition members, both on my feet and through text messages, that we are very keen to work with them. We have seen none of the opposition's amendments, so the idea that we will accept them on the floor of the chamber, unless they are very simple and we could agree to them, is very difficult. I just want to put that out there and say how angry I am that I have not been properly consulted on those issues.

I turn now to the package of reform. A lot of members talked about what is in the bill and the regulations. I think we have pretty much laid that out. This is a package of reform. The legislation is in two parts and this is the first part. The member for Dawesville asked about the second part. Our priority is to get this part of the legislation through—the regulations that will cut red tape and assist small business, and to finalise our planning policies and things such as developer contributions. They are our priorities. This is the first part of the legislation. The regulations will need to be drafted and the planning policies will need to be finalised and then that second part of the legislation will come. The timing of that second part will depend very much on how we manage the Parliament over the next four or five months and the time it takes to draft the legislation. We will need to get the regulations drafted; that is our priority. That is the package.

In the fact sheets, which I think were available to all members opposite, we tried to spell out that this is a package of reform. It will not all fit under legislation, but legislation often gives a head of power for regulations. There will also be planning policies. It is a whole package. For the first time, I think, we have tried to lay it out simply through the fact sheets. Planning is a very difficult place to find our way around. It is different between state and local governments, and all the different types of planning legislation, the regulations, policies, schemes—you name it—are a difficult policy body to understand completely. We put out the fact sheets to spell out what we intended to do and how we intended to do it. For example, this is our intended policy and we are achieving it through legislation, regs or updated planning policies. That is the package of reform across the area.

The member for Moore raised issues about local government. As members know, there are a number of different stages in planning reform. Some commenced under the previous government, but more recently we finalised the "Action Plan for Planning Reform" after significant consultation last year. We consulted heavily with local government on that and, again, there were differing views. When the whole package is put together, there will be planning policies, the regs and the legislation. The significant development pathway is the new aspect that is directly COVID-19 related. Over the past three weeks, we have had meetings with the Western Australian Local Government Association, before we introduced the legislation. Briefings were given to WALGA officers. They will say that there has not been full consultation, but we briefed them on what we intended to do. We gave the legislation to WALGA last Tuesday. It was the first to receive it outside government last Tuesday. I met with the WALGA president last Friday and spoke with her this morning. I said that as we work through drafting the regulations, which is happening now, and the planning policies, we will continue our program of consultation.

In relation to the legislation, significant developments were, I suppose, the most controversial aspect from WALGA's point of view, but the reality is that a lot of the decision-making power of councils over these developments was taken away when development assessment panels were introduced a number of years ago. There is this idea that somehow this is crazy centralisation, but it actually happened under DAPs. All those issues that have been raised about people fudging their development application numbers to meet these criteria could apply to DAPs because they all work on different development application numbers. That was the biggest centralisation for decision-making on projects and it happened under the previous government.

I wanted to start my contribution with that to set the scene for members. As I have said, I wrote to the WALGA president today after its council meeting and resolutions last night and said that I was very keen to continue to consult on the regulations and the planning policies, particularly the regulations, because they are of direct significance to all local governments around Western Australia. I am very happy to do that.

I do not think this should be a contest or combat between two tiers of government, because that is where we have failed in the past. We have heard members describe what has happened across the state as buck-passing. I do not think that is very good and I do not think it leads to great outcomes. I believe that we need a simpler process, with simpler lines of accountability. There has been a lot of discussion about who is a decision-maker and what role people should have. Ultimately, someone has to make a decision in this process. The question is: who is it? For applications for developments of the magnitude of $30 million, currently the decision-maker is a DAP. We are moving that decision-making power to the Western Australian Planning Commission for 18 months. The fact that we are moving the decision-making power from a DAP to the WAPC is absolutely not that radical.

There are a couple of other things, including the assessment. I outlined in some commentary before that the assessment process for significant projects, particularly the liaison with referral agencies, is often very difficult to get agreement on. Many of the referral agencies for significant projects are state government agencies. Those agencies include nearly always Main Roads, but also the Department of Fire and Emergency Services, environmental agencies and government trading enterprises—for instance, I think someone mentioned the Water Corporation. A lot of the agencies that provide input on these significant projects are state government agencies. We have found

that these things do not get resolved early on. Basically, different agencies and different tiers of government butt heads and things are not resolved and they end up at the State Administrative Tribunal. I am surprised at how many times my agencies appear at SAT because these things are not resolved. Ultimately, someone has to make a decision in the planning system.

With this bill, we are trying to bring forward the disputes that hinder decision-making, sometimes for years, and have a better process that is run through a state government assessment team in the Department of Planning, Lands and Heritage and to bring in the referral agencies in particular and try to understand whether there will ever be agreement on a project; and, if not, let us not waste everyone's time and effort. Let us have pre-lodgement discussions rather than having these projects go through processes that last for years and wasting a lot of money. Someone has to make a decision.

The Western Australian Planning Commission will be responsible for this significant development pathway. People have made commentary about the WAPC. It is an independent body, full of experts, including the directors-general of agencies. Basically, it is a pretty strong body that makes sure we pick up all the associated issues with any application. The assessment will be "ungoverned" or managed by a state government assessment team. It will have to consult with the community and local government and give due regard to the planning framework. Due regard is a very serious consideration in planning. The idea that the Western Australian Planning Commission will make extraordinarily stupid decisions is misplaced. It has to give consideration to the planning framework and this goes back to my key point: we have to get the framework and the local planning schemes correct because that will help determine the outcome. I think the member for Bateman is right—we should have a system that is so strong that debates about height and how a precinct looks are had at the beginning of the process, not when the development application comes in. We are trying to re-engineer our planning system so that the discussion is up-front. What does the precinct look like? Where will the height be? How does it connect to transport? Where is the green space? How do we upgrade the existing schools and other facilities? That has to happen up-front so that the size of a building is not a shock to anybody. We must make sure that we get the design right and that the community benefit is clearly defined and well distributed across the area during the development assessment process. That is exactly what we want to do.

Of all the comments, I could not follow the member for Carine's logic. All I know is that he did work for the Australian Taxation Office and maybe that explains why the federal government has a $60 billion error in its JobKeeper analysis! The member for Bateman got it right—planning at the beginning is fundamentally important. He gave the example of Melville. I was very interested in Melville because I was continually told that buildings were approved but they were well beyond what anyone had contemplated. My advice is that although height limits were given for the buildings in the Canning Bridge activity centre plan, there were no caps on the discretion. Caps were given in South Perth, but not in Melville. The decision-making body made decisions that surprised a lot of people. If we go back to determine what the fundamental problem was, it was at the beginning because the scheme was not structured in a way that properly guided development in line with community expectations.

Another key issue—this has come from a number of discussions with the City of Melville—is the concept of community benefit. Again, our planning system allows bonuses for height and has very ill defined and loose concepts of community benefit. The real-life examples given to me, which I have used on numerous occasions, form the basis for some of the reforms in the bill. If extra height is given, the developer will include a meeting room in the building, which can be accessed by the community. Communities that are concerned about infill are not concerned by the fact that there are not enough meeting rooms. They are concerned that there is not enough playing space for their kids, that there is not enough green space and that their schools will not have the ability to expand to cope with additional numbers. Those are the real community benefits that we should incorporate into our thinking.

One of the parts of this legislation is to provide a new head of power for community infrastructure, which will then be developed through our developer contribution policy. It is all interrelated. That is saying that developers will have to deliver a real community benefit in order to get discretion or bonuses. Again, this is feedback from councils and from the community directly to me. That is why we have picked this up in this reform. I think it is a really good reform. Developer contributions, and the policy driving developer contributions, have sort of—there are issues with the developer contribution policy, which we are also addressing—addressed greenfields development. However, when we go into infill, it is far more difficult, because we are dealing with a built-up environment. We are not starting with a blank canvas. We need to try to define the community benefit and get a fair allocation across the development that will see real physical improvements for the community.

The community engagement was a result of feedback from members from both my side and the other side. We have been given example after example of people who were not aware of what was happening in their area. We are mandating a level of community engagement, on the radius model. The member for Kingsley and the member for Carine addressed how some of the consultations that have been held to identify housing opportunity areas led to some consequences that people had not been made aware of early enough. In addition—I say this very clearly—the previous approach of completely up-zoning entire suburb upon suburb, with no nuancing to have higher-density zones in key pockets, has left some suburbs and streets basically totally covered with villas and pavement and

driveways. The member for Morley raised that matter. In some suburbs, if we put a drone over the streets, all we would see is pavement and roof lines. The inside of those homes is probably fine, but for the total community, there is no vegetation and there are no places where people can play. Therefore, it would be better to have density in pockets and let the remainder of the suburb continue with a normal suburban character.

There has been a lot of discussion about developers. One of the interesting issues in Perth and elsewhere in Western Australia is that landowners see their land as, in a sense, their superannuation. Therefore, it is a challenge to manage landowners' expectations about what they can do on their property to realise value. We get feedback from some planners that in many instances, it is the landowners who want to fit every single dwelling they can on their land, and of course they do. They want to maximise the return on their asset. That is the tension. When I recently rejected an up-zoning of an entire suburb in the southern suburbs, I got a lot of negative feedback from landowners who said, "Hang on. We all expected all of our blocks to be up-zoned. We all built that into our considerations. But you are stopping us from up-zoning that land." I did not accept that up-zoning, because it would have been a wholesale up-zoning of a suburb, which I have said we will not do. That tension is consistent.

The other change that has really impacted planning in the suburbs was the multi-unit dwelling code. Basically, the previous government said that if a landowner's block was zoned R30, they could basically create units on it. The previous government then had to change that to R40 years later. That had a big impact. Regardless of what has been discussed today, that change had a big impact in creating negative community reaction because it facilitated developments that completely changed the streetscape; in that, a significant multi-unit development would be built next door to a single residence. That change created a lot of concern across the community.

Those are some of the preliminary comments. I want to talk about decision-making, extraordinary powers and so forth. I do take offence when members say, "No offence, but we think you can't handle power." That is what my kids say, "No offence, but." Members said, "No offence, but we do not think the Minister for Planning should be able to make planning decisions." The reality is that someone always has to make a decision. The Minister for Mines and Petroleum makes decisions on mining applications. The Minister for Environment makes decisions on environmental appeals. As Minister for Planning, I already make decisions on planning scheme amendments and planning schemes. I make those decisions based on recommendations put to me by the Western Australian Planning Commission. They are decisions made by the planning minister. Members need to be aware that the planning minister already makes significant decisions. In relation to the process before us, we have development approvals that go to the WAPC and others that go on another pathway. That acknowledges that not every significant project in WA is worth over $30 million. The real concern is regional WA, because once we set a limit of a minimum of $30 million, we see that many projects in regional WA are not over $30 million. We need a pathway for projects to be considered for 18 months. These reforms will be in place for only 18 months.

The question is: who is best placed to consider a project of regional or state importance? The Minister for Planning and the Premier are not the decision-makers on those projects; they are referred to that pathway. I think the Premier and the Minister for Planning are well placed to consider which projects are of state significance. If we are not, who is? Ultimately, someone has to make a decision. It is all right to say, "We can't trust you guys." Who are members opposite going to trust? The idea is that somehow the Minister for Planning cannot be trusted to refer a project to a pathway, even though the Minister for Planning is currently making decisions on a weekly basis on scheme amendments, which probably affect values and people more than any individual DA. I do not get why the opposition cannot trust itself—because it may be in government in 280 days—with that power. When someone becomes the Minister for Planning, they get planning powers with respect to scheme amendments, local planning schemes, metropolitan region schemes, policies and so forth. I already have power. If members opposite think that I cannot handle the referral of a project to the WAPC for it to consider, they do not understand the existing planning system. This whole idea is—oh, my goodness—that the Minister for Planning and the Premier cannot be trusted to say that a project is of significance. In relation to transparency, decisions will always be made public. We do not need to hide these decisions. We want to have a transparent process. If it is decided that a project should go on that pathway, we will make that public.

Mr W.J. Johnston interjected.

Ms R. SAFFIOTI: Yes. Of course that is going to happen.

I think that much of the commentary from some sections of the Liberal Party was just: "Let's beat up on the Minister for Planning on her birthday. Let's make a political point. Whenever we can try to bring WA Inc into an argument, let's try to do it." That is pretty much the logic behind the member for Churchlands. That is false and it is an analysis, or argument, that shows that he does not know anything about the planning system. This bill does not give me any more power than I already have. As I said, I have power with planning schemes and I have made decisions—many that have been controversial. But I do make decisions. At least members opposite respect that I make decisions. South Perth was an example. That project had been planned for seven years. Ultimately, someone has to make the decision. The idea that there is an independent body out there that always makes perfect decisions and we can refer to this imaginary body —

Mr P. Papalia: Some public servant with a magic wand!

Ms R. SAFFIOTI: Yes. An absolutely independent public servant who has no interest or bias and has a magic wand—that does not exist! There will always have to be a decision-maker and in this instance the decision-maker will be the Western Australian Planning Commission. As I said, these decisions are being made by development assessment panels at the moment. I just wanted to make those points.

I wanted to talk about the member for South Perth but, unfortunately, he is not here. My good friend the member for South Perth raised the matter of a train station for South Perth.

Mr R.S. Love: Where's the cable car?

Ms R. SAFFIOTI: Yes, the cable car. As I have said, I have always thought that South Perth should have a train station. I think we would all agree on that. If we look at the planning of that network, of course it should, and it would take a lot of pressure off the roads in that area. There are a couple of ways of doing that. Now he has a new suggestion, which is building over the road and rail line. There is another suggestion about using part of the park lands and doing a land swap in that area. We also have another mechanism, which is not that; it is the market-led proposal mechanism, which has been relaunched. My invitation to the member for South Perth is that if there is someone out there who can develop a deal that uses existing land and makes it financially worth it to the state, we will entertain that. That is what the relaunched market-led proposal system is all about. That does not really fit into this analysis. It is more about market-led proposals. I just wanted to point that out.

The Leader of the Opposition talked about massage parlours and bikini —

Mr R.R. Whitby: Bikini massage, from memory.

Several members interjected.

Ms R. SAFFIOTI: Yes. The member for Baldivis was very quick!

Several members interjected.

Ms R. SAFFIOTI: What was it? Bikini massage parlours? The Leader of the Opposition raised that she was afraid that our change-of-use amendments were to allow massage parlours and people selling drug paraphernalia into cafe strips. No, that is not what we want to do. With planning, like everything, people can always point out the worst possible case and bring it into an argument, but that is not really plausible or what we intend to do. We want to make life easier for small businesses and to cut red tape. That is what we want to do. I think some straw person—or straw man—arguments were put up. The member for Nedlands raised some good questions and, hopefully, I will get to some of those quickly. I addressed the members for Bateman and Dawesville. I will get to their questions. I think the member for Cottesloe supports this. He kept his speech tight for the first 20 minutes but he just could not help himself in the last 10 minutes. The member for Vasse was very positive, which was good. The member for Hillarys was not quite sure. I cannot convince the member for Riverton that Labor is not all bad. It is in his DNA that Labor is bad and Liberal is good. I cannot convince him otherwise today and I will probably never be able to convince him, but this is a really good reform. It is about cutting red tape, simplifying processes and providing a mechanism for recovery from the COVID pandemic. As I said, decisions of this type are currently being made by development assessment panels. Most of the referral agencies are state government agencies. This will make sure that we get a better outcome more quickly to stimulate investment. That is what it is all about.

I will try to address some of the key questions in the nine minutes I have left. The members for Moore and Dawesville talked about resourcing the WAPC. We have increased the planning commission's budget by about $4.3 million for the next year and a bit to help recruit additional staff. There will also be an element of cost recovery through the application process, as is currently the case for fees that developers pay to the state or to DAPs. A combination of fees will recover some of the costs and additional revenue because we will have to recruit more people. The aim is to recruit a good assessment team. In many instances, the types of recruits that will be picked up are probably planning officers in local government who want to come across for a time. This is the key: I want to get cross-fertilisation from what other government agencies are doing—whether it is the Water Corporation or Main Roads—into the assessment process early so that it is not just a matter of something being considered by an agency when it lands on its desk. This is a priority and we are working at finding a solution much earlier —

Mr W.R. Marmion: Will the full-time staff be consultants?

Ms R. SAFFIOTI: It would be dangerous to bring in external consultants on to the assessment team because of potential conflicts of interest. That is something that we have to manage. Conflicts of interest always have to be managed when engaging consultants.

Reference was made to the patio exemption. Small residential projects will be exempt from planning approval. Exemptions for minor extensions, patios, carports, shade sails and pergolas will be addressed in amendments to the Planning and Development (Local Planning Schemes) Regulations by amending the deemed-to-comply provisions. That is how they will be implemented. Changes will also be made to the "Residential design codes — Volume 1" deemed-to-comply criteria. I will go through the transparency aspects tomorrow.

Members raised issues about design review assessments, design review panels and the Office of the Government Architect. I think the member for Nedlands mentioned the Office of the Government Architect and design review panels. We have just gone to market to recruit a new Government Architect. I think that was advertised yesterday. That will be included as part of the design review panel and incorporated in the process. I want to point out something that is really relevant. The member for Nedlands referred to the Chellingworth site and the DRP. Design and review panels have emerged over recent years. We have the state DRP and many councils have their own. Those councils that do not have a DRP can use the state design review panel. Those panels focus largely on design excellence and better design. The design review panels, together with the Design WA guidelines, which has been released for apartments and will be released shortly for medium-density dwellings, address many of the issues that have been raised about bad design, not enough vegetation and infill issues. The design review suite of guidelines, together with the creation of design review panels, helps address those issues. In a sense, there are a lot of different elements coming together to help address all the concerns that have been raised. We try to address the concerns we can as they are raised, and the review of design excellence has been a massive improvement to what has happened in the past.

I turn to the special matters development assessment panel, which I think the member for Nedlands asked about. At this stage, we are thinking that the special matters DAP would be the WAPC chairman, the state Government Architect, the Western Australian Local Government Association president and two other specialists. That gives a local government representative, an architectural representative and the WAPC chairman.

Mr W.R. Marmion: Has WALGA been consulted on that?

Ms R. SAFFIOTI: One of the reasons that we will put the WALGA representative on the special matters DAP is that WALGA wanted to have a say on it.

I am seeing whether there are any other issues I can address.

Mr Z.R.F. Kirkup: The Aboriginal Heritage Act, have you addressed that one?

Ms R. SAFFIOTI: Sorry, yes. Proposed section 277(6) is the applicable proposed section in the amendment bill on page 18. There is still an obligation to obtain approvals under other legal instruments. The member will note that one of the examples listed is the Aboriginal Heritage Act, amongst others. Are there any other queries?

Mr W.R. Marmion: Main Roads?

Ms R. SAFFIOTI: Main Roads is an interesting one. Currently, a lot of the matters that end up at the State Administrative Tribunal are really conflicts between Planning approval and Main Roads approval to have access to highways, as the member pointed out. Queensland created a state referral coordinator. In essence, for significant projects, the assessment team will try to coordinate referrals better and earlier. It will try to address the conflict between road access and development outcomes earlier. Because I am planning and transport minister, I get to hear both sides of the story. The developer says that Main Roads has been over the top with its requests, and Main Roads says that it told the developer something can be the case very early on, but they ignored it. There is no real formal communication or transparency about who got told what and how those expectations were built in. This tries to bring that together earlier through the WAPC, in a sense, forcing a planning decision that also addresses the Main Roads outcome. Of all the nuts to crack, this is the toughest. One thing I am very keen on is having these pre-lodgement discussions, with the assessment team and representatives from the agencies, in particular Main Roads, at the table very early on so there is a clear understanding by everybody of exactly what is expected and the development does not get planned to such a stage for the developers then to be told that they cannot have access or the access is not going to work for that development. The complaints I get from developers are basically always about Main Roads. I think a state government agency is best placed to bring those issues together, so it is really working with state government agencies to try to address those issues earlier.

I have one minute left to speak and seven minutes left of my birthday! I think I will wrap it up and I look forward to seeing members in consideration in detail tomorrow. I have other answers to questions, but I suspect we will deal with those in consideration in detail.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

House adjourned at 11.54 pm