Parliamentary Debates
(HANSARD)

FORTIETH PARLIAMENT
FIRST SESSION
2020

LEGISLATIVE ASSEMBLY

Thursday, 21 May 2020

Legislative Assembly

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THE SPEAKER (Mr P.B. Watson) took the chair at 9.00 am, acknowledged country and read prayers.

PLANNING AND DEVELOPMENT AMENDMENT BILL 2020

Appropriations

Message from the Governor received and read recommending appropriations for the bill.

PAPER TABLED

A paper was tabled and ordered to lie upon the table of the house.

ECONOMICS AND INDUSTRY STANDING COMMITTEE

Eighth Report — "Taking Charge: Western Australia's Transition to a Distributed Energy Future" — Government Response — Statement by Speaker

THE SPEAKER (Mr P.B. Watson) [9.04 am]: Members, I have been advised that in relation to the recommendations contained in the Economics and Industry Standing Committee report entitled "Taking Charge: Western Australia's Transition to a Distributed Energy Future", which was tabled on 20 February 2020, no responses have been received from the Minister for Commerce, Minister for Emergency Services, Minister for Housing, Minister for Lands, Minister for Local Government, Minister for Planning and Minister for Tourism by the required time.

CORONAVIRUS — PRISONS — HELPING HANDS PROJECT

Statement by Minister for Corrective Services

MR F.M. LOGAN (Cockburn — Minister for Corrective Services) [9.04 am]: I rise to inform the house of the Helping Hands project, which is a collaboration between the Department of Justice, Department of Corrective Services and the Department of Communities. The Department of Justice and the Department of Communities recently agreed to collaborate to provide services and goods to vulnerable members of the community who may be disadvantaged as a result of the impact of COVID-19. The project, which has been named Helping Hands, provides an excellent opportunity for prisoners to provide a meaningful contribution to the community in lieu of the section 95 community project work that was recently suspended due to COVID-19 restrictions.

A number of initiatives are underway at prisons throughout Western Australia. These include contributions from prisoners at Bandyup Women's Prison, who are designing and manufacturing children's clothing for vulnerable children. Prisoners from Greenough Regional Prison are manufacturing pillowcases, library bags, toiletry bags and small teddy bears. Prisoners from Bunbury Regional Prison and Pardelup Prison Farm have commenced manufacturing more than 100 chairs and furniture to facilitate vulnerable children who are studying from home. Roebourne Regional Prison, Wooroloo Prison Farm, Casuarina Prison and Greenough Regional Prison are expected to commence similar manufacturing in the near future.

With the assistance of the department's education, employment and transitional services team, prisoners from Bandyup Women's Prison, Boronia Pre-release Centre for Women, Bunbury Regional Prison, Banksia Hill Detention Centre, Casuarina Prison, Greenough Regional Prison and Karnet Prison Farm are creating drawings and artwork designs, which prisoners at West Kimberley Regional Prison, Bandyup Women's Prison and Boronia Pre-release Centre for Women will craft into mindfulness colouring books and cards. The intent of those cards is to deliver a message of hope and kindness during these difficult times. Prisoners across WA are preparing care packages for the Department of Communities to be distributed to vulnerable children, women experiencing domestic violence, elders and seniors experiencing hardship and homelessness. The department has negotiated a donation of damaged bikes and scooters, which will be repaired at Wooroloo and Karnet Prison Farms and distributed to vulnerable children between the ages of 10 and 14. This is a positive collaboration between the Department of Justice and the Department of Communities. I am pleased that prisoners will be able to continue to give back to the community during these difficult and uncertain times. I want to thank the Department of Justice for all its efforts in putting this project together so quickly and the Department of Communities for facilitating these initiatives.

CORONAVIRUS — REMOTE ABORIGINAL COMMUNITIES

Statement by Minister for Housing

MR P.C. TINLEY (Willagee — Minister for Housing) [9.07 am]: Following the announcement of the state of emergency in Western Australia, the Department of Communities has been helping people in remote communities to control who enters their community to prevent the spread of COVID-19. Directions were issued by the State Emergency Coordinator under section 67 of the Emergency Management Act 2005 to restrict access into

remote communities. COVID-19 could be particularly devastating in remote communities, especially where existing health issues are present, so it has been a priority of the McGowan government to ensure that some of our most vulnerable Western Australians are protected.

Following the declaration of the state of emergency, officers from the department were in contact with the relevant communities to ensure they were aware of the new directions coming into effect. I would like to acknowledge the work of departmental staff in coordinating this response and working tirelessly to provide residents of remote communities with the information they need to keep their communities safe. Many members of remote communities wished to return home during this time. The department has worked to ensure that any members who wished to return have had the opportunity to do so in a safe and orderly manner, and in accordance with self-isolation protocols. Current estimates are that 1 000 people chose to return to remote communities during the pandemic. Exemptions to those restrictions enable the provision of or access to essential or human services in those communities. This is to ensure the continued provision of power, water and municipal services and the treatment of wastewater in remote communities. Staff continue to work with communities to develop and implement bespoke pandemic plans for each community and address issues such as food security and any other challenges that arise. I commend their work.

CHALLENGER TAFE SITE — BEACONSFIELD

Statement by Minister for Housing

MR P.C. TINLEY (Willagee — Minister for Housing) [9.09 am]: I am pleased to inform the house that Challenger TAFE in Beaconsfield ceased operation in December 2018 and the decommissioned asset was transferred to the Department of Communities in July 2019. The site currently forms part of the planning process for the "Heart of Beaconsfield" masterplan with the City of Fremantle. There was some concern from the local community that the vacant buildings could attract antisocial behaviour.

In November 2019, the Department of Communities received interest from the Western Australia Police Force, the Department of Defence and, more recently, the Department of Justice, to utilise the site. The Department of Communities has granted site access to these agencies for training and development purposes while the long-term future of the site is determined. This interim use of the site provides meaningful activation of an otherwise latent state government asset, while also significantly reducing the risks of trespassing, damage and theft. During this process, the Department of Communities actively rehomed furniture and educational items with the South Metropolitan Youth Link, which works with students disengaging from mainstream schooling.

I am heartened to know that the site is providing a benefit to the community and the state, particularly during these concerning times.

KICKSTART VIRTUAL FESTIVAL

Statement by Minister for Youth

MR D.J. KELLY (Bassendean — Minister for Youth) [9.10 am]: I rise today to announce the launch of the KickstART Virtual festival tomorrow, Friday, 22 May. Presented by Propel Youth Arts WA and funded by the government of Western Australia, KickstART Virtual will run until 29 May—just over a month after the Youth Week WA program of events were scheduled to run across the state.

COVID-19 has disrupted life as we know it and caused the cancellation of innumerable live events across the globe, including Youth Week WA and the KickstART festival. In response, Propel Youth Arts WA has developed KickstART Virtual—a week-long online festival of free workshops, talks and hangouts, specifically tailored to young creative people in WA, and developed by creative coordinator Kobi Arthur Morrison with the Youth Week WA planning committee.

Through KickstART Virtual, we hope to provide an opportunity for young people in WA to come together, learn and connect during this time of isolation and uncertainty. It is an opportunity for young people to get creative and stay connected with the arts community, all from the safety and comfort of their own home.

The KickstART Virtual festival will be a week of creative workshops, talks, performances and more by young people for young people. All events are online, free and youth orientated. The KickstART Virtual festival is a fantastic opportunity to get creative and stay connected with the arts community. I encourage members to jump on the Propel Youth Arts Facebook page and share the events with their community.

PEEL BUSINESS PARK — NAMBEELUP

Grievance

MR Z.R.F. KIRKUP (Dawesville) [9.12 am]: My grievance today is to the Treasurer in his capacity as Minister for Lands. I appreciate the minister taking my grievance today, given the short notice. The issue came to my attention only last week. My grievance relates to the Peel Business Park in Nambeelup and a recent issue relating to a tendering process. On 11 March 2020, Development WA issued an invitation to tender 2020/02, which was basically a brief to establish irrigation and landscaping for stage 1 of the Peel Business Park in Nambeelup. I understand that the invitation to tender was offered to a number of businesses, one of which was Peel Scape Solutions. Paul Holdom, the

director of that business, approached me and a number of members across Mandurah and the Peel region to talk about some concerns that he has had with the process subsequently. Effectively, this was a very significant tender worth more than $1 million at the time. As I said, it is part of stage 1 of the landscaping irrigation project.

Peel Scape Solutions submitted the most competitive tender that it could. It is a Mandurah-based business housed on Gordon Road, Mandurah. It was invited to participate in the tender process, which would have included more than 20 businesses, including suppliers and subcontractors, which obviously meant that the money expended on the work done as a result of that tender would have stayed within the Peel region, which of course is very valuable to our community. The whole point of Peel Business Park when it was first established was to ensure that any money spent on development in Nambeelup would stay within the community as much as possible.

Peel Scape Solutions submitted a tender for $1.55 million, which was apparently $260 000 higher than the winning tender. I have absolutely no issue with the competitive tender process and ensuring that taxpayers and the community receive the best value for money. My concern is that, unfortunately, not a single business in the Peel region was one of the top three successful tenderers. Indeed, the successful tenderer—the business that won the bid—was Total Eden, which, while it has a presence in Perth, has its headquarters in Victoria and has been sold to a Canadian firm. Companies were invited to submit their tenders for irrigation and landscaping works for Peel Business Park. No Peel business made the top three and the business that won the tender was unfortunately a Canadian firm, which is obviously a very concerning situation given where we are going in this post-COVID-19 economy.

Following the debrief on the submission, Peel Scape Solutions was told that no preference was given in the tender process to any business based in the Peel region. This is obviously quite a concern, given that as part of the invitation to tender, Peel Scape Solutions was told —

> *DevelopmentWA is committed to providing focus and opportunity in the procurement of goods and services from businesses in the Peel Region for the Peel Business Park project in Nambeelup. The strategy aligns with the Cabinet approved Transform Peel initiative and supports the creation of a new economy and job creation in the Peel region.*

I appreciate, as I said, that a process usually takes place to ensure a competitive tender arrangement is put in place. Peel Business Park is a significant bipartisan project that ensures further economic stimulation in the Peel region and the diversification of Mandurah's economy and the communities surrounding the Peel more broadly.

Anyone would obviously expect that when a project is ground in the idea that money should be spent on government projects in the Peel region, businesses within the region should also be successful. It concerns me greatly and it is frankly quite disappointing that a local business employing local people, which would have used some 20 local subcontractors and suppliers, was not successful in the tender. Peel Scape Solutions was invited to tender and it was not even included in the top three, and, unfortunately, the successful tenderer was a Canadian firm. Interestingly, when we go through the tender, it states that the specified trees, soils and mulches all have to be approximate to the development. Unfortunately, in this case, it is likely that a lot of the suppliers will come to the Peel from places as far north as Joondalup to carry out the works that will be required under the tender. Unfortunately, we will have a situation in which no local business will be involved in the provision of these works in Peel Business Park. I suspect that there will not even be a local requirement for the irrigation and landscaping works. We will not see any local input; it will come from the far north of Perth.

I appreciate the minister taking my grievance today. I seek his input and advice to local businesses about what they can do to ensure that preference is given to Mandurah businesses. It is only fair and reasonable to expect that a state government that spends millions of dollars of taxpayers' money on the Peel region development would provide work to a Peel business, not a Canadian firm. That is completely unfair and unreasonable. Even though this business was slightly more expensive—16 per cent more expensive than the successful tenderer—undoubtedly the impact it would have had on our community would have been much more significant than the contract being awarded to a Canadian firm. That is a very big concern of ours, especially when one of the key outcomes of the Peel Business Park was always meant to be a preference for Peel businesses, Mandurah businesses in particular. Communities that I represent should have been given preferred treatment or at least some preference in the tender process.

I am really asking the minister to look at this issue a bit more closely, certainly as part of future tenders, to ensure that Peel businesses get some priority as part of the tender process. I think it is incredibly unfair, especially given the unemployment rate in Mandurah and the economic situation, that we do not even see Mandurah contracts going to Mandurah businesses.

MR B.S. WYATT (Victoria Park — Minister for Lands) [9.19 am]: I thank the member for Dawesville for his grievance. It is a fair grievance and, as he points out, Peel Business Park in Nambeelup is an important investment and job generator for the state government and for the local community. I reference our recent conversation in this place on Tuesday night on the Procurement Bill reforms, and we are very determined to ensure that as much work as possible goes locally. I have been to the business park a number of times and I make the point that so far, of the $22 million in construction work to date, 90 per cent has gone to a local contractor, Wormall Civil, which I have met with a few times over the years.

As the member correctly points out, a landscaping contract was released recently, on 11 March 2020. As an aside, as part of ensuring we get as much local delivery of work as we can, Development WA has a Peel business register that has been advertised three times in local media. So far, 100 Peel businesses have been registered. That has been useful for Development WA, but it is also utilised by other government agencies. In respect of this tender, the member is right: two companies, including Peel Scape Solutions, were invited to tender. Although they were not on the register, I suspect they were known to Development WAand so were invited to tender.

For the member's information, the methodology to assess the tenders is through a weighting system, so of the things that were considered, 50 per cent—about half—went to price; 10 per cent went to project understanding and construction methodology; five per cent to recent relevant projects; 15 per cent to project team structure; 10 per cent to Indigenous engagement; and another 10 per cent to WA industry participation. As the member points out, the contract was awarded to the Total Eden store at Bibra Lake. The member made reference to it being a Canadian company. Total Eden is owned by Ruralco, and the farmers in this place will know Ruralco, which became quite a large Australian agribusiness and was then purchased by —

Mr I.C. Blayney: Elders.

Mr B.S. WYATT: I think Ruralco purchased a chunk of Elders along the way, did it not?

Mr I.C. Blayney: Elders bought them.

Mr B.S. WYATT: Did it? Nutrien, a Canadian company, bought Ruralco late last year I think, so yes, the ultimate owning company is Canadian. I do not know, but I suspect Total Eden operates as a franchise. I do not know how the local stores are owned, but bearing in mind issues around WA industry participation and looking at those various weightings, to win this tender any company would have to have had significant local weighting. I noted the member's comment; I wrote it down because it concerns me that in the briefing Peel Scape Solutions was told that no preference was given to Peel companies. I am not sure that is quite right, so I am worried about that advice. I will check the advice that was given to the member's constituent, Mr Holdom. To ensure there is weighting around industry participation in granting the contract, it is of course a matter of who will be doing the work. The contract may have gone to X company to do the local contract, but the member made the point that his constituent would have engaged 20 subcontractors locally. I expect that many of those subcontractors would still be doing the work, just through Total Eden at Bibra Lake as opposed to Peel Scape Solutions. But I will check on that, because I want to ensure that local work is given to local companies.

In conclusion I will make a couple of points on Peel Business Park. It is actually going very well. The Department of Fire and Emergency Services' Bushfire Centre of Excellence is under construction and will be located there, which was heavily contested. Many local governments were keen to have that centre in their areas, but ultimately Peel Business Park was identified as the right location for that.

Mr D.A. Templeman interjected.

Mr B.S. WYATT: With, of course, the vigorous advocacy of the member for Mandurah!

There is no doubt that it was a very competitive tender. Many companies bid for that tender and the prices ranged from about $1.2 million to $1.5 million, so it was a significant tender; there is no doubt about that. In light of the issues the member has raised, I undertake to contact Development WA today to get a briefing to ensure that Total Eden will be using as many local contractors as possible, because that is what we are trying to achieve. Everyone who has been there knows where Peel Business Park is located; it is on the edge of a large population centre that has significant capacity to deliver this sort of work. That is what we want to achieve. I made the comment earlier about Wormall Civil, which has been doing a great job down there, rolling out the utilities et cetera.

I have one final point, and the Minister for Local Government will like this. The Shire of Murray has put a lot of support into this, and not only vocal support—it has also put its hand in its pocket to ensure the success of Peel Business Park. I acknowledge the shire president and the CEO of the Shire of Murray. Every time I have gone there, they have turned up with great enthusiasm to ensure that the state government understands the efforts they have made to ensure that local people can live locally and work locally.

I thank the member for Dawesville for the grievance, and hopefully I have assuaged the concerns of the constituent who raised these issues. There are a couple of points that I will go and confirm, and I will get back to the member on them.

CORONAVIRUS — HOMELESSNESS SERVICES — BUNBURY

Grievance

MR D.T. PUNCH (Bunbury) [9.26 am]: My grievance is to Hon Simone McGurk in her capacity as Minister for Community Services. I would like to start by thanking the minister for not only taking this grievance but also her passion and commitment to supporting the most vulnerable people in our community, and the community services sector generally.

The restrictions resulting from COVID-19 have highlighted how many people in Bunbury are sleeping on the streets, and the role that support services have played with practical support in helping people to find shelter. Support

services, like the InTown Centre, can no longer allow people to congregate at their premises for lunch and advice. Caravan parks and camping grounds are shut down to new visitors, and we have witnessed a growing tent city at the Graham Bricknell Music Shell and the old railway station in the central business district. As more places close, the difficulties for people who have to sleep in the open are exacerbated. Many of these difficulties magnify other problems, including managing personal belongings, health, medication, personal safety and food, and even simple things like finding phone recharge outlets for those who still have a phone and need it to access support services that have switched to telephone contact only. These matters cannot be pre-planned; the pandemic came upon us, we had to respond, and then suddenly we find that all these little things make such a difference to people's lives.

The pandemic has demonstrated the significant number of people sleeping on the streets in Bunbury, and that has been shocking for many people who have been confronted with that visible, tangible evidence of vulnerable people within our community. It is important that I commend the services working to support people who are experiencing homelessness, and I recognise their efforts during this especially difficult time. I have been advised that in the quarter leading up to the end of March, more than 120 people were accommodated by various support services in Bunbury and the south west. That is a pretty significant effort by those agencies, and we do not often see that because we focus on the visible evidence of people who actually do not have a home.

I met recently with Mr John Sproule and Dee from the Salvation Army. They are absolutely front line workers supporting the people sleeping on our streets. I cannot speak highly enough of John and the work he is doing. With very limited funds, he helps with food and some emergency and crisis accommodation, and he talks with people and listens to their stories, which is often the most important starting point. He visits the music shell daily to check on the wellbeing of people and look for new ways to help. John is being active and proactive, but he cannot stretch his resources any further. He has some fantastic ideas for solutions, but as an individual working for a not-for-profit charity organisation, no matter how much he wants to do more, he has just about reached the limit of how much he can assist. There is only so much we can ask of an individual.

Despite being a volunteer service, the Bunbury Soup Van manages to maintain a regular service, providing a warm evening meal at least once a week. This continued even when its own volunteers were self-isolating and staying home to protect their own health, and there was a great deal of fear in our community about the pandemic. It is true that the number of rounds it does each week has reduced, but the service has remained regular and something that people without a home can rely on. Accordwest is a homelessness services provider in Bunbury. It takes on some of the most difficult to house tenants. It provides housing and support for recently released prisoners and safe environments for children at risk. I have met many of the employees of Accordwest; they are proud of the work they do and the difference they make in our community, but the scale of the problem is becoming overwhelming. Without new approaches and resources, it is very difficult for Accordwest as an agency to make inroads into ways in which people could achieve secure accommodation. Doors Wide Open provides support to people experiencing meth addiction, and their families. It has always recognised the co-existence of substance abuse and homelessness amongst its clients, but this pandemic has truly brought home the extent of the problem. Many people who previously couch surfed or stayed at caravan parks are now out of options and have joined the ranks of those who are sleeping in the open at the shell. Rather than Doors Wide Open saying that this is beyond its funded scope, it has looked at what it can do to help, and has called for donations for care packages to support people.

These and many other community service organisations need help to continue making a difference in the lives of people who are living on the streets in my community. They need the opportunity to share their experiences and be encouraged to be part of the solution for Bunbury as a whole. I have spoken to volunteers and staff associated with all of these organisations and their frustrations are clear. They support not just people who are without a home, but also people who are at risk of losing their home. These organisations see that people are falling through the cracks but they are not being given the local professional leadership and support that they need to tackle the problem in a coordinated way. As a consequence, they feel overwhelmed.

With the dreadfully low level of payment from sources such as JobSeeker and several disability support pensions, this problem will grow. While the federal government refuses to address a long-term solution to inadequate income support, more people will look to the non-government sector for help. People do not have the resources to secure and maintain private tenancies and there is not enough social housing to go around. I am concerned that when the JobSeeker payment reverts to its historically low level in September, more people in my community will be living in cars and on the streets. These payments might be established federally, but the impact of their inadequacy is felt at state and local levels, with much of the burden borne by the not-for-profit sector and community volunteers. In a sense, the savings that the federal government is pursuing in its welfare budget are translated into costs for non-government organisations.

I ask the minister to look at how, in a growing city such as Bunbury, we can design solutions to help people. I also ask that she meet with the key providers of help in Bunbury to map out a pathway forward, so that they can get behind it and sort this problem out. We must also keep pressure on the federal government to adequately address income support so that people can achieve their human needs for adequate food and housing. I thank the minister for receiving my grievance.

MS S.F. McGURK (Fremantle — Minister for Child Protection) [9.33 am]: I thank the member for raising this issue with me today. Since coming to Parliament, he has been a strong advocate for the people of Bunbury as their representative, and I thank him for his constructive approach in bringing this issue to my attention. As the member pointed out, homelessness is a complex community issue that has been exacerbated by the challenges that we have all had to confront during the COVID-19 crisis. In many cases, this crisis has been particularly hard for people who are sleeping rough or have precarious accommodation options. Of course, as the member pointed out, that has often pushed people out from options that they might have had for couch surfing or taking up a spare room for a time. There has been concern, and those people have been pushed out. In addition, some services have closed, such as some food supports, which has placed extra pressure on these people.

As I have spoken about before in this place, each year the Department of Communities provides over $90 million to not-for-profit services around the state to provide special homelessness services. These services assist families, women and children affected by family and domestic violence, young people and single adults who are homeless or at risk of becoming homeless. Many of these services, including the services the member referenced in his electorate, provide critical services to the community despite all the challenges that are thrown at them. I acknowledge that despite government investment, the existing homelessness services system does not always offer effective responses, and in challenging times, such as those we find ourselves in, it can crack under the additional pressure. I also acknowledge that homelessness and rough sleeping is a significant issue in the member's electorate and the south west generally, and that the current situation is causing frustration and distress for many within the local community. I think the local media has picked up on the extra visibility of these people. As the member raised with me, the closure of caravan parks and the like has pushed people out and made their disadvantage very visible to the local community.

I am pleased to say that, at a local level, the Department of Communities' south west office is working with other groups on a project to identify and mobilise support for people who are experiencing or are at high risk of experiencing homelessness. The project is being coordinated across multiple agencies, including the Department of Communities; the South West Aboriginal Medical Service; the WA Country Health Service; Accordwest, which the member mentioned; the City of Bunbury; and local community advocates, some of which the member referenced in his speech. I am pleased to inform the member that the group has already completed a census of known rough sleepers in Bunbury, Margaret River and the south west. The census data for Bunbury indicated that approximately 80 individuals were couch surfing or sleeping rough in the member's electorate. Many were also experiencing issues around family and domestic violence, mental health, substance misuse or interaction with the justice and child protection systems. This comes as no surprise to many people who are working in this field. This project group will work on an integrated planning approach to pool resources. It will use skilled human service workers to engage with people who are homeless and refer them and other agencies to the supports that are so needed. Importantly, outreach work by local community service groups to support this action commenced earlier this month.

In recognition that the pooling of existing resources and coordination of approaches will go only so far, the McGowan government created the Lotterywest COVID-19 relief fund. The $159 million COVID-19 relief fund will provide support for organisations that help people who are experiencing hardship. An initial $59 million will be available for crisis and emergency support for eligible not-for-profit and community organisations to assist with costs associated with an increased demand for food, clothing, shelter and other critical needs. If they have not done so already, I urge the member to make sure that the organisations that he spoke to, and is very well connected with, are aware of that application process. The funding will be delivered in rounds, and if one round has finished, there will be other rounds available. We need to make sure that those organisations reach out for that assistance. These grants are beginning to roll out across the community and will have a big impact in supporting organisations that assist vulnerable people.

Significant work has also been happening across government in conjunction with the community services sector to distribute information and advice and put plans in place to respond to the health pandemic, should the situation worsen. Communities has created several task forces to respond to the impact of the pandemic on vulnerable cohorts, including a homelessness task force, which will do this work and track emerging issues to assist those cohorts. Plans are currently in place to ensure emergency accommodation and support is available for rough sleepers should they contract COVID-19 and need to self-isolate while they await test results or recover from the virus. Thankfully, due to the efforts of Western Australians and the very strong response of the McGowan government in WA, we are in a very different position than was anticipated only two months ago. The stream of new cases of COVID-19 has slowed to a trickle and there is no evidence of community transmission.

Although I acknowledge the need to consider innovative solutions to house and support vulnerable people during COVID-19, it is important that this work is consistent with a broader strategic direction that will produce long-term outcomes. I understand the City of Bunbury has recently provided funding to install lockers and construct temporary outdoor shelters. That is important, but we know that this is about managing the problem rather than solving it. We announced late last year that there would be $72 million in new funding for additional homelessness services to support people who are sleeping rough in the community. An amount of $34.5 million will go to the Housing First initiative with a view to ending homelessness in Western Australia.

CORONAVIRUS — SMALL BUSINESS AND TOURISM — GOVERNMENT SUPPORT

Grievance

MRS A.K. HAYDEN (Darling Range) [9.40 am]: I would like to thank the Minister for Small Business for taking my grievance today. I understand that he had some difficult news yesterday and I wish him all the very best and hope that it is going to be better.

Mr P. Papalia: It's all good.

Mrs A.K. HAYDEN: It is all good. Excellent; that is good to hear.

My grievance is on behalf of the thousands of small and family-run businesses and tourism operators who are straining under the pressure of the COVID-19 pandemic. Sadly, they have fallen through the gaps in the support that has been announced by the state government. Over the past few weeks we have heard announcements that have offered hope to small business and tourism operators; but, sadly, after reading the fine print, those hopes have been turned into salt. After seeing the criteria and eligibility, they have found that they are not able to apply for much of the funding announced by the government.

There are more than 220 000 small businesses in Western Australia and they represent more than 96 per cent of all businesses in the state. WA is home to a total of 28 650 tourism businesses and many of them were forced to shut their doors in March due to the COVID-19 pandemic. They were the first hit and, sadly, as we have said in this place a number of times, they will be the last to recover. Too many of them have missed out as they have struggled to stay afloat during this pandemic.

Last month, the state government brought forward payroll tax measures to assist businesses. Although I welcome that measure, I recognise that most small businesses are not eligible for that support because they do not have a payroll of $1 million per annum. As stated in the minister's media release, it will help only 10 700 medium to small businesses, which equates to only 4.7 per cent of WA's 226 000 small businesses. This week I spoke to the owner of a well-known restaurant in my electorate, the Naked Apple Cider House, who has been getting on by operating a take-away system. They were delighted to open last night, although in a restricted capacity, and would like that restriction removed quickly. In their heyday they employed 20 staff; they have been able to retain 16 of them due to the federal government's JobKeeper scheme. But, like so many hospitality businesses, their staff are a mix of full-time, part-time and casual employees, and they do not pay $1 million in payroll, so they were ineligible for the payroll tax exemption.

I have also received numerous emails and calls from travel agents who I understand have also contacted the minister's office. Their businesses also have been devastated by the pandemic, but they, too, have been unable to tap into any business relief packages given out under the payroll tax threshold. In other states and territories, small and family-run businesses and tourism operators who are not benefitting from payroll tax relief are being supported through other grants. South Australian tourism operators receive $10 000 to keep locals employed. Victoria's support program provides $10 000 grants to impacted businesses that turn over at least $57 000 and with a payroll of less than $650 000. The WA tourism fund was announced a month after it was in the eastern states, to which 1 600 tourism operators are entitled. There are close to 30 000 tourism operators in WA, yet that $6 500 will help only 1 600 of them. That means fewer than seven per cent of our tourism operators are getting any assistance from the government and the vast majority are feeling as though they have been left out in the cold. My phone rang off the hook when many people thought that they would be able to tap into this tourism fund. When they found out they could not, they were deeply disappointed.

The one-off $2 500 WA small business tariff offset is for small businesses that consume less than 50 megawatt hours per annum—another announcement made by this government. Although that is great for the 95 000 businesses that are eligible, that is still less than half of the 226 000 small businesses across the state. The majority of small businesses in WA are getting nothing from this state government. I have been told by members of the hospitality industry that country pubs and motels easily go over that 50 megawatt hours per annum and would not get this tariff rebate. Additionally, I have been contacted by cafe owners who have told me that because their landlord pays the power and passes that cost on to the tenant, they are not eligible for that assistance. Many landlords are not passing on that saving. I was also contacted by Alex, the owner of Chalari Wines in Roleystone, who was told that his business did not qualify for assistance because it was a partnership, which was totally inaccurate. That matter was fixed only after I raised it with the minister. I thank the minister for fixing that, but that is no way to support our small businesses. If funds are available, we should make it easy for them to access; they should not have to fight and argue to get it. Travel restrictions have meant that caravan parks and motels across our state have sat empty, yet they are still paying up to $8 000 a month for the right to have a toilet block. They are paying for toilets that are not being flushed.

Active cases, thankfully, are declining and restrictions are slowly easing, but small businesses are still falling victim to even more cracks that have been created through inconsistency as restrictions are lifted. Last week, I met with James from the Bike Bar, who has two dedicated spin studios, yet he must stay closed while the gym and boxing facility down the road can open and attract his customers. Businesses are scratching their heads and thinking why these discrepancies are out there and why we are not supporting them.

Minister, prior to COVID-19 the tourism sector was the minister's and the Premier's poster boy. On its behalf, I am begging the government to not turn its back on it now. Stand up around the cabinet table for tourism and small business operators and fill in the gaps and provide relief. We need our small business tourism operators to be up and running so that we can climb out of this pandemic. They are the ones who will be employing Western Australians and we need to get behind them and support them now when they really need it.

MR P. PAPALIA (Warnbro — Minister for Small Business) [9.48 am]: I thank the member for her grievance and advocacy for tourism and other small businesses around the state. It is a terrible time. It is absolutely horrible to witness the impacts on businesses of all sizes, but particularly small businesses not just in Western Australia, but right around the globe. This is an extraordinary experience. Nobody living on the planet today has witnessed anything of the calibre or extent of the challenge that confronts us as a consequence of a pandemic that has resulted in an extraordinary economic challenge, the scale of which has not been since the Great Depression. The observations the member has made and the pain, fear and challenges that the member has articulated on behalf of the business community, I absolutely acknowledge. We are very focused on trying to assist as best we can.

I will refer at the outset to probably the last point the member made on some of the inconsistencies. What I believe and I think the government believes is the best possible course of action to assist everybody—not just small businesses—is to get people back to work in the safest possible fashion as soon as possible. That exceeds any sort of assistance we can possibly provide in terms of financial assistance or waiving of fees or charges or costs. Last night, in my absence, Hon Bill Johnston spoke in this place. I think he said that as a state government, our contribution equates to about nine per cent of the state's economy. Even if we doubled that, threw ourselves into incredible debt and paralysed our ability to respond to any other threats in the future through that massive increase in debt, that would have a small impact, and it would in no way replace the income that has been lost. It is not something that government can do. Even the federal government, with all its capacity, is incapable of replacing the income that has been lost. That is why it has repeatedly notified us all that JobKeeper is only going to last until the end of Q3. I understand the pain, and I have great sympathy and empathy for people who are experiencing what is going on at the moment, but we are not going to be able to give people a cheque to fill the gap. What we can do and have done is to, wherever possible, look towards assisting the federal government's response. The federal government has far greater revenue capacity to do things, and it has done a lot of things. We are trying to fill in the gaps with our $1.8 billion state contribution.

Undeniably, in some cases, we are just not going to be able to do what people want us to do. We are not going to be able to replace that revenue. What we can do, as quickly as possible, in the safest possible manner, is open up the economy. That is the objective. I can tell people that absolutely everyone in government is focused on doing that. As soon as we can, we will be lifting restrictions further.

I remind people that the state government has made a $1.8 billion contribution. No-one has missed out on everything. There are some people who have missed out on some things, but no-one in the state has not got some benefit from contributions by the state and federal governments. I understand that, despite that, people will still be doing it tough. As the member knows, this is happening everywhere in the world right now. Some businesses will just not be able to endure what they are confronting. There will be a changed environment when we return. The member referred to travel agents. I can imagine that will be an incredibly difficult sector to be part of, because the likelihood of international travel in the near term, for instance, is very low.

Mrs A.K. Hayden: They are getting no assistance.

Mr P. PAPALIA: No-one is getting no assistance. There has been a one-off $2 500 credit on electricity bills for small businesses that consume less than 50 megawatts. The member's suggestion that some of the hotels miss out on that does not mean that all the other small businesses miss out as well. There are more than 90 000 small businesses across the state, as I understand from the contribution from Hon Bill Johnston last night. Tens of thousands of businesses are getting grants. There has been a one-off grant for $17 500 for businesses with payroll between $1 million and $4 million. There are all sorts of contributions. We have talked about the tourism package. Of course, not every tourism business will be eligible to receive the grant. But the best thing we can do for tourism businesses is to open things up. I believe this winter, for instance, right now, businesses in the south west, the great southern and the wheatbelt can expect the biggest winter they have ever experienced.

Mrs A.K. Hayden: What about for the others?

Mr P. PAPALIA: For the businesses up north, we have a big focus on opening them up to the Perth market as soon as possible, because that is the big market they can access. But we cannot do that beyond the health advice. We announced that this phase would commence on 18 May, and we have had changes. Right now, one of the biggest critics of our borders and the like is the New South Wales government. I went to its website. On 15 May, its advice was to not leave Sydney. People in Sydney were not allowed to go on holidays. We are well in advance of the rest of the country. We are looking to make changes as soon as we possibly can, but we know that there is a two-week cycle with this disease. That is going to be a critical element. We are looking, and we will open up further to help businesses as soon as possible.

FREMANTLE TRAFFIC BRIDGE

Grievance

MRS L.M. O'MALLEY (Bicton) [9.55 am]: My grievance today is to the Minister for Transport. I thank the minister for taking my grievance.

The Fremantle Traffic Bridge is a local icon. It is much more than just a bridge. It is symbolic of the history of Fremantle and the surrounding suburbs, including those in my electorate of Bicton. The traffic bridge is located at a site that has been a river crossing point since 1866, when an earlier bridge was built in the same spot by convict labour. The current bridge as it stands was built in 1939 by E.W. (Ernie) Godfrey, who was in charge of the bridges section at Main Roads from 1928 until his retirement in 1957. The traffic bridge has served us immensely well, but now the 88-year-old icon is at the end of its long and highly memorable life. The bridge, which was originally built as a temporary structure, has deteriorated and is rapidly becoming a liability. For the electorate of Bicton, the Fremantle Traffic Bridge is an important local connection point across the river as the only other nearby river crossing in the 12 kilometres between the Stirling Bridge and East Fremantle and the Narrows Bridge in Perth. The bridge has the capacity to divert 30 000 vehicles a day away from Stirling Bridge, thereby easing congestion for Bicton locals commuting to and from work, study and leisure, to visit our closest beaches at Port and Leighton Beach and beyond, or the many other reasons we southerners cross to the north side of the Swan River and back.

The Fremantle Traffic Bridge is special to locals in many ways. For those who fish, it is knowing the best spot to catch dinner. For young people, it is a rite of passage to walk across the wooden plank ways. For others, it is a spot to take beautiful photographs and reflect on the history of the roman numerals on the old timber pylons. Another vital element to the bridge upgrade is that it will improve safety for Bicton boaties. As a water-loving electorate, local boat owners have told me that the current misaligned pylons make navigation difficult, and they look forward to improved access beneath future aligned structures. That is why constituents have contacted me seeking an update on our government's announcement last year that it had secured a 50–50 contribution from the commonwealth to fund the upgrade of the traffic bridge. I understand the $230 million project will put an end to expensive interim repairs like those needed in 2016, when the pylons deteriorated, resulting in the temporary closure of the bridge.

Replacing the bridge will also be an opportunity to unlock the next phase of our government's commitment to expanding freight access into Fremantle, both for passengers and freight trains. The amount of container freight moving to and from the Fremantle inner harbour by rail is reaching record levels under our government, which is easing pressure on arterial roads to the port, particularly those that run through the Bicton electorate. The constraints caused by rail bridge capacity at the Swan River crossing in Fremantle will restrict further growth in the share of freight movements servicing Fremantle port by rail, which is another reason this project is so important to the people of Bicton and Fremantle. Given that the project will generate around 1 500 jobs, it seems even more pressing in light of COVID-19 to get progress underway as soon as we can.

Local cyclists and walkers in Bicton are particularly excited about the inclusion of modern standard cycling facilities and a dedicated pedestrian walkway. They have also expressed concern about any potential delays to the project. For locals in Bicton, this project will improve access for freight, cars, pedestrians, cyclists and boat users. Therefore, on their behalf, I ask the minister for an update on the progress of this vital and necessary project.

MS R. SAFFIOTI (West Swan — Minister for Transport) [9.59 am]: I thank the member for Bicton for her grievance and interest in this very significant project. We have a lot of projects on our agenda, but the Fremantle Traffic Bridge project is the most challenging and interesting one. It is not every day we get to build a new river crossing. I am happy to say that we have already built one with the Matagarup Bridge, but this one is a very exciting project. The Fremantle Traffic Bridge is iconic to Fremantle and its surrounds, but it is nearing the end of its life and we all understand that it has to be replaced with a more modern, functional bridge.

This project is one of the most interesting and challenging projects. I will outline some of the constraints to building this new bridge that are currently being worked on, but I will initially highlight what this new bridge will bring to the area. A new bridge will expand rail capacity, as the member explained, through the building of a new rail bridge as well as the principal shared path, which will connect through to Perth. Our PSP through the western suburbs has been very popular so far. We have finished stage 1 and we are about to commence work on stage 2 this year, which will connect the path through to the Fremantle PSP. A new dedicated PSP will run from Fremantle through to Perth. We have seen a massive uptake in the usage of the cycling path since it was constructed. Significant numbers of cyclists are already using the PSP, and we are very excited about moving to stage 2 and stage 3 of that project. The member expressed concerns about the PSP. We will provide a dedicated PSP and connect that with the western suburbs PSP that goes all the way into the city.

I want to talk about some of the constraints to building the new Fremantle Traffic Bridge and what we plan to do over the next few months. As the member knows, it is a very busy part of the river. That is one of the factors that needs to be taken into consideration in both the design of the bridge and the way it is built. We know that the

Fremantle Port Authority uses a particular part of the river there, so we are very keen not to impact or stop river usage and traffic during the construction of the bridge. We also want to ensure that the new design facilitates easier navigation for all those boaties in the member for Bicton's electorate in particular.

The other key constraint are the rail lines being used by both freight and passenger trains. We cannot have lengthy closures of those lines, particularly the freight line. Stopping those freight lines from operating for a long period would have a significant impact on both the budget and freight and rail. That is another constraint that we are working through. There will potentially be some small stoppages, but we are currently working through that. They would not be lengthy and nor would they significantly impact freight movements.

The third constraint on the construction of this bridge is keeping the road bridge open for as long as we can. If traffic is not able to use the Fremantle Traffic Bridge, it would impact the Stirling Highway bridge and other areas significantly. That is another constraint that we are working through.

As the member can tell, it is a challenging project and we have to be really wary of freight rail lines in particular, and their gradient, how that operates, and also the curvature of the tracks because they cannot do a 90-degree turn as we have found in our planning.

Mr R.H. Cook: The trains aren't trying hard enough.

Ms R. SAFFIOTI: No. They do not tuck their tummy in as they turn around. That is another constraint we are working on with regard to how we align the road and new rail lines.

I am pleased to say that a preliminary concept plan has been designed and we have consulted with the stakeholder reference group and the Heritage Council of Western Australia. We are about to start further onsite investigations. In the coming months, there will be a lot more activity, and environmental, heritage and geotechnical surveys will be undertaken. We will see some activity on the river and around the bridge as all the surveys required to start this project are carried out. We will also undertake community consultation in the upcoming months and hopefully commence a tender process in July. The contract structure going to market will be in the form of an alliance project because of the challenges and difficulties with this project. When we go to market, one of the key aspects is that we will ask a construction firm to partner with an architectural firm. This will allow us to marry engineering, architectural and budget requirements into one process. With the Matagarup Bridge, those three things operated separately—what could be done from an engineering perspective, an architectural perspective and a budget perspective. Those three things were married very late in the process. We will learn from those mistakes and bring the engineers, the architects and the finance people together earlier so that we understand what is doable, and how we can marry the constructability with how the bridge looks. The project will garner a lot of attention on how it looks and works with Fremantle.

WESTERN AUSTRALIAN FUTURE FUND AMENDMENT (FUTURE HEALTH RESEARCH AND INNOVATION FUND) BILL 2019

Returned

Bill returned from the Council with amendments.

As to Consideration in Detail

On motion by **Mr R.H. Cook (Minister for Health)**, resolved —

That the Council's amendments be considered in detail forthwith.

Council's Amendments — Consideration in Detail

The amendments made by the Council were as follows —

No 1

Clause 7, page 4, after line 19 — To insert —

(iii) if, the budget papers for the financial year have not been tabled in the Legislative Assembly before the commencement of the financial year — the statement tabled under section 9(B);

No 2

Clause 9, page 8, after line 2 — To insert —

(3A) Subsections (1) to (3) are subject to section 4CA.

No 3

Clause 9, page 9, after line 5 — To insert —

(9) When deciding the following matters, the Minister for Health must, as the Minister for Health considers appropriate, give priority to qualifying activities that relate to human coronaviruses with pandemic potential —

(a) what arrangements to make or approve under subsection (1) for operation during the financial year beginning on 1 July 2020;

(b) how money standing to the credit of the FHRI Account is to be applied during that financial year.

No 4

Clause 9, page 9, after line 5 — To insert —

4CA. Requirements to be met before FHRI Account applied

(1) Before making or approving arrangements under section 4C(1) that will operate during a financial year, or applying during a financial year money standing to the credit of the FHRI Account under section 4C, the Minister for Health must —

(a) direct the advisory group to make a recommendation on how money standing to the credit of the FHRI Account should be applied during the financial year under section 4C; and

(b) consider the advisory group's recommendation.

(2) A direction under subsection (1)(a) may —

(a) include proposals for how money standing to the credit of the FHRI Account is to be applied during the financial year under section 4C; and

(b) require the advisory group's recommendation to state 1 of the following —

(i) that money standing to the credit of the FHRI Account should be applied during the financial year in accordance with the proposals;

(ii) that money standing to the credit of the FHRI Account should not be applied during the financial year in accordance with the proposals;

(iii) that money standing to the credit of the FHRI Account should be applied during the financial year in accordance with the proposals as the proposals are modified as specified in the recommendation.

(3) Within 14 days after the day on which the Minister for Health receives a recommendation for the purposes of subsection (1)(a), the Minister for Health must cause the following documents to be laid before each House of Parliament —

(a) a copy of the Minister for Health's direction to the advisory group to make the recommendation;

(b) a copy of the recommendation.

(4) Subsection (5) applies if —

(a) at the beginning of the 14-day period referred to in subsection (3), a House of Parliament is not sitting; and

(b) in the Minister for Health's opinion, the House will not sit before the end of the period.

(5) If this subsection applies —

(a) the Minister for Health must, before the end of the period, send the documents to the Clerk of the House; and

(b) when a document is sent to the Clerk it is taken to have been laid before the House; and

(c) the laying of a document that is taken to have occurred under paragraph (b) must be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk receives the document.

No 5

Clause 9, page 10, line 29 to page 11, line 8 — To delete the lines and substitute —

(2) The function of the advisory group is as follows —

(a) as and when directed by the Minister for Health, to make a recommendation for a financial year for the purposes of section 4CA(1)(a);

(b) as and when directed by the Minister for Health or the FHRI Account Department, to provide other advice or assistance in relation to 1 or both of the following —

(i) furthering, or facilitating the furthering of, the purpose referred to in section 4A(1);

(ii) other matters relating to any function of the Minister for Health under section 4A or section 4C (including any regulations made for the purposes of section 4C(3)).

No 6

Clause 9, page 13, lines 1 to 4 — To delete the lines.

No 7

Clause 9, page 14, after line 15 — To insert —

4H. Conflicts of interest

(1) For each member of the advisory group under section 4F(3)(c) to (f), the conditions referred to in section 4G(1)(d) must include a condition that does the following —

(a) requires the member to disclose any actual, or potential, material conflict of interest that the member has arising out of the advisory group's function;

(b) specifies when, how and to whom the disclosure must be made;

(c) specifies any other steps that the member must take in relation to the conflict of interest.

(2) The Minister for Health must ensure that a condition of the kind described in subsection (1) applies to any alternate member appointed under section 4G(6).

(3) In cases where the Minister for Health considers it appropriate for a condition to apply, the Minister for Health must ensure that a condition similar to that described in subsection (1) applies to any person, other than a public service officer, who has a role of providing assistance to the advisory group.

(4) The CEO must do the following —

(a) keep a record of —

(i) each disclosure that is made by a member of the advisory group, or another person, under a condition that applies to the member or person as required under subsection (1), (2) or (3); and

(ii) any other steps that are taken in relation to any actual, or potential, conflict of interest that is disclosed;

(b) make a summary of the record available, on request, for inspection.

(5) The regulations may prescribe how a summary of the record is to be made available under subsection (4)(b).

No 8

Clause 14, page 17, after line 26 — To insert —

9B. Estimate of income to be laid before each House of Parliament in certain circumstances

(1) If the budget papers for a financial year will not be tabled in the Legislative Assembly before the commencement of the financial year, the Treasurer must, before the commencement of the financial year, cause a statement setting out an estimate of the income that will be derived during the financial year from the investment of money standing to the credit of the FHRI Fund, to be laid before each House of Parliament.

(2) If subsection (1) requires the Treasurer to cause a document to be laid before a House of Parliament and the House is not sitting, the Treasurer may give the document to the Clerk of the House.

(3) A document given to the Clerk of a House under subsection (2) is taken to have been laid before the House.

(4) The laying of a document before a House that is taken to have occurred under subsection (3) must be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk receives the document.

No 9

New Clause 16A, page 18, after line 24 — To insert —

16A. Section 10A inserted

After section 10 insert:

10A. Governance framework

(1) In this section —

FHRI scheme means the scheme of this Act for supporting, and facilitating support for, qualifying activities through —

(a) the operation of the FHRI Account and the FHRI Fund; and

(b) the exercise and performance of related functions by the Minister for Health, the Treasurer, the advisory group and others;

governance framework means the framework referred to in subsection (2);

priorities means the priorities referred to in subsection (3)(b);

strategic arrangement means an arrangement that is made or approved under section 4C(1) and that the Minister for Health considers to be of strategic importance to the operation of the FHRI scheme;

strategic document means a document, other than the strategy or priorities, that is prepared under the governance framework and that the Minister for Health considers to be of strategic importance to the operation of the FHRI scheme;

strategy means the strategy referred to in subsection (3)(a).

(2) The Minister for Health must prepare and maintain a framework for the governance of the FHRI scheme.

(3) The governance framework must (without limitation) do the following —

(a) provide for the preparation and maintaining of a strategy for the operation of the FHRI scheme;

(b) provide for the setting of priorities for the operation of the FHRI scheme;

(c) include a framework for the making and approving of arrangements under section 4C(1) and the administration of arrangements made or approved.

(4) The Minister for Health must cause the following to be laid before each House of Parliament —

(a) a copy of each of the following —

(i) the governance framework;

(ii) the strategy;

(iii) the priorities;

(iv) if a document listed in subparagraphs (i) to (iii) is modified or replaced — the modified or new document;

(b) a copy of each strategic document and, if a strategic document is modified, a copy of the modified document;

(c) details of each strategic arrangement and, if a strategic arrangement is modified, details of the modified arrangement.

(5) The CEO must ensure that the current version of each of the following is publicly available on a website maintained by, or on behalf of, the FHRI Account Department —

(a) the governance framework;

(b) the strategy;

(c) the priorities;

(d) each strategic document;

(e) the details of each strategic arrangement.

Mr R.H. COOK — by leave: I move —

That the amendments made by the Council be agreed to.

The Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019 has now been considered by the Legislative Council—some would say in great detail; I think we clocked up 8.5 hours on clause 1. It has been considered in great detail and I commend the Legislative Council for its diligence. I am at least relieved that it has come before us at this point in time. I seek the support of members for amendments 1 to 9. These were put up during debate and are a combination of amendments from Hon Martin Aldridge, Hon Alison Xamon and the parliamentary secretary, Hon Alanna Clohesy, who moved one amendment on behalf of the government. With the indulgence of the Deputy Speaker, I will just go through these amendments.

Amendments 1 and 8 were moved by Hon Martin Aldridge. Those two amendments relate to new section 9B, which extends the definition of "forecast investment income". New section 9B(1) states —

> If the budget papers for a financial year will not be tabled in the Legislative Assembly before the commencement of the financial year, the Treasurer must, before the commencement of the financial year, cause a statement setting out an estimate of the income that will be derived during the financial year from the investment of money standing to the credit of the FHRI Fund …

The statement must be made and tabled in both houses of Parliament. If neither house is sitting, alternative arrangements for tabling may be made under proposed section 9B(2) to (4). That includes the submission to the Clerk in the other place and so on.

This, obviously, would be a fairly specific set of circumstances, such as this year's late budget. I do not expect this clause to be utilised that often because it goes to the issue of providing Parliament with good notice about the funds that would be dedicated to the account in the event that they do not have the usual budget papers in May each year. It was a reasonable request and that is why we were very happy to support it. Pandemics allowing, let us hope that we do not have late budgets all that often.

Ms M.J. Davies: In election years.

Mr R.H. COOK: That is a good point, member for Central Wheatbelt. Budgets are often late in election years, so maybe that will be utilised once every four years.

Amendments 2, 4 and 5 will enshrine in legislation the role of the advisory group. Members will recall that during debate I tabled the governance structure for the future health research and innovation fund. The actual role of the advisory group will now be in the legislation. The government does not oppose these amendments. A range of amendments give effect to that idea.

Amendment 3 will amend clause 9. It requires the Minister for Health to prioritise the funding of research and innovation, including commercialisation of human coronaviruses with pandemic potential, from the future health research and innovation fund for the financial year commencing 1 July 2020. This amendment was moved by the government.

Mr D.A. TEMPLEMAN: I want to speak about the amendments, but I rise now to alert the house that I have been told by the Clerk that we need an absolute majority present in the house before we put the amendments to ensure that we comply with the standing orders. The Clerk explained to me that an absolute majority will sanction the process. Whilst I am speaking and members are gathering, these amendments are important for consideration. When we have an absolute majority, I assume the Deputy Speaker will be able to note that, and that will then ensure that we comply with the passing of these amendments once debate on them has concluded.

The DEPUTY SPEAKER: That was an extremely valuable contribution! Thank you.

Mr R.H. COOK: I have never heard him talk so slowly, I must say! Thank you, Leader of the House. I note that there will be some questions. It will take a little while, members, so please bear with us.

Amendment 3 was moved by the government. Obviously, we expect coronaviruses to be an important focus in the first instance in relation to the operation of this bill. For that purpose, we moved this amendment. Proposed section 4C(9)(a) and (b) is intended to enable the minister to make funding decisions outside the recommendations of the advisory group, and the governance framework is intended to apply to the future health research and innovation fund.

The DEPUTY SPEAKER: Members, please be quiet.

Mr R.H. COOK: A point of interest is that this refers to "human coronaviruses with pandemic potential" to allow for any mutations of COVID-19.

Amendments 6 and 7 also relate to clause 9. These amendments were moved by Hon Alison Xamon and deal with conflicts of interest in the operation of the advisory group. They are straightforward and enshrine principles that were already important.

Amendment 9 relates to the governance framework. The government supports this amendment as it inserts a new section 10A that requires the Minister for Health to prepare and maintain a governance framework for the future health research and innovation scheme. This amendment also requires the minister to table the governance framework and a number of supporting documents in both houses of Parliament. There is a requirement to also table modifications and replacements to these documents; however, this does not include minor changes that are made to address such matters as formatting or spelling errors.

That is the effect of amendments 1 to 9. The amendments have the government's support; indeed, the government sponsored one of them. They go to important matters that were considered at some length by members in the other place.

Ms M.J. DAVIES: My understanding is that we are dealing with these amendments en bloc. Do we have the opportunity to provide notice to government members so that we are adhering to the requirements of the house prior to calling for a vote?

The DEPUTY SPEAKER: Yes, that is a good assumption.

Ms M.J. DAVIES: Thank you. The majority of amendments, as the minister has laid out, came from the National Party in the Legislative Council. I note that although those amendments were supported, the National Party does not ultimately support the bill. We still do not believe that the intent is correct. However, we think the amendments improve the bill, understanding that it will be passed in this place. We thank those members who participated. The government has indicated that it will be supporting those amendments in this place.

Hon Martin Aldridge, the Nationals' health spokesperson, worked through these amendments in great detail. He bundled together that late-budget provision, as the minister outlined, which related to the initiation of this bill, but then also contemplated that there would be provision for the potential for late budgets in state election years. This issue was identified in an exchange between the Parliamentary Secretary to the Minister for Health and Hon Martin Aldridge during Committee of the Whole. The amendment to clause 7 did not anticipate the occurrence of a late budget being delivered. Hon Martin Aldridge's assumption was that if there were no budget papers, no cash would be available to the future health research and innovation account. He quite rightly noted that that will occur this year as a result of the state emergency and the budget being pushed back to October and also every other year in which a general election occurs. That has been the case since the advent of fixed-term elections since 2013. That problem would be faced in the very first two years of the account's operation. I understand that during the debate in the Legislative Council, the government said that it had a workaround for that and would be able to manage it. That was not acceptable to the Nationals. This amendment strengthens the bill and makes sure that it will operate as intended, because we will face that situation this year and in every year when there is a general election. From that perspective, I can see that the government argued in the other place for a 30-day discretion, post 1 July, to allow the tabling of a statement on the special purpose account so that financial obligations on the contracts could be staggered to avoid payments between 1 July and the late state budget. We did not agree with that, and this amendment makes that completely avoidable. We thank the government for accepting the amendment because we think it strengthens the bill.

Hon Martin Aldridge moved quite an extensive amendment to clause 9 on the governance framework relating to the advisory group and the requirements to be met before the future health research and innovation fund is applied. In the Nationals' view, the amendment strengthens the governance provisions by providing transparency in the decision-making process. Whilst the government argued in this place that the legislation provided for a rigorous and robust governance framework, it was not until the Greens moved an amendment with the words "governance framework" in the other place that we saw that addressed specifically in the bill.

Mr D.T. REDMAN: I would like to hear more from Leader of the National Party.

Ms M.J. DAVIES: Thank you, member. This amendment mirrors similar provisions that have been built into the Road Safety Council Act 2002, which administers the road trauma trust account. It does not in any way diminish the ministerial decision-making power or ministerial discretion. However, it requires the minister of the day to seek the advice of and consider the recommendations made by the independent expert advisory group. That was not part of the process prior to this amendment being agreed to. Otherwise, the sole function of the advisory group, which can be found at proposed section 4F(2), was that it only provide advice that the minister requested for the purpose of the fund. The amendment means that the advice of the advisory group has to be sought and the minister of the day has to take that advice into consideration. In practice, if the minister of the day did not seek advice from the advisory group, which I am sure would not happen, but this is about putting belt and braces on this type of legislation, the advisory group would have no role to play. That did not seem to us to be the intention of what the government put forward and it would not have been good governance. From our perspective, this amendment has strengthened the role of the advisory group and will ensure that future governments will take the advisory group's advice. There is precedence for this in the provision relating to the road trauma trust account in the Road Safety Council Act. A very reasonable example was provided in the other place about how the decision was made to purchase a $20 million helicopter for the police using funds from the road trauma trust account. The decision-making process was very murky and I do not think that the advice that would have been provided at the time by the group that was responsible for administering that fund would have been adhered to. Without this provision, the minister could deliberately ignore the advice simply by not asking for it. That is a very circuitous way of explaining why the provision is there, but there are examples of how it has been utilised in other bills with other funds.

On behalf of the Nationals, Hon Martin Aldridge moved an amendment to clause 9 to avoid short-term cost shifting. The minister very graciously provided an undertaking in the other place that any of the programs that are being funded will not be subsumed by this funding in the short term. As I understand it—the Minister for Health can clarify it for me—the Department of Health will continue to fund those programs in the short term. Obviously, once we get through the program—this is much like royalties for regions; what is believed to be cost shifting and what is not becomes discretionary—the programs that are embedded and are being funded by the Department of Health will continue to be funded by the Department of Health and that, going forward, the decisions will follow the processes set out in this bill. I think the member has made a very sensible recommendation and we appreciate that the minister has agreed to ensure that it will be undertaken. Sorry, that was not an amendment. My apologies to the minister for confusing the house. It was discussed but we did not want to embed it in the legislation. We appreciate that the minister gave an undertaking in writing to ensure that would not happen. For the purposes of *Hansard*, I clarify my remarks. I have an abandoned amendment on the last page of my notes from Hon Martin Aldridge. Members will appreciate that there were a number of amendments. Members of the Legislative Council worked very diligently through this legislation to strengthen it.

Mr D.T. REDMAN: I am still very keen to hear more comments from the Leader of the National Party.

Mr D.A. Templeman: She is losing me a bit!

Ms M.J. DAVIES: I just lost myself, Leader of the House! I appreciate that; I am sorry. As the minister noted in his preamble to these amendments, this has been played out over a number of days in some detail in the other house. As I said, the amendments have strengthened the bill and I commend Hon Martin Aldridge for working his way through this legislation.

Ultimately, I have to say that the Nationals do not support the repurposing of this account. We made that very clear in the debate in this place in the first instance, but that has not stopped us from engaging with the minister and those who were responsible for putting this legislation together. It is very disappointing—this has been canvassed on a number of occasions—that there was strong disagreement from those on the other side, particularly the Treasurer, when we created the future fund. It was seeded by royalties for regions funding and its purpose was to ensure that future generations would benefit from what we are doing now by mining our very valuable resources. I will concede that it is hard to argue that most people in Western Australia would not support research into health and what this funding will be directed to, but that sets aside the fact that the future fund had a purpose and that it was not supposed to come into play until 2032. When it was created, it was designed to deliver ongoing funding for future generations from non-renewable resources. I hope that the research that is undertaken as a result of being able to direct these funds into it, as we argued but ultimately failed in this place, benefits people in regional Western Australia. We have serious issues in regional communities that will benefit from having a light shone on them and from receiving funding from the creation of accounts such as this one. If the advisory group and the minister take that on board as we work through this, through the governance process and through the strengthened amendments, it will be very much appreciated, because I think this is a once-in-a-lifetime opportunity to deal with some of those vexatious and wicked problems that we face in regional Western Australia, bearing in mind that this fund was created using royalties for regions funding from non-renewable resources and, ultimately, has been repurposed by this Labor government.

Mr Z.R.F. KIRKUP: I follow my good friends in the Nationals WA and the Leader of the Nationals in speaking to these amendments that have been brought down from the Legislative Council. I have a couple of comments. I appreciate that we are dealing with the amendments en bloc. The point of dealing with them en bloc is that the government does not have to maintain an absolute majority when each amendment is moved. I am glad that we will do that only once rather than a number of times.

I would like to thank the minister and his advisers, particularly Gino Marinucci, for the work done in liaising on the Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill, which was debated and amended in the Legislative Council, and the negotiations thereafter. I thank the minister and his team in particular for that work. I thank my Legislative Council colleague Hon Nick Goiran for holding the floor as the Legislative Council lead speaker on health and the work he did there to go through this very extensive bill, which was introduced by the government in this place in 2019. Of course, as the Leader of the Nationals rightly pointed out, the Western Australian Future Fund was established by the Liberal–National government for a completely different purpose from what this bill is now seeking to achieve and will undoubtedly achieve once it passes both houses and is granted assent. Ultimately, I feel that the Liberal Party supports this new purpose in light of the health and medical research outcomes, although it may not have been the intent of what we anticipated. We note that it was an election commitment of the government and, as such, we have certainly provided no resistance. I was very keen for this bill to be supported to ensure investment into medical research in Western Australia. It is important to note that our medical research teams and specialist institutions in Western Australia do an amazing job. We have seen that with the DETECT program in schools and the like and the research subsequently undertaken as a result of the COVID pandemic.

I will quickly go through some of the clauses. I do not anticipate speaking again unless the minister raises something that I want to question. We will let the minister run out the clock for five and then let members back in, if that makes sense. That will be the extent of my contribution unless the minister comes up with something I believe needs questioning further. The Leader of the Nationals WA outlined all the amendments moved by Hon Martin Aldridge in the other place. There is no point in my rehashing them. Hon Martin Aldridge has done an extensive job with the number of amendments moved. I note that the National Party moved an amendment on the floor of the Legislative Assembly during the consideration in detail debate and that a range of refinements were effectively made to that intent in the upper house. The National Party has taken a relatively consistent approach to that.

Ms M.J. Davies interjected.

Mr Z.R.F. KIRKUP: I was with the Leader of the Nationals the whole way, as the Liberal Party always will be with the National Party. The amendments I am very keen to talk about were those moved by Hon Alison Xamon about conflicts of interest. These amendments are of particular note, because this was raised during our contribution to the debate. A number of concerns were raised about large sums of money being expended by the government and I think there is a need to make sure we focus on potential conflicts of interest. The member for Nedlands talked about the development of Infrastructure Western Australia and the need to ensure that there is a rigorous regime to deal with perceived conflicts of interest. When we contributed to the debate on the bill on 13 November, we were very keen to ensure that there was a better way to manage potential conflicts of interest around this fund.

There will be significant expenditure. Perth is a very small town and the medical research community is undoubtedly also small. The ability for us to manage disclosure requirements and to ensure steps are taken to identify any potential conflicts of interest —

Mr W.R. MARMION: I would like to hear more from the member for Dawesville.

Mr Z.R.F. KIRKUP: Thank you very much, member for Nedlands. There is a need for records to be kept of disclosure made by members of the advisory group. Steps also need to be taken to ensure that any potential conflicts of interest and how they are handled are disclosed. We also need to ensure that a summary of the records is available on request for inspection. That is a key part of any opposition as we look to any expenditure required to be spent by a government through whatever process. It is important that conflict-of-interest registers are maintained and can be accessed publicly. Of course, the opposition can ask questions during question time and submit freedom of information applications, but they might go only so far, especially with respect to FOI. The Freedom of Information Act 1992 contains safeguards for commercial interests and personal information in some respects. I appreciate that the government has accepted this amendment by Hon Alison Xamon to ensure that a record is maintained and can be available on request for inspection. I think that is a good thing. The other point made a number of times is that the involvement of the CEO of the Department of Health in this will undoubtedly allow rigorous oversight to be maintained of those disclosures and potential conflicts of interest. We must be aware that the pool of people required to oversee this will be very, very small. We have certainly indicated that we will look very closely at the selection of people who will be involved in that process to ensure that even at the ministerial–executive level, there is very little overlap within Western Australia, even in pre-existing relationships, that might develop as a result of people's background in medical research. The ability for us to pull from a small pool of experts warrants a strengthened conflict-of-interest clause.

Mr W.R. Marmion: It would be difficult.

Mr Z.R.F. KIRKUP: I imagine it will be, member for Nedlands; it will be particularly difficult to find those experts when dealing with such a nuanced project. I appreciate the amendments moved by Hon Alison Xamon and supported by the Liberal Party in the other place.

The other amendment I would like to talk about—I am probably running through my time—is the COVID-19 amendment moved by the government. I have not had the opportunity to seek the minister's counsel on why that amendment was warranted.

Mr R.H. Cook interjected.

Mr Z.R.F. KIRKUP: I think it is amendment 3 to clause 9 on page 9. Can the minister take the opportunity to explain to the chamber the relationship with COVID-19? I appreciate that it was explained by the minister's representative in the other place, but given we are considering that amendment here, it is prudent that its relationship to COVID-19 is explained so that we can get a better understanding. When the amendment was moved, it was suggested that the government was seeking to attach some COVID urgency to it. Because of that, I am keen for the minister to provide some further explanation to the house about that amendment moved by the government in the other place.

Ultimately, I am pleased that this will provide investment in medical research in Western Australia, particularly during this time. I am always in awe of the ingenuity and entrepreneurship of Western Australians, particularly their ability to go above and beyond in the sense of a greater spirit of humanity. I think they do that often in medical research. What I love about Western Australia is that we name our hospitals after notable people. These people who are often talked about across the kitchen table are often medical researchers, medical scientists and doctors themselves. I think that is brilliant. It is a great reflection on the maturity of our society when we reflect on the contributions made by great Western Australians who are looking after us and the world as a whole. We are very lucky to have some Nobel laureates in Western Australia and outstanding contributions from great medical researchers such as Professor Wood and Professor Stanley. They are amazing people who continue to do great work and I think they should be supported. Although I appreciate that this was not the intent of the future fund at its inception, it is great that the government has been able to use the foresight the Liberal–National government had some years ago to make sure that we can invest these funds in medical research. Hopefully, it will make a great contribution, not just now in the short term while COVID is with us, but also into the long term.

On a final note, it is the intent of the government, and the legislation reflects this, that there should be a particular focus on Aboriginal health as much as possible. That is an important aspect of this bill and one that we all support. I hope that will be a significant part of the expenditure as part of these amendments and the bill itself.

Mr R.H. COOK: I thank members for their comments and questions on the Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019. I will address briefly the questions of the member for Dawesville about the COVID-19 clause. The clause is about enshrining a clear legislative pathway to ensure funding can be allocated to COVID-19 research and innovation and other research and innovation associated with coronaviruses with pandemic potential. The member will recall that in the context of the bill, the government is limited to the recommendations of the advisory group, for very good reason. It is because we do not want this

to be the plaything of a politician. We want this to be a bit like the Infrastructure Western Australia process. We want this to be about long-term, world-class, world-leading medical research and innovation. Like everyone on the globe, we recognise that at the moment the COVID-19 pandemic is front and centre and should be the absolute focus for us. In that context, this amendment relinquishes the obligation to be strapped to the advice of the advisory council for the first year alone because we recognise that the coronavirus is front and centre of everyone in medical research at the moment and should receive the full attention of our efforts. We therefore expected it to attract the agreement of all sides that this should be subject to the temporary orders to debate legislation with a COVID-19 focus. The member's side ultimately was not agreeable to that. I found that extraordinary, but we persevered to ensure that we can move forward. I thought we should move forward a bit quicker; nevertheless, here we are.

I acknowledge the important role that regional health will play in the future of the state. From that perspective, the member for Central Wheatbelt will recall from earlier debate that we have enshrined the role of a person with a regional health background, Aboriginal health background and community health background to be part of the advisory group. That is an important acknowledgment of not only the priority that regional health plays, and obviously the role that royalties for regions played in the seed funding, but also that Western Australia is a world leader in remote health care. We should capitalise on that strength and make sure we can move forward. I am sorry that this falls short of the member's support. This was a central election commitment and I think it is worthy of at least grudging acknowledgement that we have done the right thing by the WA electorate. Nevertheless, I appreciate the focus the member's party has provided to the bill to improve it as best as she sees fit.

In conclusion, I thank members of those parties that are supporting the bill. In particular, I acknowledge the member for Dawesville, who has been helpful and supportive of getting this bill through.

A member interjected.

Mr R.H. COOK: I think he is almost becoming part of the health fraternity. He understands the importance of this. I appreciate his assistance, albeit limited that assistance can be when dealing with the upper house! Wow—it is extraordinary! It could watch the Legislative Assembly and really see how a proper house of review and legislation operates. Nevertheless, I thank members of the Legislative Council for their consideration as well.

I thank also Daphne, Michael, Leanne and Lita, who come from different departments, for their support and advice during this legislation.

[Member's time extended.]

Mr R.H. COOK: I think Leanne is from the Department of Treasury, so it has been great to bring together an eclectic team. I thank the Premier for his support on this policy. This was a key focus and key commitment for us during the election campaign and this legislation has the capacity to revolutionise the way medical research is done in Western Australia. It will improve patient care. It will ensure that we do not continue to diversify our economy. It will attract and retain the best and brightest we can in medical research expertise in the state and it will ensure that Western Australian patients experience the very latest in health care and technology and innovation. This is important legislation. It will not just double the amount of resources that are available for medical research, but it will attract the best researchers. It will revolutionise the way we do medical research and it will make Western Australia world-class and world-leading in medical research and innovation.

I have a final thank you before I conclude. I thank those members of the research community who have travelled with us on this journey, particularly Professor Bruce Robinson, who told me to go to Canada to look at the important role the heritage trust has played in making Alberta, a western-based isolated province in Canada, a world-leader in medical research. I thank him for that and for his ongoing guidance. I thank also Professor Barry Marshall and Professor Jonathan Carapetis for their original endorsement of this legislation; Professor Gary Geelhoed from the Western Australian Health Translation Network for his great work and the guidance it has played; Mr Ashley Reid from the Cancer Council WA; and, of course, Professor Fiona Stanley for her guidance and continued support. I thank the medical research community, championed by the Australian Medical Association in Western Australia. I thank the association for its ongoing support and continued vigilance to ensure that we did everything it wanted us to do! We have not done everything it wanted us to do, but I certainly appreciate its support. I thank also Mr Gino Marinucci from my office who has been an absolute stalwart in assisting me to get this legislation through.

I thank all members for their support. This is perhaps the second most important piece of legislation I have managed to put through in this term and I am really pleased we got there. This is an important commitment to the WA people. It is an important commitment to our medical research community and to the Western Australian economy and it will make a huge contribution. I commend the amendments to the house.

I table the explanatory memorandum on these amendments, which I neglected to do beforehand.

The DEPUTY SPEAKER: To be cautious, I have counted the house and am satisfied an absolute majority is present.

[See paper 3400.]

Question put and passed with an absolute majority; the Council's amendments agreed to.

The Council acquainted accordingly.

CHILDREN AND COMMUNITY SERVICES AMENDMENT BILL 2019

Third Reading

Resumed from 20 May.

MR D.J. KELLY (Bassendean — Minister for Water) [10.48 am]: I began my speech on the third reading of this legislation yesterday. I put on record some information that I had acquired in recently times, largely concerning sexual abuse by the Christian Brothers and, in particular, Brother Danny McMahon, who taught at a number of Western Australian schools. The Children and Community Services Amendment Bill 2019 introduces mandatory reporting for ministers of religion. One of the reasons the royal commission recommended that mandatory reporting be extended to ministers of religion was so that there might be a culture change in those religious institutions where the royal commission found that sexual abuse of children was prevalent. The royal commission found that there was a culture of cover-ups, if you like, in many of those institutions. Information about incidents of child sexual abuse was not only not reported, but actually covered up. The royal commission found that that was the culture in many of those institutions. It therefore recommended that mandatory reporting be extended to ministers of religion as one way of changing the culture in those organisations.

I think that is very important because from the incidents in Western Australia that I have become aware of in recent times at schools run by the Christian Brothers, it is clear that there was a culture of compliance and of covering up some of the most horrendous examples of sexual abuse that can be imagined. My concern is that strong elements of that culture still exist. Direct governance of schools in Western Australia that were previously directly run by the Christian Brothers has been handed over to a new organisation called Edmund Rice Education Australia, which I think was put together in 2007. People who are familiar with the Christian Brothers will know that Edmund Rice was the founder of the Christian Brothers order.

In 2007, the Christian Brothers order transferred the governance of all its schools to Edmund Rice Education Australia. One might ask why that was done. Some might suggest that the Christian Brothers knew that they faced an avalanche of civil litigation from victims of sexual abuse in their schools, and that this move was a way of transferring the assets of the schools away from the Christian Brothers and into a different body to make it more difficult for victims of sexual abuse to gain access to those assets. The Christian Brothers would say that the new organisation was set up because the number of Christian Brothers in Australia is declining and, therefore, a new organisation needed to be established to ensure the ongoing survival of the schools.

Whichever of those stories is correct, my concern is that Edmund Rice Education Australia still has very strong elements of the old Christian Brothers culture, and that has the potential to hinder victims of sexual abuse in those schools, and teachers and staff associated with those schools, coming forward and being whistleblowers, if you like. Despite the royal commission finding that up to 20 per cent of Christian Brothers were abusers, very few whistleblowers are out there. Yesterday, I raised the point that the victims I have spoken to in recent times from schools like Trinity College, Aquinas College, and Christian Brothers College Fremantle, where I went to school, have often asked the question: people could see what was going on in those schools, so why did people not come forward? Why did the adults operating in those schools not come forward and put a stop to it? In the case of Brother McMahon, for example, it was obvious to 14-year-old children that he was abusing students. Why did other staff members not come forward? They did not come forward because the culture of the Catholic Church, and the Christian Brothers in particular, was that people just did not come forward and criticise the church or the Christian Brothers. That was the culture in those schools.

Edmund Rice Education Australia, which now runs those schools, continues to champion the heritage of the Christian Brothers. The very name of the organisation refers to the founder of the Christian Brothers order. It speaks very glowingly in all its publications about Edmund Rice as its founder. I have looked at the websites of those schools in recent days, and to this day they all continue to champion the Christian Brothers order and the positive things it has done for schools like Aquinas, Trinity and Aranmore Catholic College. Very little, if anything, is said about the Christian Brothers order and its history of abuse here in Western Australia.

I will give members an example from the website of Aquinas College. There are lots of former Aquinians in this chamber; I think the member for Churchlands is one. Under the heading "Mission, Vision and Values", the website states —

> Aquinas College is a Catholic school for boys in the Edmund Rice tradition. It is a member of Edmund Rice Education Australia (EREA) which encompasses all schools with Christian Brothers' heritage.
>
> The College acknowledges the significant contribution Christian Brothers have made to Aquinas' traditions since 1894.

That is a very glowing and positive comment on what Christian Brothers have done for Aquinas College. According to the royal commission, we know that at least 20 per cent of the Christian Brothers actually abused children. It was not a case of one or two bad apples; the Christian Brothers systematically abused children in this state. This happened at Christian Brothers orphanages, such as Bindoon, Castledare and Clontarf. The conditions there were horrific—absolutely horrific—and those were the findings of the royal commission.

Prior to the royal commission, schools could argue, "Look, it was one bad apple. It was a bad Brother here and a bad Brother there. The Christian Brothers really were champions of fairness and they built our schools." Now that we have had a royal commission and it has found that the conditions in the orphanages run by the Christian Brothers were horrendous and that 20 per cent—I think 22 per cent is the exact figure the royal commission found—of Christian Brothers across Australia were abusers, it is no longer tenable, in my view, for the schools that were previously run by the Christian Brothers in this state and around Australia to continue to champion the heritage of the Christian Brothers. That is an absolute insult to the victims. We heard of Christian Brother after Christian Brother abusing children and we then heard of the hierarchy of the Christian Brothers continuing to facilitate that abuse.

Brother Tony Shanahan, who was the head of the Christian Brothers in this state in the 1990s, gave evidence to the royal commission that the Christian Brothers got their first reports of abuse in Western Australia back in 1919, and there was evidence that that abuse continued in every decade from then until the royal commission. In my view, it is no longer tenable for schools such as my old school, CBC Fremantle, Aquinas or Trinity to continue to champion the history of the Christian Brothers. As I have said, firstly it is an insult to the victims; and, secondly, it perpetuates a culture in those schools of not coming forward to blow the whistle on child abuse, because the Christian Brothers were synonymous with the abuse of children for so long. I hope that those schools and the new organisation Edmund Rice Education Australia, which now runs those schools, seriously considers the way in which they promote themselves going forward and how they view their heritage. Removing the promotion of the Christian Brothers from the point of view of victims and a culture change, in my view, would be a very positive step.

I would like to say that I am aware of a number of victims, former students of the Christian Brothers, who are now coming forward and taking common law legal action to sue for damages. That option is now open to victims because the statute of limitations was removed last year when this government passed legislation to facilitate that. Two victims of the Christian Brothers have now successfully sued at common law and a number of other victims are going through that process. In the most recent case, the Christian Brothers did not cover themselves in glory. John Lawrence was a victim of one of the orphanages—a children's home. The brothers admitted that they had abused him as a child, but they argued that because he had come to them as an orphan, his life was already damaged and he was not going to amount to much; therefore, his compensation should be less than he was claiming. Thankfully, the judge in that case, Mark Herron, found against the brothers and awarded him $1.39 million. I hope that the Christian Brothers learn from that experience, and as other victims come forward and seek to sue at common law, the Christian Brothers, whose track record right back to the 1990s when people first started coming forward, has been to spare no expense at frustrating claims—that is not my view; it is, again, the evidence before the recent royal commission—will negotiate and settle those claims in a fair and just way, rather than use every legal avenue they have to frustrate those claims.

Finally, I would like to again thank the minister for bringing forward this legislation. It is an important part in the protection of children in this state. The extension of mandatory reporting to ministers of religion is a particularly important part of that protection. I sincerely hope that all religious organisations will now be bound by mandatory reporting, including the Catholic Church, and face up to their responsibilities, face up to their past and embrace this new mandatory reporting. I know that Catholic Archbishop Costelloe has said that he opposes mandatory reporting for religious organisations. I hope that once this legislation passes, he reconsiders his position. I hope the Catholic Church reconsiders its position and puts the protection of children first, as it should be.

MR R.S. LOVE (Moore — Deputy Leader of the Nationals WA) [11.03 am]: I thank the house for the opportunity to speak on the third reading of the Children and Community Services Amendment Bill 2019. I will not take too long and will stick to the matters that were dealt with in consideration in detail more strictly than the previous speaker. I start by thanking the Minister for Child Protection and her staff for the calm and very informative responses to the issues that were raised throughout consideration in detail. I thank her for her concern for the welfare of children throughout Western Australia.

I would like to put on the record the fact that the Nationals WA will be supporting the aspects of this bill that the previous speaker just touched upon—that is, putting in place some of the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. We know that as part of that, a minister of religion will become an occupation in which it will be mandatory to report child sexual abuse as it becomes known to them. Consideration in detail drew out some of the circumstances around that and some of the details about how that might operate. I think that that was a worthwhile discussion and I thank the minister again for her work and her efforts to explain that.

The bill also seeks to implement 41 recommendations of a statutory review of the Children and Community Services Act 2004. In that regard, I think that there has been a little bit more dispute from the community around those provisions. In particular, clause 32 of the bill will insert a new section 81 into the act. During discussion of that clause in consideration in detail, I raised with the minister a statement of concern the Noongar Family Safety and Wellbeing Council and the Secretariat of the National Aboriginal and Torres Strait Islander Child Care had raised and asked the minister to speak on that. SNAICC and the Noongar Family Safety and Wellbeing Council advocates for the incorporation of what is known as Aboriginal family-led decision-making into the legislation. I read from their statement of concern —

> The additional requirement of further consultation —

In this bill —

> … is also problematic in the absence of a clear requirement of an AFLDM process.

It goes on to state —

> Legislation in other states has established clear requirements for independent Aboriginal and Torres Strait Islander representatives or organisations to facilitate the participation of a child's extended family in significant decisions for a child's care and protection. We refer specifically to model provisions including the *Child, Youth and Families Act* … (Vic) and the *Child Protection* Act … (Qld) …

In her response, the minister said—I am not directly quoting the minister but taking some guidance from what was recorded in *Hansard*—under the current provisions of section 81, the following people had to be consulted: an Aboriginal practice leader or other relevant Aboriginal officer; an Aboriginal person who in the opinion of the CEO has relevant knowledge of the child; the child's family and the child's community; and an Aboriginal agency that has relevant knowledge of the child, the child's family and the child's community. Not only should one of those persons be consulted, but all of those persons should be consulted. I think the minister feels as though the bill will significantly strengthen the consultation process rather than lessen it, and that there will be no misunderstanding between the position of SNAICC and the minister. The Minister for Aboriginal Affairs, who is just coming into the chamber, also outlined that position.

The Minister for Child Protection also said that her department would implement Aboriginal family-led decision-making and was committed to doing that without the need to amend the act. She also said that the department would trial that approach and that nothing in the act would preclude that from happening. She also said that there are other ways of ensuring that that would be put in place. Since the minister made those statements, the Nationals WA have been approached by those groups, as I think the minister would know. One of my colleagues in the upper house, Hon Jacqui Boydell, met with representatives of those groups. Their view is that they would like some changes made to the bill to incorporate Aboriginal family-led decision-making. The Nationals have not taken a firm position on what they put forward, but we will consider those matters as this bill goes through the other place. We will keep an eye on the bill, with a view to the concerns of that group, and keep an open mind as the bill is discussed in the other place. I thank the minister, whom we will no doubt hear from in winding up the third reading.

MS S.F. McGURK (Fremantle — Minister for Child Protection) [11.10 am] — in reply: I thank all members for their contributions to the third reading debate on the Children and Community Services Amendment Bill 2019. I have no further response to make, except to say that I look forward to following the debate in the other place. I think the expression I used in my earlier contribution to the third reading debate is that we should not let the perfect get in the way of the good. I firmly believe that the initiatives in this bill will form a very solid foundation on which to build genuine Aboriginal engagement in decision-making and protections for families and their children, with a view to those children having not only ongoing safety as a fundamental and unequivocal right, but also a connection to their culture, community and country. The amendments contained in this bill will form those solid foundations. As I have said before, and as the Minister for Aboriginal Affairs has said, I am concerned that some of the advocacy for Aboriginal family-led decision-making is based on misinformation about what is contained in the bill. It is important that people get their facts straight about what the bill will provide. I look forward to continuing to work with Aboriginal people around the state, including Noongar groups, to enable children and their families to be safe, happy and healthy.

Question put and passed.

Bill read a third time and transmitted to the Council.

PLANNING AND DEVELOPMENT AMENDMENT BILL 2020

Second Reading

Resumed from 20 May.

MS C.M. ROWE (Belmont) [11.13 am]: I rise to make a brief contribution to the debate on the Planning and Development Amendment Bill 2020. COVID-19 has undoubtedly had a really severe impact on the Western Australian economy, particularly for the incomprehensible number of Western Australians who have lost their jobs or suddenly found themselves to be dramatically underemployed. At a time when our state is facing the worst economic crisis since possibly the Great Depression, I would like to congratulate the Minister for Planning for bringing forward a significant bill that will, hopefully, stimulate much economic activity. After many years of extensive consultation, the amendments proposed in the bill seek to stimulate the economy, create vital job opportunities and, importantly, remove unnecessary and burdensome red-tape restrictions. The Planning and Development Amendment Bill 2020 will not only assist our state's economy on the long road to recovery, but also implement a more flexible, responsive and contemporary planning system. This contemporary planning system will benefit many, including small business owners, homeowners who are seeking to build patios and pergolas, and community members who want to partake in a more extensive and consistent consultation process on planning right across our community. Numerous elements of the bill seek to simultaneously bring about beneficial planning reforms—and quite sweeping reforms at that. The bill also provides an urgent response to COVID-19 in an economic sense, in how it relates to planning and development.

One of the significant changes in this bill relates to community engagement, which will be of great interest to many locals in my electorate. As the member for Belmont, I have witnessed community members actively and enthusiastically partaking in planning and consultation with local councils right across the electorate. They have a really strong desire to contribute to the future of their street, suburb and community. However, locals in my electorate do not feel that this has been adequately afforded to them in relation to planning. This bill seeks to improve community engagement and consultation by elevating local planning strategies, introducing consistent and transparent consultation practices and ensuring that real community benefits flow from major developments. That is a critical part of the bill, and I really welcome that element. This has been absent from my electorate in recent years, so it will be of great interest to people right across Belmont. These changes will ensure that there is meaningful community consultation. The critical word here is "meaningful", because certainly in my electorate of Belmont, there has not been a welcome or fulsome approach to community consultation in the past. I know that the council has been working on improving that area. This will also alleviate confusion and ensure that there are no sudden surprises about the types of development that can occur within our suburbs. Again, that will be very much welcomed across my electorate.

Constituents often come to see me about developments that have gone ahead. The horse has bolted in relation to consultation, but they really had no opportunity to have any input. If there was an opportunity for consultation, from their point of view it was insufficient or came too late because the project was going ahead regardless. I would like to illustrate this by example. When I was newly elected to the seat of Belmont, late one night, while I was sitting in Parliament, I received a phone call from a constituent who was incredibly distressed because a 24-hour truck stop and service station was going to be built a couple of houses up from where she lived. She had no idea when she bought in this quiet part of my electorate that that would ever be a possibility under the planning scheme. Of course, there was no opportunity for any of the locals who were directly affected by that decision to have any input in the decision—it went straight through the council and was approved by the State Administrative Tribunal. It was very disappointing for locals. In fact, I think this constituent may have moved out of the area because she felt completely robbed of having any say in her community. Her view, which I agree with, was that having a 24-hour truck stop and service station on the corner of her street would not only dramatically affect the amenity of the area but also have a direct impact on her capacity to enjoy peace and quiet in her own home. Members can imagine that this development would cause significant noise disruption through all hours of the day and night. That is one of many examples. I could go on, but I will not.

Community consultation is a really important element of the bill and will be very much welcomed by my constituency of Belmont. This bill will ultimately give residents a greater say in setting the future vision of their community. That is an important element as well, as it will give people an opportunity to feel a sense of ownership of the look and feel of the communities in which they live, play and work. This is principally done by extending the minimum period of community consultation for local planning strategies from 21 to 35 days. That will allow a greater time in which to provide feedback, and will also improve the opportunity for feedback because documents will be available online rather than having to be inspected in person. That is a much more modern and contemporary approach. These reforms will influence people's ability and inclination to provide feedback in the consultation process and have a direct say on the shape and look of our community, which is great.

I will give another example of a broader approach to consultation. Before I was elected as the member for Belmont, I worked with the Belmont Community Group and locals in Ascot Waters who approached me to help them campaign to stop a development going ahead in their neck of the woods. Ascot Waters is a particularly beautiful part of my electorate right on the Swan River. A lot of restrictions determine what residential developments can go ahead in that area. The area contains low-rise residential developments and underground power; it has been very thoughtfully planned and there is a lot of consistency and continuity around the design of residential homes in Ascot Waters.

When the council proposed to build a 15-storey high-rise development for aged care—CraigCare was going to develop it—the locals were absolutely outraged, not because they did not want to have an aged-care facility in their neighbourhood, but because they had been robbed of the opportunity to have a say in what it might look like. This development was going to be thrust upon them by the council and they felt very aggrieved by that process. One of the flaws that came through from the consultation process that was offered by the council was the fact that consultation had been offered to the community by way of advertising in the local paper. Unfortunately, the local paper has never been delivered to Ascot Waters so they were not even aware of it. This process will, hopefully, not occur again because the bill mandates that planning authorities will have to consult with not just the properties immediately affected by the development, but a radius of properties that might be a few streets away. The bill provides a toolkit for planning authorities that outlines the process and the steps that need to occur so that an opportunity is provided for constituents to have a say. Locals who want to engage in that process can then have a positive effect on the outcome.

Our reforms ensure a consistent, statewide consultation process. This is important for all development applications. The reforms include the mandating of a radius model, which I just touched on, for major development applications and scheme amendments with clear requirements on the information provided to landowners and residents. New

requirements exist for onsite signage displaying an image of the proposed built form. This is really a great idea so that people can visualise what the development will look like rather than it being an abstract idea. We all have different ideas of what things might eventually look like, so having that image on display will be fantastic. This applies to all developments over $2 million. A community engagement toolkit will be developed for all planning authorities to provide consistent and contemporary best practice guidance on how and when to engage during the planning process. A real bugbear for so many of my constituents is that they find out about a development going ahead once it is well and truly down the line of that development process. For them to have the opportunity to have early input and have their say is really critical to this process. It is really welcomed, certainly by my constituency.

Another important change is the amendments that pertain to small and medium businesses and small residential projects. Small and medium businesses are the backbone of our economy and a major employer for many Western Australians. These proposed amendments will assist in stimulating our economy when it is needed the most. They will reduce red tape, streamline approvals and remove barriers surrounding unnecessary paperwork and approvals for simple and straightforward projects. One of the most important elements to this is the amendment that will axe planning approvals for small home renovations in a variety of circumstances. For instance, if a home owner wishes to erect a patio and it meets set, defined criteria, they will be able to apply directly for a building permit from their local council without requiring planning approval. This will make improvements easier for home owners and tradespeople. These reforms are very much long overdue and will allow households to get their projects underway more quickly and with less red tape and less expense. For far too long, household projects such as a backyard pergola have been delayed and denied unnecessarily because of this red tape. This major reform will make a significant difference for home owners right across the state and it will provide a real and substantial benefit to our community.

The transition to the next stage of Design WA will come as a welcome relief to many constituents in my electorate. Under the previous government an ad hoc change was made to the residential design codes in 2010. In Belmont, this has at times resulted in poor design outcomes and limited tree canopy. The council is genuinely trying to address this issue but we are still battling it. Belmont has some of the lowest tree canopy coverage of any metropolitan area. Some of the other design outcomes are poor amenity, a lack of access to natural sunlight and ventilation, and mostly, unfortunately, an overdevelopment right across the city of Belmont in the form of medium to high-rise density infill. The proliferation of this overdevelopment with specifically insufficient tree canopy across the community has generated significant community concern in my electorate. This matter is continually raised with me by many people from not only Ascot Waters, but also Redcliffe and Cloverdale. I will give another example of this. A proposed development in my community called the Golden Gateway has been on the cards for some time. The consultation and the development process has been rather opaque and, because of that, has created a lot of distrust. I do not know if that is misplaced distrust or not, but I will try to give credit to the council. It is trying to consult but the time frames have been unclear and how it has gone about communicating the consultation period and the final outcome has been insufficient. As a result, constituents have come to me deeply concerned because, yet again, the implication is that another high-rise development will be thrust upon them by their council. The community certainly feels that it has more than its fair share of high-rise developments. The City of Belmont has met its infill quotas so it has certainly done its bit there, but enough is enough. The community has really reached tipping point. It does not want more high-rises. The Golden Gateway has been boiling along over the years and, according to my constituents, the consultation has been quite inadequate. One of their biggest issues with the high-rise is the amenity and how that will impact the community, and also the design that seems to be completely bereft of any kind of public open space, mature tree retention and parklands. The community desperately wants to see more of that. One of the biggest things out of this bill will be a legacy for the minister in making sure major projects have to consider the community and give back—how they can benefit the community. I know my constituents will be genuinely pleased to hear that.

The McGowan government has launched the biggest change for apartment design in WA by introducing Design WA. I congratulate the Minister for Planning for leading the way on this. It is an excellent reform. Design WA will significantly lift the design quality of apartments across all local governments. It sets out prescribed requirements for deep soil zones to encourage greater vegetation retention canopy and seeks to ensure better designed places for existing and new residences. I am absolutely relieved at the inclusion of these provisions in the bill, especially given that Belmont has one of the lowest tree canopy coverages in the metropolitan area.

[Member's time extended.]

Ms C.M. ROWE: One of the desired outcomes of these changes through Design WA is that designs enhance our communities and generate environments that benefit the community they are being developed in. It will also leave a positive legacy for future generations. This is such an important mandate included in the bill.

The bill also seeks to improve the design quality of medium-density developments and includes multi-unit, two and three–storey developments. Several improvements have also been made to the development assessment panel system to reduce the conflicts of interests of panel members and provide members of the community with greater access to meetings. I think these are very much welcome and are in line with community expectations around the DAP system.

I am really proud to be part of a government that is reshaping the future of residential design and producing better outcomes for Western Australia, particularly in my electorate of Belmont. I am proud of the government's measures on business rent relief and fast-tracking our infrastructure projects in the wake of the COVID-19 pandemic. I feel that this is yet another really positive step forward in helping our economy get back on track. We are doing all we can now, obviously, to get the economy back on track. This is one important part of a suite of bills we have already introduced to address this. Importantly, this bill addresses long overdue red tape and regulation issues. Before us today, we have a landmark bill that will create jobs and, hopefully, get our economy back on track and improve design right across WA. I would like to commend this bill to the house.

MR J.N. CAREY (Perth — Parliamentary Secretary) [11.32 am]: It is my pleasure to speak about this landmark bill, the Planning and Development Amendment Bill 2020. I do it in my burgundy pants that apparently garnered some attention from 6PR radio this morning. It is usually the member for Dawesville's clothing that gets media attention!

Several members interjected.

Mr J.N. CAREY: He did wear the Colonel's suit. Kentucky Fried Chicken always tastes good!

I am deeply proud to have worked with the minister who has driven this exciting agenda, as her parliamentary secretary on planning reform. I have a passion for planning. I know that some people would roll their eyes, but planning shapes the way our city is designed and the way people live. It makes and breaks whether a community is healthy and whether it is economic. It really is the key instrument of government to ensure that a community grows, and is vibrant and dynamic and supports small business. That is why I am passionate about it. It is also, hopefully, acknowledged that I come to this position with some insight as both a former mayor, for four years, and one of the few members in this chamber who has sat on a development assessment panel and made decisions on a regular basis. Many times, I have seen the difficulties that households and small business owners have had when dealing with local planning policies.

I want to tackle head-on some of the issues we have already seen publicly. I will do it in a respectful way to the opposition, stakeholders and so forth. We heard an argument yesterday that this is not a COVID-19 bill. We are in extraordinary times. We need to look at every which way to rethink. I think it was the Acting Speaker (Ms L. Mettam) who mentioned that in a post-COVID-19 world we do not need to use pre-post-COVID-19 thinking. I love that; it is a brilliant line! Nowhere is that more apparent than this area of planning reform. We need to think outside the box if we are to drive recovery.

Other than the mining industry, another key Western Australian industry is in development and construction, which employs 120 000 Western Australians. We need to help that economic recovery. I was concerned when I heard yesterday that there are too many empty houses and commercial complexes so we do not need this bill as an urgent response. I have to say this on the public record: that is not what industry is saying. I am not from the construction industry. I have not, like the member for Dawesville, worked in construction, but I believe the sector. A unison sector has said that we desperately need this.

I note that Linc Property co-founder Ben Lisle, who I believe is respected by all sides of politics, said that he believed the proposed new planning pathway for major projects would enable private investment as WA recovers from the COVID-19 pandemic.

I also note what Cath Hart from the Housing Industry Association of Western Australia said. Again, I would say that both sides of politics believe that this industry group is respectable and credible. She said that this bill is a very clever response to the situation we find ourselves in. The government has created ways to unlock projects that are in train and that consumers want to get done. It can enable that kind of growth as well. She thought this was really clever. When she was specifically asked on radio yesterday whether this will help with the recovery and create jobs, she said, "I really do. We hear stories of builders having more work stuck in council than they do onsite. They tear their hair out. You are not getting paid while it sits in council." I think it is fair to say that no-one will say that the Master Builders Association is a traditional ally of the Labor Party or has a great relationship with the union movement, but it said that these changes will allow decision-making when necessary, making it easier for businesses to operate in tough conditions, while also creating the foundations for engaged communities and smart future growth. It also stated —

> "Cutting red tape, streamlining the planning process and ensuring consistency … for getting our state on the road to recovery and beyond.

We heard some arguments that this bill is not necessary, but the industry, in unison, has said that it will help recovery.

As the member for Perth, a capital city, I can say that in the last month during the COVID-19 pandemic, three applicants have come to me regarding tourism proposals on the Swan River. They want to get projects up, but understand this, members: they need to cut through a plethora of planning from agencies such as local government and environment, and sometimes Main Roads WA. We are hearing that this is not going to help recovery, yet still, while in the depths of the COVID-19 pandemic, applicants are pursuing projects because they look to the future. They understand that they have got to do the work now to try to get the projects up. Yes, we have COVID-19, and yes, it is tough times,

but to say that this will not help with recovery does not reflect the situation. It also does not reflect the time that it takes to get approvals. Projects can take two to three years. Part of the problem is that there are local governments that clearly abuse the process. They use stop-the-clock measures. For those members who do not know, "stop the clock" is when a council asks for further information but stops it: "We've got to stop right here." They can do that multiple times. Although there may be a prescribed time frame, it goes well beyond that.

As the minister has pointed out, we are trying to shorten the time frame and bring the projects forward so that they might happen the next year rather than in four years, because that will mean jobs and construction. I also note what other states are doing. This is a bold proposal, but it has safeguards. All states are taking approaches to accelerate and streamline approvals. Other states allow their planning ministers to call in any project they want and make a determination. We used to do that under Graham Kierath. A previous Labor government scrapped that to bring more accountability, transparency and independence to the planning process. We are not proposing a model that is similar to the that in the other states. The South Australian Liberal government allows the planning minister, during the COVID pandemic—this was changed by regulation, not legislation—to pull out any development it thinks is being slowed down. It can be determined—although not by the minister—without any reference to the local government. They are extraordinary powers. Other states have further empowered their planning ministers, but we have not. We are saying that the WAPC should make the decisions about major projects. Contrary to some of the slights that have been made, the WAPC takes its role seriously. It has provided strategic advice under Liberal and Labor governments. I am demonstrating that we are not taking a free-for-all approach; we are suggesting using the WAPC rather than the planning minister. I think that is proper and appropriate.

I will talk about consultation because I have never seen such an exhaustive consultation process for reform in our state. The Minister for Planning has gone out of her way to give presentations and meet and engage with people. I am singing the minister's praises, but I say that sincerely. WAtoday—I am happy to table this—listed the time frame for this process. This process started in November 2017 and we engaged Evan Jones, an independent consultant, to run it. We encouraged debate; we did not hide from it. More than 5 000 individual responses were received, including hundreds from local governments. It was out in the public arena. We did face-to-face meetings and held workshops and presentations. We got sick and tired of talking about planning reform. Not many members in here got excited by it. My point is that the opposition cannot complain that this process has not been exhaustive or conducted in the public arena. The opposition cannot suggest that these proposals came from nowhere, because they have been discussed for a very long time. It has been a rigorous process.

Mr A. Krsticevic: Why is WALGA complaining, then?

Mr J.N. CAREY: WALGA has been included in the process for the whole time. 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. I liked the former Minister for Local Government Tony Simpson. As the Mayor of Vincent, I had a great relationship with him. I backed the Liberal reforms for transparency and accountability—a Labor mayor backing a Liberal minister. I met with the minister and became a great mouthpiece for him whenever he needed a council to bash WALGA. Tony and the previous Liberal–National government said that we needed reform to provide for more transparency and accountability. Which body opposed it? It was WALGA. The reforms were voted down at its conference. It consistently said that it did not need this type of reform. 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. It does not want any of these changes. It does not want to abolish change of use for small business. It is still doing it now. A pet issue that opposition and Nationals MPs have raised with me personally is changing the regulations so that after 10 years, the position of CEO would have to go back to the market. I have heard Liberal MPs complain that CEOs stay too long in the position and take over an organisation. Renewal is needed and the market needs to be tested. That happens in the private sector all the time, but WALGA is opposing it. Who does it represent? 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.

I will talk about design. People will be shocked, but I do occasionally agree with the members for Cottesloe and Bateman and even the member for Carine.

Ms R. Saffioti: Now you're going too far!

Mr J.N. CAREY: I am going too far! My Labor colleagues will never talk to me again.

The key purpose of planning should be good design. That is what I think everyone in this chamber genuinely wants. I know that is what the members for Cottesloe and Bateman want, and that is what I want. I want to see good design in our city and in our communities. Let us be frank, absolute crap has been produced—I do not know whether I am allowed to say that word! That is what has caused community concern. The member for Belmont raised this issue. I drove to Carine with the member for Carine—we did not crash—and met with local residents to talk about issues. I have also met with and spoken to the residents of Joondalup. Design is the key trigger for people's concerns, because we get poor buildings with poor outcomes. We have seen that everywhere.

One of the mistakes the previous government made—I am not saying this to trigger the opposition; I raise it sincerely—was the crucial decision in 2010 to set an infill target and up-zone R30 to R40. That meant that land suddenly had multidwellings or units on it. Missing from that picture were mandatory design standards. That is why we see no trees and no landscaping in some parts of Cottesloe, Carine and my electorate. We have seen hotboxes built and as many units crammed on a site as they can get. No-one benefits from that. Not all of them could be flogged to the market either, because no-one wants to buy a second bedroom that gets no natural light. An incredible example I will share is of a second bedroom that got light only from the doorway to the lounge room. That is one of the key issues.

Our reform package brings in a suite of policies that act, effectively, as R-codes. We established Design WA. We have not seen the impact of that yet because, as the member for Dawesville and others know, it takes two or three years for those developments to be built. The developments in Melville, Cottesloe and elsewhere that members referred to were not done under Design WA. We will not see the recommended changes to apartments for a few years, although some local governments have implemented them. As a former Mayor of Vincent, I am proud to say that we had really strict design guidelines, so developers had to do certain things if they wanted a bonus. We had the highest landscaping requirements in Western Australia. I note that Joondalup, which played some silly politics, had no design guidelines. It said that it would wait for the state to do it. Multi-unit developments popped up in Joondalup and the council allowed the developers, who had not provided enough car parking because they had crammed so much on the site, to dig up the trees on the verge to put car parking in its place.

[Member's time extended.]

Mr J.N. CAREY: That cannot happen under Design WA.

We have done the top end, which involves those big developments, but now we are looking at group dwellings and double-storey units of 10 to 20 on a block. We will bring in mandatory benchmarks that will require basic standards for medium density. This is an incredibly good thing. It will address the particular issues that the member for Belmont raised. I want to be frank: developers do not necessarily like that. We heard yesterday an insinuation—I appreciate that it was in the heat of the debate—that it looked like this showed some sleazy deal with developers. Let us be very clear: although the developers like some parts of this passage, they do not like all parts, particularly design aspects. We will be setting very strong, clear benchmarks for apartments. It will be medium density for precincts, and I think everyone agrees with that. It is not just about looking at the individual buildings but at the whole suburb and the way it integrates. This is incredible reform; it will tackle design at its heart and its core. I suggest that the opposition really look at what we are proposing in that regard. This is good; the opposition should get behind it. I think it will deal in part also with some of the concerns about significant projects, because we want to see major well-designed projects that contribute to the overall vibrancy of any town centre.

I want to talk also about consultation. I think the Western Australian Local Government Association said that residents would not be consulted as part of this process or on major projects—wrong, wrong, wrong. In fact, this minister is seeking to strengthen community consultation across Western Australia. WALGA does not like it. WALGA does not like anything with consistency across the state. We know that, so I suspect it will oppose this. This will mandate the requirement across Western Australia for the same consultation practices. It will not matter whether someone lives in greenie Vincent, in Cottesloe or in the hills; they will be afforded the same respect with consultation. Some local governments will probably say that they consult—they go a bit over the top. Some completely under-consult, so we will be making it clear. This model is based on the City of Vincent model, which is the radius model. Yes; I am smiling, member for Carine. It is good. If members think about it, it makes sense. If the radius model is based on the height or the bulk of a development, the radius will be smaller or bigger according to the likely impact. A radius model does not try to overcomplicate things but as the minister pointed out, it does not go to just the neighbour next door or behind; it gets people in a precinct. I cannot see anyone wanting to oppose this change. Although I suspect developers may not like the radius model, they will at least know that in any part of Western Australia there is consistency. Developers understand that consistency can at least deliver them some type of certainty about a process. They might not want to consult or might not like the radius model—I do not think they do—but they understand at least that everywhere in Western Australia, there will be the same approach. That is good for decision-making, certainly in Western Australia.

I want to talk about small business in terms of the changes we are proposing in regulations. This is a package that I am explaining to members opposite and those elsewhere in the community. The minister has been very up-front. She has not said that the detail will be in regulations later. The minister has said, "Here are the legislative changes; there will be a phase 2 and this is what we are dealing with; here are two subsets of regulations and this is what we are planning to do in those regulations." It is pretty extraordinary. The small business changes will be in regulations, but it will mean, as we have heard, change-of-use fees will be abolished. That means that if a cafe just down from the office of the member for Dawesville knows there is likely to be a higher demand for hairdressing and beauty because of the member for Dawesville, the owner can change from a cafe to a beauty therapist and cafe because the member for Dawesville and all his staff will create the extra demand and they will not need planning approval to do that. It is currently an absurdity. It is one of the biggest disgraces of local government that some local governments can force a small business—I have heard of cases in which it has taken a year to open a cafe—on a main

street or in a town centre that wants to go from a retail shop to a cafe to go through a change-of-use application. That is outrageous. This sends people to the wall. I have seen business applicants not actually set up but walk away. When seeking a change of use, they have to engage a planning consultant, which can cost $5 000 to $10 000 or more. In the case of Wines of While, I understand it cost them $30 000 to $40 000. It is outrageous that we inflict such a cost. When we ask local governments why they charge those fees, they cannot tell us. They do it for the sake of it. They have not decided to change, so we are abolishing that for a number of different uses in a number of locations. However, it will not apply to residential areas for the obvious reason that if it is in the middle of residences, it can have implications but it will apply to small bars and taverns under a certain size because some small bars require a tavern licence. These regulations are being drawn up. I say again to opposition members that if they have ideas about the change of use—I am sure they all have examples—please let us know if there are missing areas that require cuts to red tape for small business. I am happy to meet with them and to meet small business owners to talk about that.

The second part is cash in lieu, which is the other thing that really gets to me. When a person in a built-up area such as Subiaco or even Vincent seeks to change use, which might be from a cafe to a small bar, they are required to provide more car parking but if they cannot, they have to pay the council money. In Yokine, a person with, I think, a retail shop, wanted to change her shop to that of a beauty therapist and was hit with a $50 000 bill. That is a killer for small business straightaway. The greatest irony about this is that local governments do not even spend the money. Even as the Mayor of Vincent, I would ask whether we had spent it on parking or anything else for those businesses. No. It is outrageous. A person could be hit with $10 000 in planning fees and then with $50 000 as a small business: "It ain't going to get off the ground. Forget about it." Local governments in Western Australia still try to justify this. I want to praise local governments. I have done a bit of WALGA bashing today and I will continue that fine sport; it deserves it. Although WALGA is stuck in the past and not pro-reform in any regard, some councils out there are doing the right thing. The first I want to acknowledge is a Liberal mayor, the member for Stirling, who is doing an outstanding job and is trying to cut red tape.

An opposition member interjected.

Mr J.N. CAREY: I did not hear that. He is cutting red tape. I spoke to him before the reforms came out and he is trying to —

An opposition member interjected.

Mr J.N. CAREY: It is the Mayor of Stirling. He is trying to cut red tape for small business. I know the City of Fremantle gets a hard slog but the mayor there is trying to cut red tape for small business, as it the Town of Victoria Park, the City of Bayswater and the City of Vincent. Under the commissioner, the City of Perth is bringing in reforms to abolish change-of-use fees. We can see all these reforms as a package and when we get into the detail, we can see that it is critical for the recovery of Western Australia. This is a COVID-19 response bill. It will drive economic activity, even down to the patios, which again some people mocked. By abolishing approvals for patios —

An opposition member: And garden sheds.

Mr J.N. CAREY: Yes, and garden sheds—I know the member wants to build a big one out the back. It applies to all those small things. Would members believe—I will end on this—that if they build a garden shed without approval in Western Australia and then get caught, they have to submit a retrospective application, but it is three times the fee. I do not know why. I know an old Italian lady whose shed fell down in a storm. She rebuilt her shed and the council, the City of Vincent, said that she had to take it down unless she got planning approval. She was distraught. My office is assisting her. That old Italian lady has to do a retrospective application and pay $750.

Who can argue against these types of reform? This will clearly help tradies. Yes, people will still have to get a building permit—it still needs to be safe—but that is much easier to do. Taking three months to get approval for a deck or a pergola is extraordinary. Three months? These are the big issues—pergolas—that we have to deal with post-COVID-19, but it will cut red tape. Overall, I ask opposition members to please give serious consideration to this bill. We are prepared to work with them. They should look at the ideas for small business and change of use. However, we need that flexibility for major projects so that a recommendation can be made to the Western Australian Planning Commission. It may not be $30 million, but if it is a great tourism project in Bunbury that will create jobs, it should be able to be accelerated. It could be a project on the Swan River for tourism. Tourism operators are already thinking ahead and we should accelerate those projects and get them into the system.

I again congratulate the minister. This is a bold package. It has been well discussed. There has been a lot of attention on planning reform. It has been discussed over the past three years and we should certainly get it through.

MR R.R. WHITBY (Baldivis — Parliamentary Secretary) [12.02 pm]: I rise to also comment on the Planning and Development Amendment Bill 2020. My perspective comes as a representative of a community on the outskirts of Perth. It is interesting to have the perspective of the community that lives on the fringe of Perth on the way our city is developing. The previous speaker well knows the issues that pertain to the inner suburbs—the inner ring. It is estimated that over the next 20 to 30 years, Perth will have to make room, find a space, for 800 000 new homes.

The question must be asked: where will they go? I can tell members where they all should not go, and that is on the edge of Perth. They should not take up space where we currently have native vegetation and bushland. For too long in Perth we have seen the city simply expand ever out and continue to expand, particularly north and south along the coast to have that development spread very thinly. We know that is expensive. We know it is destructive of the environment. We know it is wasteful and we know it is not sustainable. We need to have a balance. We need sensible planning, a sensible balance, and this is what I believe this bill delivers.

We are not saying that a new suburb should never be developed. What we are saying, though, is that the development pendulum needs to swing back the other way somewhat, towards older established suburbs that still have room to grow. These are real issues in the electorate I represent, in the still-developing suburbs of Baldivis and Wellard in particular, because we see the bulldozers and we see the loss of trees—the beautiful old gum trees that have been in existence for decades and decades. We see the loss of a cooling canopy and we see the loss of native habitat for local fauna. As the minister has already said, this government has unfairly copped the blame by some critics for many of the bad development decisions we see around us. The reality is that those developments are the result of a planning system we inherited from previous governments. Previous governments made bad decisions and the consequences are being realised today.

We know there are big lag times, sometimes many years, between when council approvals are granted and when the actual developments start. These decisions from the past by both local and state governments are causing real community concerns today. As I said earlier, that pressure is being felt particularly in the outer ring. Councils make decisions to approve developments, often years before, that are guided by a planning system that needs fixing. The McGowan government is in power now. This is our time to be responsible. We are taking action. The minister is fixing a planning system that desperately needs attention, and that is what this bill is about.

I want to talk about community consultation because it is particularly important in my community as we have seen development impinge on the natural environment and many people have been concerned. Governments need to listen to the views of people in my community and in all communities, not just those select residents who live in some suburbs. The people of Baldivis have as much right to have a say and determine how their community should look and develop as anyone else. The people of Baldivis deserve to have a strong say and an early say. They deserve to know what is going on, rather than wake up one day and see the bulldozers moving in.

This legislation is designed to do just that. It is about giving local residents much more of a say, and sooner, so that they can help determine how their suburb develops. Little things, too, are important. One of the points of this legislation is that it would require a sign that has a photo or artwork of how a building will look when it is finished, rather than neighbours having to view the plans at council offices.

I come back to the initial question of how we accommodate 800 000 new homes in coming decades in this city. It is not simply about jamming in more homes on smaller blocks everywhere. It should not be a case of density for density's sake. Density needs to be done well. We have seen some shocking examples across Perth. Density is a good thing when it is done well. It comes down to good design and creating great spaces where people want to live and can live better. This is often overlooked, or deliberately ignored perhaps, by some who just want to maintain the status quo. They believe that suburbs that were designed and built a hundred years ago should be frozen museum pieces. In fact, the reality is that if they look at old photos of those suburbs, going back to the 1900s, they will find that those suburbs were not that terrific 100 years ago. I can give members an example. Recently, I spotted a picture of the intersection of Walcott and Beaufort Streets in Mt Lawley that was taken in 1903. The Acting Speaker (Ms M.M. Quirk) might have seen that same photo. I sent a copy to the member for Mount Lawley. If members stood on that corner today, they would think how much things had improved since 1903. Certainly it was less dense then, but there was also a lot of corrugated iron and an unsealed road. There were not the amenities and cafes we see now. The trees obviously were not as developed. It looked like a fairly rough and rugged environment compared with what we enjoy now at the busy and popular intersection. Change happens through the years. The suburbs that we love so much were never actually frozen or set in any one time; they have always evolved. The answer to bringing density to established suburbs is not about broadscale density or wholesale density, in which suburbs are treated with a one-size-fits-all approach. Places like Nollamara or Balga, where I grew up, have actually suffered the consequences of that.

A couple of years ago, I went back to my old home in Wardlow Way, Balga. It was a Housing Commission home, built in about 1970, and I wanted to see how it looked and maybe take the kids back to show them where dad grew up. To my horror, it was gone. It had been replaced by three units, probably three-bedroom units, on one block. The same thing was progressively happening up and down Wardlow Way. An issue I have become aware of there and in other communities is a situation in which a young couple move into one unit, in another there may be three young people sharing the rent, and in another there might be someone with teenage children. With three units on a very small block, one would be lucky to have two parking bays for each unit, and very quickly there could be up to 10 or a dozen cars belonging to people living in three units. Parking cannot be accommodated on site, so where do they park? They park out on the street. There are some cul-de-sacs in Waikiki in my electorate where, even with single-dwelling blocks, there is a build-up of cars crowding a small cul-de-sac. There are real issues in some suburbs, such as Nollamara and Balga, with trying to handle the number of vehicles in constricted spaces.

That kind of density obviously has negative impacts on the people who live in those urban environments, but good planning means density around activity hubs. Well-designed suburbs already tend towards this. Sometimes it happens naturally—density hubs near transport, commercial zones or zones for certain activities. What some people in some suburbs do not understand, or do not want to understand, is that established, older suburbs have plenty of scope for hubs that deliver greater vibrancy and excitement for the people who live there. They also offer opportunities for jobs, business creation and commercial and cultural activities. They contribute to the amenity of an area; they make a suburb a better and more enjoyable place to live in.

Some of our older suburbs have grown these hubs organically through the decades. As I mentioned before, there are various cafe strips in Mt Lawley and Maylands, for instance, to name just a couple. How much better are those suburbs in providing amenity for local people because of that intensity of development in certain areas? We need this type of development to occur in established suburbs across Perth so that pressure is taken off the outer suburbs of Perth, like Baldivis and Wellard. It is simply not fair to expect suburbs like Baldivis and Wellard, which are still developing, to find all the space for our new homes when we know there is still room to grow in our established suburbs.

Mention has been made of some of the silly red tape that many of our councils still apply. There are 134 local government councils across Western Australia and some, not all, still require planning approvals for very basic back garden structures, such as pergolas or sheds, as a previous speaker mentioned. Of course we still need building permits because structures need to be safe, but do we really need planning approvals for a patio, a carport or shade sails? This is helpful for local governments, I think, because it allows them to get on with more important things. Councils need not get bogged down in incredibly minor backyard developments. They need to think more strategically about what they need to do to make our suburbs better; as if a new pergola at the back of someone's house should be an issue! It is also important to reduce the administration burden on councils and therefore reduce the costs that our councils face.

I will conclude now, but I just want to mention the COVID-19 aspects of the Planning and Development Amendment Bill 2020 and how they are important.

The ACTING SPEAKER (Ms M.M. Quirk): Member for Carine! Just keep it down, please.

Mr R.R. WHITBY: The bill also deals with encouraging, enticing, promoting and hopefully delivering major projects of significance that can create economic activity and jobs during the COVID-19 recovery. I wanted today to concentrate on development and growth issues as they relate to my community, but COVID-19-related initiatives are also incredibly important for the electorate I represent because they provide job opportunities for the many tradies who live in the Baldivis electorate and also workers and small businesses, who are doing it very tough. With that, I commend the legislation to the house.

MRS J.M.C. STOJKOVSKI (Kingsley) [12.16 pm]: I would like to start my contribution by congratulating the Minister for Planning. There are some great reforms in this bill that are long overdue and will be welcomed in my community. With regard to my community, I know there has already been some chatter on the local Facebook pages about the impact this will have on housing opportunity areas in the City of Joondalup, but I want to clarify that most of the developments we get in our housing opportunity areas will actually not qualify for these new approvals pathways because the developments must be over the $30 million mark or have 100 dwellings. That certainly has been a topic of conversation over the last two days, so to be really clear: most of the developments we will see in our housing opportunity areas will not qualify for this pathway.

Speaking of housing opportunity areas, I want to take members back 10 years to 2010, when the City of Joondalup prepared its local housing strategy and sent it off to be approved. The City then received advice from the former Liberal government that the housing opportunity areas proposed needed to respond more strongly to the state planning documents and policies. That meant that the government wanted more density in the suburbs of the City of Joondalup. This is when the situation started to get complicated for us, because at its meeting in December 2012, the council adopted the recommendation to undertake increased density zoning in housing opportunity areas. It said that it would consult with landowners that had been newly included in housing opportunity areas. It increased the size of the housing opportunity areas and it increased the density, but it decided at this meeting that it would only contact directly the people who had been newly included in these housing opportunity areas.

They sent a letter to them, advising them of the changes, but for the changes that were made to existing housing opportunity areas, where some properties were re-coded up, they informed all other landowners and residents purely via an advertisement in the local newspaper and a notice on the FAQ page of the City's website. To me, that was plainly and blatantly a tick-the-box process, aimed at meeting the bare minimum requirements of consultation without any true engagement with the affected communities. It did not allow owners to provide feedback on the proposed changes if they had previously been included in housing opportunity areas, unless they constantly checked the City's website or happened to read the paper on the day the advertisement was in there. The problem for us in the City of Joondalup is that the newspaper has sometimes had patchy distribution over the years, and a lot of owners did not actually get the newspaper when the advert was in it, effectively saying: "You were

previously R20; we propose you to be R40, and now we've changed it, you're going to be R60." They did not know that they had gone from R20 to R60. Also some owners did not know about it in the first place and were not given another opportunity to get involved. If someone sold their house during the time it took from the local housing strategy to be done to when the consultation was done to when it was changed, if there had been any change in ownership in the old part of the housing opportunity areas, the new owners would not be informed directly. They would buy in and would not know that the zones had changed.

After this so-called consultation on the local housing strategy, it was finally endorsed by the council in April 2013 and approved by the Western Australian Planning Commission in November 2013. It then came into effect in early 2016 and since then developments have occurred in the community. The community has rightly been raising concerns about not only the bulk and scale of these developments, but also their quality. The predominant housing type in my electorate is a four-by-two, single-storey house. Residents in the electorate were seeing, potentially next door in the R60 zone, a three-storey apartment block that overshadowed and overlooked their properties and was badly designed and of poor quality. This paved the way for wholescale damage to the look and feel of many of the suburbs in my electorate and, more broadly, in the City of Joondalup.

Residents had some really valid concerns about parking. The member for Perth spoke about parking, but these developments were not required to have onsite parking. It was just assumed that visitors would be able to park in the street or, when push came to shove, the residents would be able to pull up the verges, rip out the trees and put in embayment parking. That was very concerning for a lot of residents. The loss of trees and green space in the streets was very concerning. One suburb in my electorate is literally called Greenwood for a very good reason—there are lots of trees and a lot of green space in the suburb.

A member: A good tavern.

Mrs J.M.C. STOJKOVSKI: There is a very good tavern.

The reason that people bought into these suburbs was being destroyed. They were seeing the destruction of spaces where their children played. A long time ago when I was a kid, tyre swings would hang out of trees on the front verges and all the kids in the street would play on them. Residents were seeing the destruction of their way of life. Quite clearly, they were upset and they came and discussed this with me. None of these elements was taken into account by the City of Joondalup and now it has to retrofit some guidelines. As the member for Perth rightly pointed out, the City kept saying, "We'll wait until the state government gives us guidelines." Even after guidelines have been brought in, it will take 18 months to two years for those proposals, under those guidelines, to be built.

The City of Joondalup did not want any guidelines. However, after much pressure from the member for Joondalup and me, we eventually got the minister to request that the City of Joondalup do some proper consultation with the community. In 2018, it went out and engaged a consultant and did some proper consultation. I know that some people in the community were not happy with that consultation, but the consultation was quite extensive and came up with these guidelines that the City is now trying to retrofit into a planning scheme that is already in action. We are already seeing properties being demolished and proposals being done.

The one thing that this raises for me—the clarity in this—is that clearly different local governments consult with the community in various ways. I am a strategic planner and I have been involved in consultations with the community. I very distinctly remember being six or seven months pregnant with my second child and standing for four hours at Wanneroo Central in the little space that we hired to do community consultation. We had written to every owner in our infill areas and said that we would be at Wanneroo Central at this time, on this day. We told them to come and talk to us and said that we would answer questions, show them maps and take down details so that if they had a specific question that we could not answer, we would get back to them. As members can imagine, being nearly seven months pregnant, it was quite a tiring four hours for me, but it was a really comprehensive way of engaging. That is one way of consulting, and putting an advert in a newspaper is another way, but they result in two totally different responses.

Under this new legislation, the community consultation toolkit for all planning authorities will be a key issue for my local community because it will provide guidance on how to engage with local communities. The fact that it will be across the board is a really good baseline for local governments. That is not to say that every local government should be doing everything exactly the same. They absolutely should respond to their local context, but it says that at a minimum we need to be doing these things or they need to be engaging in certain ways. I think that is a really great component of this legislation.

Signage requirements for proposed developments that cost over $2 million will have to include an image. A lot of people cannot imagine what a three-storey building or a facade will look like from a description. Some people are visual people and need to be able to see it. I think that is a really great inclusion.

I turn now to the changes we are bringing in and the guidelines around medium density. I know that some great Design WA guidelines have been brought in for apartments, but the medium density guidelines will be very beneficial for my community, which has been appalled by the poor quality developments in the local community.

With regard to subdivision, I think that the changes to the development contribution funds is really positive. I purchased a new build in a new area in Landsdale many, many years ago. We bought a brand-new house, built by a developer, and were told that there would be a beautiful park down the road. They said "park", but what they meant was public open space. For many, many years it ended up being a bit of scrub bushland. When we went back to the developer and asked when our park was going to be built, we were told that it was leaving it as a passive open space in which people could go bushwalking. That would have been great had there not been hectares of bushwalking land about half a kilometre away. I started that campaign just after my daughter was born. She is now 10 and a half years old, and I found out two weeks ago that that park has finally been completed. There are issues when developers do not do what they were supposed to do. The changes to the development contribution fund will be really good because it will mean that the funds will be used for the benefit of the local community—not the wider community; not, "I'm in Landsdale and it is being used in Yanchep because we are all in the City of Wanneroo", but actually for the local community. That is a really good change.

Development assessment panels are very interesting. I have had a lot of complaints about DAPs over the years. The major complaint that I have dealt with many times is being addressed in this legislation, which is fantastic. That major complaint has been about conflicts of interest. A consultant could sit on a DAP one week to determine an application and the next week—or sometimes even on the same day—they are a consultant for a proponent of a proposal. That is a conflict of interest. That person might be very good at compartmentalising and looking at this development as an approver and that development as a consultant, but the perceived conflict of interest can cause a lot of problems for people in the community. There are some great changes in the bill around DAPs, and I think that they will be very much welcomed in the community.

The small business changes will make an amazing difference for small businesses. I want to talk about the change of use. I worked at the City of Wanneroo and sometimes worked on the phone as the appointed project planner for the day. If a person came to the counter and wanted to chat to someone, somebody would always be appointed to talk to them. Many times they wanted to ask the following: "If I want to buy or lease this property, and then I have to apply for a change of use and you don't approve it, what happens?" The fact is that they are on the hook because if they buy the property and do not get the change of use approved, they have to figure out what business they will put into the property that complies with the current use, or they do not buy it. The reality is that they do not buy the property. This opportunity to change that use without the onerous application process is welcome. There is not a lot of difference in traffic or the way in which a property is used when its use is changed from a consulting room to a retail shop.

The cash-in-lieu requirements for car parking just kills small business. There is no way that they can comply with those requirements because they do not have that cash flow, especially if they are trying to move into a little shopping centre. If an established shopping centre has a set number of car parking bays, it is not going to be able to create extra bays, but the business is forced to pay money because it has not created extra car bays! It is nonsensical. This is a great change to the legislation.

The changes to small business planning approvals for minor home improvements, patios, sheds and shade sails will mean that people can crack on with renovations. Many small businesses in my electorate would love to get out there and start working with residents, but they are held up by planning approvals—it is ridiculous. When we bought our house in Woodvale nearly six years ago, we found that it had a patio that had not gained approval. We had to get retrospective approval for this patio even though we had not put it up and it was not our fault that it did not have approval—my husband is a builder and he wants everything in the right order. This change is great idea. It should be noted that this does not negate the need for building approvals. We still need to make sure that renovations are safe and sound; we cannot allow shoddy work. Standards will still apply but the ability to not have to go through a planning approval process is great.

I talk very quickly on this bill's COVID-19 economic response. We all acknowledge that over the last few weeks, many changes have been made around how to inject money into our economy. The government is trying to do everything possible to bolster our economy as we move into this recovery period. Cutting the red tape and streamlining the approvals process is essential to get private investment into our economy because it will create jobs. Requiring a commissioner to give due regard to other non-planning related matters such as community engagement and economic impact is important to allow these bigger projects to get going.

[Member's time extended.]

Mrs J.M.C. STOJKOVSKI: One of the great things that has happened in the last two to three months is the evolution of small business. Our local small businesses have been innovative and adaptive: the local cafe decided to do takeaway tea parties because it could not have people dine in; the local gym and yoga studio went online because they were not allowed to have people in their studios; and gin distillers have made the move to produce hand sanitiser. We have shown ourselves to be a robust and adaptive economy. Our businesses are inventive and creative. We are giving private investors the opportunity to engage with and utilise those small businesses to nurture the economy and Western Australian industries. Too many times we hear how it is cheaper or easier to obtain a product or procure a service from overseas. The COVID-19 recovery time is an opportunity for our larger businesses to engage and

nurture our local industries. Let us use this time to ensure that more Western Australians benefit from these planning changes. If local subcontractors and manufacturers get work from those projects, it will mean that more money is put back into our economy. As we move into the COVID-19 recovery mode, it is important that we take every opportunity we can to bolster our local economy so that we can get back on our feet, so that more Western Australians can get back to work, and so that we can be what we know we are: the best state in Australia, in quite arguably the best country in the world.

I commend the minister for the Planning and Development Amendment Bill 2020. She has ticked a lot of boxes. A lot of people will be happy with it and it will provide a lot of benefit to the community. I commend the bill to the house.

Debate adjourned, on motion by **Mr D.R. Michael**.

ENVIRONMENTAL PROTECTION AMENDMENT BILL 2020
ENVIRONMENTAL PROTECTION AMENDMENT BILL (NO. 2) 2020

Cognate Debate

Leave granted for the Environmental Protection Amendment Bill 2020 and the Environmental Protection Amendment Bill (No. 2) 2020 to be considered cognately, and for the Environmental Protection Amendment Bill 2020 to be the principal bill.

Second Reading — Cognate Debate

Resumed from 16 April.

DR D.J. HONEY (Cottesloe) [12.36 pm]: I rise to speak on the Environmental Protection Amendment Bill 2020. The opposition will be supporting this bill and I will be the lead speaker for the debate. The gestation of this bill has been over quite some period. My understanding is that the changes in this bill go back to suggested changes under the previous government. The Liberal Party was already aware of significant parts of this bill before it came before this place. I wish to cover a few aspects of the bill. It is not a trivial matter to go through the bill; it contains almost 200 pages and the blue bill contains almost 400 pages. I will be going through the blue bill and referring to parts of it in this debate.

The improvement of regulatory processes under part 4 is broadly welcomed by industry. It apparently supports the introduction of cost recovery. I will talk about this a little more, but I think that it supports that in the context of improved performance from the approval process. Its concern is that we see an increase in cost, but not a commensurate increase in performance. The improvement in the area of timely approvals is as much about execution within the existing framework as it is with establishing the new framework. I will give a specific example of that by way of approvals for high-risk water licences. In 2016–17, the approval time for high-risk water licences was 57 days. In the last *Budget Statements* it was reported that the approval time for those licences had increased to around 213 days. The minister would know that for most projects that are going ahead, many companies will not commit final capital until the approvals process is committed. Those sorts of delays end up being net delays in the whole project; it is not something that occurs within some other time line. There needs to be strong ministerial oversight to ensure that the proposed changes in these bills leads to real reductions in approval times, especially in light of the COVID-19 crisis, which has devastated a large part of the economy.

In terms of urgency, the implementation of parts of these bills offers the potential, at least, to stimulate more economic development in the state. In other cases, people have said things will change, but in this case, if mining projects and other developments are approved in a more timely manner, that will generate jobs and wealth throughout our community. I certainly support it from that point of view.

The proposed changes in part II of the principal bill to allow the assessment of cumulative environmental impacts makes sense. This change comes with the ability to recover costs from relative businesses in a particular region. The introduction of charges in part VIIB, which will be effectively completely controlled by the Department of Water and Environmental Regulation, raises some natural concerns that those charges could become excessive and support particular studies. An intrinsic force of nature drives all organisations to want to grow. If there is a source of revenue and there is not adequate control over that, interests could become “needs” in terms of agencies having to undertake studies. Again, it requires strong ministerial oversight to ensure that we do not have a situation in which the agency organically grows itself through these charges. It may be doing things that are interesting, but lots of things are interesting. Members will know that I have broad interests; scientists in particular tend to want to look at things in detail. However, we need to make sure that that process is controlled. Outside ministerial oversight, I cannot see any intrinsic control mechanism in the bill. I am told that similar changes under the commonwealth legislation have not led to excessive costs. Perhaps that gives some reassurance that it will not do that in this case.

My colleague Hon Dr Steve Thomas will be going through the bill in forensic detail in the other place and proposing some amendments. I will not foreshadow those amendments here. I am not going to delay progress here by duplicating that process.

This bill will improve the act. I confirm my support for it. With the indulgence of the Acting Speaker, I want to go through some of the principal bill's clauses. I refer to section 3A of the act, "Terms used relating to pollution and environmental harm". This is an opportunity to discuss the difference between "pollution" and "contamination". A real problem has occurred in the way that environmental impacts are assessed. "Contamination" is the perturbation of a natural environment. In fact, we are contaminating the air in this chamber with carbon dioxide emissions. All of us have slight radioactivity in our body and we are all adding to the radioactive load within this building. Few people would say that we should not be doing what we are doing. Some people might, but I think most people would say that we should be doing what we are doing. Although we are contaminating the environment, we are not harming it. Pollution causes harm to the environment or to people, animals or plants. It is causing harm at a significant level. The trouble is that these two terms have come to mean the same thing. In some people's minds, any contamination is pollution. If we go to that extreme, almost all activity will be stopped. To sensibly manage the environment and also allow sensible development, we have to accept that some activities may contaminate the environment. I do not think any of us contend that we should allow activities to pollute the environment. We should be very careful not to confuse those two terms as meaning the same thing.

Proposed section 3A will change the threshold amount from $20 000 to $100 000. It would be very difficult to do anything in a small clearing or whatever that probably did not trigger the old $20 000 limit. This is a sensible change. It lets the agency focus on matters that are serious and does not get the regulators involved in minor activity.

I do not mean to confuse the parliamentary secretary, but I am going to jump ahead and make comments on specific parts of the blue bill. I will go to section 38 under part IV. I am unsure whether the parliamentary secretary has the blue bill in front of him, but I can give him the page number—it is page 48. Proposed section 38, "Referral of proposals", refers to whether proposals will be referred to an agency. I have a specific question and concern about this. Perhaps we can deal with it during consideration in detail. Proposed section 38(1) states —

> The proponent of a significant proposal, or any other person, may refer the proposal to the Authority.

I guess what concerns me specifically in that wording is "any other person". There are about seven billion "any other persons" in the world. I am sure it is not the intention to open this up to the world. It seems to refer to anyone, anywhere. If a proposal is going through even though it has not been referred, someone can say, "This should be referred to the agency." I want clarification on that. I am sure there is a good reason for that wording, but it struck me that that is a bit loose.

I refer to proposed section 38C, on page 50 of the blue bill, "Proponent may amend a referred proposal". This is a very sensible amendment; it is a sensible change. If a proponent is progressing with a proposal and they realise that things need to be changed, they can amend that referred proposal. That will save time and save wasted effort on the part of the agency.

If we go to proposed section 38G on page 53 of the blue bill, "Authority must decide whether to assess a referred proposal", there appears to be a sensible limit there, making it time bound—it has to be done within 28 days. That seems to be a mechanism to try to make sure things are sped up and that things do not sit on desks for an extended period. A great concern of industry about proposals being assessed is the so-called stop-the-clock trigger; that is, if an agency has a query of another agency, or there are other triggers, proposals are stopped. I have been told that whilst proposals have to be considered within a timely manner, whether it is 60 or 90 days, because of this stop-the-clock provision, the consideration period can go on for a year. A great majority of the time a proposal is being considered is when the clock has stopped. I know that is a considerable frustration for industry. I am not sure whether there are stop-the-clock triggers, if you like, in this proposed section, but it seems very sensible that the environmental agency is bound to deal with a matter in a timely manner. Again, that seems to be a sensible addition to the act.

Proposed section 45A of the bill covers the implementation of conditions. Proposed section 45A(1)(b) concerns offsets, and states —

> at the proponent's expense, take environmental protection, abatement or restoration measures on the subject land, or on other land, in order to directly or indirectly offset the impacts of the implementation of the proposal on the environment;

A straightforward, literal interpretation of that is that the environmental agency can force the proponent to implement certain actions. I wonder what government control there is over this. I am concerned that sometimes there can be overreach. I will refer to a personal experience in this area. One of the concerns is that sometimes these requirements are not scientifically based but are based on an idiosyncratic view of an officer about certain things that have to be done. If businesses can be compelled to do that, it may go well beyond the purpose that is required. I think it is important to have oversight.

Debate interrupted, pursuant to standing orders.

[Continued on page 3103.]

CORONAVIRUS — LOCAL GOVERNMENT RESPONSE — CITY OF STIRLING

Statement by Member for Maylands

MS L.L. BAKER (Maylands — Deputy Speaker) [12.51 pm]: I would like to congratulate the City of Stirling and Mayor Mark Irwin, councillors Bianca Sandri and David Lagan, and other councillors and city staff for announcing the $43.7 million boost for households, businesses and the community to assist in the recovery phase of the COVID-19 pandemic. Primarily funded through drawing down on the city's reserves, the city has strategically reprioritised projects to provide maximum relief. This includes a ratepayer financial relief package of $4.9 million, comprising a rate freeze, a removal of interest instalment and arrangement fees, flexible payment options and a suspension of debt collection activities. The business activation package is worth $7 million and includes a rent rebate for small businesses and other measures. The city's community package of $2.9 million includes a community group assistance fund, a reduction in facility hire fees for community groups and, importantly, a reduction in animal registration fees. The city has also initiated a capital investment package worth $28.9 million, which includes park upgrades, sporting facility refurbishments and cycleways. This is on top of a $2.1 million package that includes the development of a small business hotline, partnerships with business foundations, a reduction in meal fees for recipients of the home and community care program and the Commonwealth Home Support Programme, and a partnership with Vinnies WA to provide emergency food packages.

BLACK COCKATOOS — COCKATUBES

Statement by Member for Darling Range

MRS A.K. HAYDEN (Darling Range) [12.53 pm]: I take this opportunity to update the house on an amazing local volunteer initiative that I raised a few months ago and to thank everyone involved in the construction and delivery of more than a hundred artificial nesting tubes called Cockatubes. Following the catastrophic bushfires this summer, I was proud to join Landcare SJ, the Peel–Harvey Catchment Council and their volunteers to construct 110 Cockatubes to support the native cockatoo population. Everything was going smoothly right up until the orders came in thick and fast. The question was how we would deliver that many large tubes. Fortunately, I was able to ask my good friend and federal colleague, the Minister for Defence, Senator Linda Reynolds. Linda was fully supportive from the very start and engaged the Australian Defence Force to assist. COVID-19 was an additional challenge that none of us anticipated, but I am pleased to say that all 110 Cockatubes have now reached their destinations, which include Kangaroo Island, East Gippsland, Queensland and New South Wales. A big thankyou must go to everyone who donated, volunteered and pulled together to make this happen. A special thankyou to Francis Smit and Alan Elliott from Landcare SJ, who coordinated the construction, and to the men and women of our Defence Force who loaded the Cockatubes in Mundijong and oversaw their safe delivery. This is another example of our community working together to achieve great things, and I could not be prouder.

BLETCHLEY PARK PRIMARY SCHOOL

Statement by Member for Southern River

MR T.J. HEALY (Southern River) [12.54 pm]: My name is Terry Healy, the member for Southern River, and I rise to address this chamber about the hard work and resilience of all students across my community, but today especially, I mention the year 6 students of Bletchley Park Primary School in Southern River. This has been a year like no other. We have had to do things differently to keep everyone safe. That has meant that many year 6 students have missed out on certain events in their final year of primary school. On behalf of Mark McGowan and I, thank you for the sacrifices you have made, and for all the work your teachers and educators, your families and you have done to now return to study and to return to the classroom and re-engage your teaching and learning. Thank you for continually doing your best—to be, to think and to grow. It is the Bletchley way and we appreciate what you do. We know you have missed out on winter and summer carnivals and interschool cross-country, and we are not currently holding assemblies.

Thank you, year 6 students, for your resilience. You have shown maturity and kindness. Mrs Bouska, your principal, tells me that each year 6 has stepped up and shown guidance to our younger school members. I would also like to thank our elected student councillors and faction captains: Jeeva Liju, our head boy; Priyanshi Trivedi, our head girl; student councillors, Aleeza Bajwa, Sean Kennedy, Beatrix Keith-Magee, Shriya Bhat, Rishi Das and Sanjay Jojo; faction captains for Bradman, Oliver Mortensen and Taliah Quinn; faction captains for Farmer, Tai Wilson and Angelina Gregoire; faction captains for Fraser, Alex Gillet and Rylee North; and faction captains for Strickland, Adiel Chidukawni and Ashlee Barry.

Keep doing all that you have been doing and keep well. Thank you so much.

NATIONAL VOLUNTEER WEEK — GERALDTON

Statement by Member for Geraldton

MR I.C. BLAYNEY (Geraldton) [12.56 pm]: Over 2 300 years ago, Greek philosopher Aristotle asked, "What is the essence of life? To serve others and to do good." This week, we recognise the inspiring, essential, and important role our volunteers play in serving others and doing good across Australia as part of National Volunteer Week 2020.

Volunteering comes in many forms. Some volunteers are highly visible, like our emergency service organisations St John Ambulance, volunteer fire and rescue services, bush fire brigades and volunteer marine rescue groups. We thank you for your efforts in keeping our communities safe, particularly our regional communities, which often do not have paid ambulance officers or firefighters, and must rely on our dedicated volunteers to step up and defend our communities in times of crisis. I spent 25 years volunteering with my local bush fire brigade, and I give my thanks to the almost 300 emergency services volunteers who serve and support the electorate of Geraldton. Other volunteers work quietly behind the scenes. They serve on school P&C committees, volunteer for our sporting associations, help organise regional events and agricultural shows, promote the arts and culture and provide important services for our communities through programs like Foodbank and Meals on Wheels.

To all our volunteers, on behalf of the Nationals WA and the regional towns and cities we represent, I wish to say a big thankyou to all of you for what you do.

SHIRLEY HAYWARD — TRIBUTE

Statement by Member for Bunbury

MR D.T. PUNCH (Bunbury) [12.57 pm]: In the course of our working careers we meet people who are very special. Today I want to acknowledge Shirley Hayward, who passed away in February this year. Shirley was born on an Aboriginal reserve in Narrogin in 1941. Like many young Aboriginal people, Shirley was caught up in the controls and policies of the then Native Welfare Department and had to leave home at an early age. I do not want to dwell too much on these early times as I came to know Shirley much later, other than to say that her experiences resulted in a lifelong commitment to her community, to advancing and helping Aboriginal people and to the importance of family.

I met Shirley and her husband Norm when they were carers at the Kooloongaruna group home in Collie in the 1980s. I am not sure of the total number of children Shirley and Norm cared for but I know of at least 20. Children came into care for a number of reasons but Shirley was able to maintain their links with family, with culture and with pride in their Aboriginality. She was a fierce advocate for each child and a fierce advocate for each family, continually looking for ways to build links. When Shirley retired from caring, it really was not retirement. She and Norm remained a part of the lives of the many children they had cared for and made sure that a sense of belonging through being part of community, of culture and of home was always there.

Shirley was also passionate about the advancement of Aboriginal women. She established the Yorga Group, which brought a focus on Aboriginal culture, community and the relationship to land. Through Norman and Shirley, I began to understand the importance of culture, law, language and land, and I acknowledge Shirley for the amazing contribution she made to the Collie community.

NATIONAL VOLUNTEER WEEK

Statement by Member for Dawesville

MR Z.R.F. KIRKUP (Dawesville) [12.59 pm]: In the spirit of National Volunteer Week 2020, I would like to recognise all the volunteers from across Mandurah who do an outstanding job in making our community the very best it can be. I do not have enough time to thank them all, but in the context of COVID-19 I would like to highlight in particular the contributions of the Falcon Lions Club, and in particular its president, Ian Derrick, who has been invaluable in helping with the COVID-19 outreach program. I would also like to thank the more than 800 volunteers who have helped hundreds of seniors in not only my district but also Murray–Wellington and Mandurah, and who have come to our office offering their support. I would also like to thank Vicki and the team at the Peel Volunteer Resource Centre for their continued help to register and offer administrative support to reduce the risk for all volunteers involved.

During COVID-19, I have been grateful for the community support of Kaye Seeber and Mum's Cottage, People Who Care in Mandurah, Befriend, Pat Thomas House, Peel Community Kitchen, Chorus, Halls Head Farmer Jacks and Pets of Older Persons. All have been exceptionally helpful during this crisis. I would also like to thank the many health volunteers who work at Peel Health Campus and at the St John Ambulance Dawesville depot, a volunteer organisation that I am now proud to be part of and whose members have had to gear up and face COVID-19. There are a number of other organisations that I do not have time to recognise but which continue to serve and protect our community in times of crisis—particularly Mandurah Southern Districts Volunteer Bush Fire Brigade, Falcon Volunteer Fire and Rescue and Port Bouvard Surf Life Saving Club. I am so proud to represent and look out for Mandurah, and I thank all those who continue to volunteer to make the community the very best it can be.

Sitting suspended from 1.00 to 2.00 pm

QUESTIONS WITHOUT NOTICE

CORONAVIRUS — HEALTH SYSTEM RESPONSE

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

Can the Premier confirm whether the COVID-19 health response strategy has changed from suppression and flattening the curve to complete eradication of COVID in WA; and, if so, when did that occur?

Mr M. McGOWAN replied:

At national cabinet, as a nation, we have discussed and been committed to suppressing and flattening the curve as much as humanly possible. Clearly, in the case of Western Australia, like South Australia and the Northern Territory, we have been very successful as a state. Our population has embraced the measures necessary to drive down the rate of infection. Our infection levels are now very low. The main threats to the state are international visitors and potential infection from the more infected states of New South Wales and Victoria.

CORONAVIRUS — HEALTH SYSTEM RESPONSE

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

I have a supplementary question. Given that answer, and given that interstate borders are closed, there is no community spread in Western Australia and only three cases—none in hospital—when will the Premier open up intrastate borders?

Mr M. McGOWAN replied:

It is a good question. We are working to do that as soon as we can within health advice. I want to read the statement issued yesterday by the Chief Health Officer, Dr Andrew Robertson. He said —

> This graduated response, including lifting of the regional borders in stages, is designed to be sustainable and to minimise spread, if it were to occur, and enable rapid response to any outbreaks. If effective, there will be no requirement to close hospitality, community or sports sectors again in response to isolated outbreaks.

The health advice that we have received is to do things in a graduated way. The state was divided into 13 regions; it went down to four on Monday, and we expect there will be further changes in coming weeks.

CORONAVIRUS — INTERSTATE BORDER RESTRICTIONS

338. MR S.J. PRICE to the Premier:

I refer to the government's decision to keep WA's border with the east closed as it continues to successfully contain the spread of COVID-19. Can the Premier outline to the house the health advice as to why the state border needs to remain closed and what will need to happen before consideration can be given to reopening interstate travel?

Mr M. McGOWAN replied:

I thank the member for Forrestfield for the question. Throughout the pandemic over the last three months, we have been guided by the advice of Western Australia's Chief Health Officer, Dr Andrew Robertson, and that has not changed. I meet or speak with Dr Robertson every single day, as does the Minister for Health. The health advice that we have received has been outstanding, and as a consequence the state has been a beneficiary, with very low levels of infection. The advice from the Chief Health Officer—he has been very aware of the impact on things across the state—has been based on long historical experience of dealing with pandemics around the world, with historic examples going back many years.

As I said, as a state and as a people, we have been highly effective in controlling the COVID-19 outbreak in Western Australia. The border arrangements have not only reduced the number of cases of COVID-19 coming from interstate, but they have also helped drive down the rate of the spread of the virus in Western Australia. We have three active cases in Western Australia, all directly related to travellers to the state. In other states—in particular, New South Wales and Victoria—we are seeing continued COVID-19 outbreaks. There have been about 83 new reported cases in those states in the last seven days. Although we have had very few, if not any, in the last week, New South Wales and Victoria have identified 83 new cases and have obviously seen various areas of community spread. I was advised today that one case was a traveller from Melbourne to Sydney.

We are very keen to ensure that we do not allow the spread of the virus, both from interstate and overseas, into Western Australia. We have accepted the advice of Dr Andy Robertson during this pandemic. His advice was published yesterday. That advice was very clear: the interstate border is an important weapon in Western Australia's arsenal to protect our people from potential infection from New South Wales and Victoria. Other states have done something similar, particularly Queensland, South Australia, the Northern Territory and Tasmania. I think it has been relatively effective in all those jurisdictions as well, certainly in the case of South Australia and the Northern Territory. The western two-thirds of Australia have had better outcomes than other parts of the country.

Four days ago, we announced a range of relaxation measures, which were more generous and comprehensive than what other states had put in place, and we also started lifting our internal borders within Western Australia. We have not lifted all of them as yet, even though I know it is difficult for many people across the regions. When we have the confidence that it is the time to do it, that is when we will do it. I do not think that will be too far away. Just a moment ago, I read the advice of the Chief Health Officer. I know that many people, like the opposition leader, have been calling for the lifting of the interstate border. We are not going to do that at this point. When we think the time is right and there are low levels of spread or no community spread in the eastern states, that is the time to lift the interstate border restrictions, and we will not be doing it before then.

DEPARTMENT OF HEALTH — ST JOHN AMBULANCE CONTRACT

339. Mr Z.R.F. KIRKUP to the Minister for Health:

I refer to the minister's media statement of 26 June 2018 regarding a two-year contract extension for St John Ambulance WA, in which he promised to deliver improved patient outcomes. Has the government signed a new ambulance contract that reflects better outcomes for patients or is it true that he has done nothing over the last two years and as a result just unfairly rolled over the existing contact for our vital ambulance services in Western Australia?

Mr R.H. COOK replied:

I thank the member for the question; it is an important one. St John Ambulance provides a vital service to the Western Australian community, making sure that Western Australians can get to hospital within a speedy and clinically safe period of time, but it also plays other roles in primary care at events and so on. It is important we ensure that the contract between the Western Australian government and St John Ambulance meets the need of a rapidly changing community and health setting. Indeed, at the moment our health setting is changing more rapidly than we could possibly imagine. The COVID-19 pandemic represents a significant risk with changes over the past few months and changes coming in the next 12 months. From that perspective of a changing landscape, and the point of view of resources involved in renegotiating the contract, we proposed to St John Ambulance that we do a one-year extension to make sure that we can accommodate all the changes coming forward. St John came back to us and said, "Can we make this a two-year extension?", and we said yes. We think that is a fair thing. The other aspect of it is ultimately we need to make sure that the St John Ambulance contract meets the needs of a modern health landscape. One of the things we are particularly concerned about is the way that ambulance services are provided in regional and country communities. We put far too much pressure on our volunteers, both with patient evacuation from sites and patient transport between smaller communities and larger hospitals. From that perspective, we are trying to look at some reforms in the contract so that WA country patients have much better clinical oversight and a much better service. We are also looking at other aspects of the contract, in particular the transport of mental health patients between hospitals. Because of the demand on St John Ambulance, sometimes we are not getting a timely response to requests for mental health patients, so we have looked at some reforms to that.

Michelle Fyfe has recently been appointed as the chief executive officer of St John Ambulance. She is doing an outstanding job. She was a career police officer with an outstanding career in the WA Police Force, and is now the CEO of St John Ambulance. She is bringing fresh thinking, new approaches and a great deal of quality leadership to the organisation. I am very excited about what the Department of Health in partnership with St John Ambulance can achieve, but we will not rush the contract. It is a very big one, and at the request of St John Ambulance with the mutual agreement of both parties, we decided to extend it by another two years so that it has some financial certainty going forward. We will certainly use the next 12 months to finalise the negotiations.

DEPARTMENT OF HEALTH — ST JOHN AMBULANCE CONTRACT

340. Mr Z.R.F. KIRKUP to the Minister for Health:

I have a supplementary question. I thank the minister for that response. I agree with him about the rapidly changing environment, but it has taken two years to get to a point at which the government will just roll over for another two years. How is it fair that the government continues to treat our career and volunteer ambulance officers with such contempt, given the rapidly changing health environment that COVID-19 has presented, and the historic ambulance ramping we have had under this McGowan-led government?

Mr R.H. COOK replied:

Over the last couple of years, we have been undertaking the WA country ambulance review. That is about protecting our volunteers, not treating them with contempt. The importance of the country ambulance review was to make sure that we have a more sustainable approach to the delivery of ambulance services in our rural and regional communities. It is not treating them with contempt; on the contrary, it is treating them with the respect they deserve, making sure that we have a sustainable ambulance service right across the state, but in particular making sure that country patients get the same level of care, oversight and clinical oversight that patients in the metropolitan area take for granted. We will not be rushed. It is a $170 million contract—a very important contract that matters. Lives depend on it. We will do it carefully and as well as we can in the context of the COVID-19 pandemic, but we will not be rushed.

PLANNING REFORMS

341. Ms E. HAMILTON to the Minister for Planning:

I refer to the McGowan government's proposed planning reforms, announced yesterday, that aim to urgently support business and drive economic activity as WA recovers from COVID-19.

(1) Can the minister advise the house how WA's building and construction industries have responded to these major reforms?

(2) Can the minister outline to the house what these industries have said about the impact these reforms will have on jobs and businesses, particularly those in my electorate of Joondalup?

Ms R. SAFFIOTI replied:

(1)–(2) I thank the member for Joondalup for that question, and her concern and interest in planning in her electorate. The member for Joondalup has been so engaged on planning issues. As part of our package announced yesterday, it was really good to include some solutions to the issues that have occurred throughout Joondalup, for example better community engagement at the front end on a radius model to make sure everyone understands what is being proposed in that area; signage for major developments; and, of course, elevating local planning strategies to involve the community at the front end. It has been those real life experiences of members from this side, and also small business and the community, that have led us to the range of reforms that we are introducing.

It is sweeping reform, whether it is community engagement, red tape for small business, or home owners wanting to make a little modification to their homes. I welcome the support from construction and housing industry groups from all over Western Australia. I will go through some of the comments. Many of these groups would not be from the so-called "Labor Party base". I will start off with the Chamber of Commerce and Industry of Western Australia. It came out and said —

> WA small businesses will be better able to adapt in the wake of COVID-19 following a significant overhaul of planning regulations announced by the State Government today.
>
> …
>
> Abolishing change-of-use approvals is an important step to enable business adaptivity and growth …

We look forward to further engaging with the CCI as we finalise those regulations to make sure small business in Western Australia can prosper and adapt to what is very much an ever changing environment. Then we have the Property Council WA, again, not what we would say is involved in the Labor Party base, which states —

> Property Council WA Executive Director Sandra Brewer has —

Several members interjected.

The SPEAKER: Members, the minister can do a very good job on her own.

Ms R. SAFFIOTI: I think she was a member of the Cottesloe branch, but not of the Labor Party! It continues —

> … praised the State Government's decision to streamline Covid-19 recovery plans for the property sector, saying this will get more West Australians back to work quicker.

I would say the executive director of the Housing Industry Association of Western Australia, Cath Hart, is also not a traditional Labor Party person. The HIA media statement says —

> HIA WA's Executive Director Cath Hart has welcomed the bold planning agenda outlined by Premier Mark McGowan and Planning Minister Rita Saffioti today.

The Urban Development Institute of Australia says —

> The … (UDIA WA) has welcomed the introduction of a suite of planning reforms by the Minister for Planning today that are aimed at boosting economic activity and driving jobs growth in response to the impact of COVID-19.

The Master Builders Association, again not traditional Labor Party supporters, says —

> "Cutting red tape, streamlining the planning process and ensuring consistency are vital for getting our state on the road to recovery and beyond.
>
> "The changes will allow urgent decision making where necessary, making it easier for businesses to operate in tough conditions now, while also creating the foundations for engaged communities and smart future growth.

As members can see, these reforms have been well considered over many years and we have the specific initiative to create jobs now for major developments.

I am so keen to work with all members in this house, the Nationals WA and the Liberal Party, on this issue. I look forward to the engagement. There are different sections of the Liberal Party, and my parliamentary secretary and I will be working through every section of the Liberal Party to see whether we can get the support, in this house and in the other place, for a package of reforms that is widely supported and welcomed throughout Western Australia.

BUSHFIRES — KATANNING AND SOUTH WEST

342. Mr P.J. RUNDLE to the Minister for Emergency Services:

I refer to the minister's failure to secure grants from the federal government's $2 billion bushfire recovery fund, despite over 1 million hectares being burnt in Western Australia over the summer.

(1) With last week's announcement of $149.7 million towards the bushfire recovery for species and landscapes program, will the minister finally stand up for fire-affected communities and get WA on the grants list?

(2) Considering there is a complex recovery phase for 40 000 hectares burnt in the Stirling Range National Park, will the minister support the local community and help it access federal funding?

Mr F.M. LOGAN replied:

(1)–(2) I thank the member for his question. It is the second question from the member on this very subject. No matter how many times I say it to him, it literally goes in one ear and out the other. I do not know why.

The member asked me why I do not stand up for Western Australia for those people affected by the summer bushfires and get our hands on the money that was allocated particularly for the bushfires in the eastern states, primarily, as the member knows, by the Prime Minister. I have written twice to the federal minister for emergency services, David Littleproud, who is in the same political party as the member. I have written twice to him, once for the Shire of Dundas, because of the impact of the fire on its highway, and once over the fire in Katanning, in the member's electorate, as well. I have told the member this in Parliament.

Mr P.J. Rundle: Every other state has managed to get on the list.

Mr F.M. LOGAN: There is a big difference.

Several members interjected.

The SPEAKER: Members!

Mr F.M. LOGAN: There is a very, very big difference between the fires that affected Queensland, New South Wales, Victoria and Tasmania, and the fire in the Stirling Range National Park. There is a significant difference. There were not 2 000 homes lost. Please, if the member wants to say this sort of crazy stuff, he should go out there and publicly say it and call on his parliamentary colleagues in the National Party federally. He should do that comparison and see what response he gets—see what the response is from David Littleproud! But I have taken up the issues for the town of Katanning, for the people around Katanning who were affected by that fire, and for the member. I got an answer the other day from David Littleproud in his letter of 22 April. I will read this out so that the member clearly understands what the rules are. I cannot pull that money out of David Littleproud's pocket unless he agrees. Here are the rules. The letter states —

> The Australian Government only provides support for bushfire events which have been notified under the jointly funded Disaster Recovery Funding Arrangements (DRFA). Under the DRFA, a state may notify the Australian Government of an eligible disaster if:
>
> 1. a coordinated multi-agency response was required, and
> 2. state expenditure on eligible measures exceeds the small disaster criterion of $240,000.

It did not reach $240 000. The fire was in a park that belongs to the state government —

Mr P.J. Rundle interjected.

The SPEAKER: Member for Roe!

Mr F.M. LOGAN: — and the state government has put back all the infrastructure that was affected by that fire. Up in Norseman, as I explained to both the president and the CEO of Norseman, no matter how much we tried to help that shire in trying to get to that category level of $240 000, we were not able to do it. It is the same in the member's electorate as well. I have asked the federal government to consider waiving that type of criteria. That is the answer. The answer is no.

David Littleproud is a colleague of the member's political party. I would urge the member, if he wants it changed, to take it up with him.

BUSHFIRES — KATANNING AND SOUTH WEST

343. Mr P.J. RUNDLE to the Minister for Emergency Services:

I have a supplementary question. That is why I informed the minister of last week's announcement of $600 million, of which $149.7 million is for the recovery for species and landscapes program, which suits the Stirling Range National Park. Will the minister inform the house of any positive outcomes from the meeting he said the Premier had with the Council of Australian Governments on 12 March regarding support for bushfire victims?

The SPEAKER: Member, just in future, short, sharp, and it has to be with the previous question.

Mr F.M. LOGAN replied:

Thank you, Mr Speaker. As the member knows, time at that COAG meeting was taken up primarily with COVID-19, as it should have been. There was a small exchange, so I believe. That is the sort of question the member needs to put to the Premier. There was a small exchange and an agreement about where we go on the bushfire review. Can I just give the member this information: at the moment, there are three investigations underway. There is the royal commission into national disasters and bushfires; there is a CSIRO investigation into climate change and its impact on disasters, particularly natural disasters; and there is a Senate inquiry into the 2019–20 bushfires and the response

to those bushfires. There is the establishment of the National Bushfire Recovery Agency by the federal government, and Emergency Management Australia is doing a review of the national disaster recovery funding, which is where the member should take up the issue about that criteria, and there is a bushfire action plan underway. All those things are currently in play at the moment. The issues that we have here in Western Australia, particularly the issues the Shire of Dundas has raised with me and the member's issues, we will put those on the table and we have put them on the table to see if we can get some flexibility for local governments and for the state government in how we actually access federal government funding.

CONSTRUCTION INDUSTRY

344. Ms C.M. ROWE to the Treasurer:

I refer to the McGowan government's effort to protect the local construction industry through both stamp duty rebates for off-the-plan apartments and its proposed planning reforms. Can the Treasurer outline to the house why these initiatives are so important in supporting the local economy through the COVID-19 pandemic?

Mr B.S. WYATT replied:

I thank the member for Belmont for that very, very good question. In the just over three years that we have been in government, a lot of effort has gone into supporting jobs, a lot of effort has gone into supporting the construction sector, and not a budget has gone by that has not had something to try to encourage the housing industry amongst others, commercial and residential, back into a period of growth. Along the way, I must admit, some of that has been quite difficult. At every point, I have had complaint and critique from the Western Australian Liberal Party, to the point where sometimes I do not know who they are. When I try to cut taxes, I get yelled at. When we have a tight wages policy, I get yelled at. When we reduce government departments, I get yelled at. When we have a jobs target, the shadow Treasurer calls it a scam and I get yelled at. I do not know who they are, but I need them to know who they are. Yesterday, I was delighted when the member for Bateman, the shadow Treasurer, had an opinion piece published in *The West Australian*. It gave me the chance after three years to try to work out who the WA Liberal Party is. I was very interested in one paragraph in particular. The member for Bateman said —

> We must also simplify government red and green tape to support and grow WA industry and encourage business investment.

That is a great idea! That is exactly what we need! Indeed, just yesterday, the Minister for Planning, who can only be described as the Muhammad Ali of planning reform, dropped into Parliament I think one of the most significant reform proposals it has seen in a long time that would do that very thing—simplify government red and green tape to support WA industry and encourage business investment. The Minister for Planning, as we all know, is not shy about taking on a fight. She is not shy about entering the ring, whether it be budget fights or here in the chamber itself.

I suspect she was intending to absorb a few punches yesterday, but did not realise it was going to be a bit of a rope-a-dope performance. My friend the member for Cottesloe—the George Foreman of yesterday's fight—wandered down to the lectern and said a number of things of some interest, I must admit. He not only strongly critiqued the urgency of the legislation, but actually went further —

Point of Order

Mr Z.R.F. KIRKUP: I am curious about whether the Treasurer is about to quote from an uncorrected *Hansard*.

Mr B.S. WYATT: I am quoting from my notes. I am quoting from the extensive notes that I took yesterday, member for Dawesville.

The SPEAKER: There is no point of order.

Debate Resumed

Mr B.S. WYATT: Not only did he say that there is no demand for anything, but "Mr Foreman" went on to say this —

The SPEAKER: Member!

Mr B.S. WYATT: I apologise.

The SPEAKER: Please use the member for Cottesloe.

Mr B.S. WYATT: The member for Cottesloe went even further to say, I quote, "No building of commercial properties will be required because those existing premises are available." Not only is the shadow Treasurer saying we must simplify red and green tape—the key point is when. It is at some point in the future when there is demand for those construction activities. I was very surprised to see the Liberal Party take that position. Clearly, to free up that 80 to 85 per cent of the economy that is the private sector, the government needs to get out of the way.

Again, I do not know who the Liberal Party is. We need to ensure that the private sector can spend and has confidence that its decisions will be supported by government quickly and efficiently and that they will get through. I assure members that the Minister for Planning's reforms will do those very things. I know the Liberal Party can

do it; I saw it on Tuesday night when we debated some very good reforms in the Procurement Bill. I say to all members of the Liberal Party: Get on board. I think you know it is the right thing to do; there are just gonna be some digestion problems along the way.

Several members interjected.

The SPEAKER: Members!

CORONAVIRUS — PUBLIC TRANSPORT

345. Ms L. METTAM to the Premier:

I refer to comments made by the Minister for Transport this morning on ABC radio that social distancing is no longer required on public transport.

(1) Can the Premier explain to the house why it is safe for Western Australians to travel in close proximity for extended periods on public transport without social distancing?

(2) Will the Premier please table the health advice so that the public can better understand the decision?

Mr M. McGOWAN replied:

(1)–(2) I am unaware of the comments. I just had a quick chat with the minister. She advises me that what she said on air this morning was consistent with advice from the Chief Health Officer.

We have advised people to go back to work. We have told people that it is safe to go back to work. We have students back at school. We also have to get people to work. As of a couple of days ago, we had patronage on public transport running at greater than 60 per cent, and I suspect that it is higher than that now. As I pointed out previously in this chamber, or perhaps outside, other states are telling people not to catch public transport. We are saying something different, because, unlike other states, we have very low levels of spread of the virus in Western Australia. That is why we put in place our interstate border to protect our state as best we can. I urge the Liberal Party to support us in that rather than take the side of the New South Wales Premier.

CORONAVIRUS — PUBLIC TRANSPORT

346. Ms L. METTAM to the Premier:

I have a supplementary question. Is the Premier going to table the health advice, and why is social distancing not a major risk on public transport, yet it is the major reason that many Western Australian small businesses remain closed or have their trade restricted?

Mr M. McGOWAN replied:

I am advised that the advice upon which the minister is relying is published on the Public Transport Authority website. As I have said on a number of occasions, we are putting in place a graduated and careful response. Nothing is perfect or ideal, and as we go through this process, there will be inconsistencies. That has been the case for the last three months. I have said that every day; nothing is perfect. There were only two perfect solutions in which everything was entirely consistent. One was to do nothing. The other was that everyone was locked into their homes and not allowed out. Those are the two perfect solutions. Other than that, everything has nuance and points of criticism. That is a process we have been through, and I have explained that, many, many times. The reality is that Western Australians overwhelmingly, unlike people in other states and countries, have done the right thing. We have relied upon the good sense, good grace and courtesy, politeness and willingness of Western Australians to do the right thing as we go along.

We have obviously opened up small businesses to a greater degree than any other state. We have allowed more activity in our businesses than has any other state in Australia, and we expect we will be able to do more, assuming continued low rates of infection, in the future.

The real crisis, and the one for which, no doubt, the opposition would lay lots of criticism on the government would be if we were to ignore the medical advice and the state were to have an outbreak. Then opposition members would come in here demanding to know why we did that. We have worked very constructively. I have an hour-long meeting every morning with the Chief Health Officer of Western Australia—every morning, Monday through to Sunday. Seven days a week, I meet with the Chief Health Officer, either in person or online, for an hour, and on many days for more than an hour, to discuss all these issues. The Minister for Health does so as well every day with the Commissioner of Police. We do that every day and we often have more than one conversation or meeting throughout the course of the day. We understand this is a pretty big issue, and we understand that many people have suffered as a consequence. We want to alleviate that suffering as soon as we can within the health advice, but we do not want to do something outside of health advice and then again have to close businesses or communities or regions. I think that is eminently sensible, although it lends itself to some criticism from people around the state. I notice people in some parts of Western Australia are critical—some violently critical—but we are trying to do the right thing by the health and welfare of the people of Western Australia and that will allow us to get our economy up as soon as we can and protect us from people interstate or overseas who might bring the virus here.

CORONAVIRUS — COMMUNITY SPORTING AND RECREATIONAL FACILITIES FUND

347. Ms A. SANDERSON to the Minister for Sport and Recreation:

I refer to the government's decision to bring forward grants from the community sporting and recreation facilities fund in order to support the economy as it recovers from COVID-19. Can the minister outline to the house what this will mean for local not-for-profit sport, recreation and community groups, including those in the electorate of Morley?

Mr M.P. MURRAY replied:

I thank the member for her question and her support for building of community sporting infrastructure projects, such as Des Penman Reserve, which the Deputy Premier and I were lucky enough to visit this morning.

Mr R.H. Cook interjected.

The SPEAKER: Keep going, minister.

Mr M.P. MURRAY: It was a great gathering at Des Penman Reserve to see the progress of a former grant that had been given to that reserve. In attendance was Des Headland, a former Fremantle Dockers supporter, and women footballers. The women, who were premiers last year, will get some value out of the new building, because there will now be women's facilities, which they did not have before.

It was pleasing to announce that the McGowan state government will be fast-tracking the next round of funding applications to the community sporting and recreational facilities fund. That will enable sporting and recreation infrastructure projects to be applied for and brought forward. People will be able to apply for funding earlier than previously planned. The reason is that we will be able to get jobs on the ground and projects out there that we know we need for our recovery from the COVID-19 pandemic. The state is very aware that we need to rattle the tin, I suppose, to get money and jobs out in the community, because we have a spike in the unemployment rate coming. The Prime Minister has talked many times about the unemployment rate that will come. In bringing forward this funding, local government will contribute one-third to most of these projects, along with the community, so that our $12 million will end up being a boost to the economy of $36 million, which will be spread across the state, in country and city areas, when people apply. It is with great pleasure that we are now bringing that forward.

I ask every member in this house to bring this information to the local governments and sporting bodies in their electorates so that a fair sprinkle of people will be aware that this has been brought forward, and there will not be disagreements afterwards because they did not know about it. I implore members in this place today to make sure that their communities know about it. I know that it will be oversubscribed, but we will try to make sure that it is spread across the whole community to give people those jobs on the ground. This morning at Des Penman Reserve, it was great to see the building still going on and to see the tradies there. There were carpenters, electricians and someone with a very loud buzz-saw, which made it difficult to speak at times. It just about blew out my hearing aid!

Following on from the grants for women's facilities that we introduced last year, we are now bringing forward another initiative to allow remote Aboriginal communities to apply for up to 100 per cent of their project costs in certain circumstances. That is to encourage applicants from those communities, who struggle at times to create the proper process in their own minds, to be able to apply for these grants. Looking at grants over the years, it is very evident to me that some communities have not received anything. Halls Creek is an example. Over the last five or six years, it has received only $35 000 of funding. That is a bit of a disappointment to me. If members ask the reasons why, it is because some people do not have the backup to be able to apply for that funding. I think it is very important to do that and to give those communities a bit of a leg-up so that they are able to apply. For those communities, the turnover of shire CEOs is very high, so the continuity is not there. I look forward to seeing that initiative come forward so we can help out some of those communities. Speeding up the process will also help create jobs on the ground, and many of them will be in country areas. I look forward to seeing that being done. The early opening of this grant program is about getting the ball rolling for the recovery process from the recent COVID-19 problems. Let us work very hard and make sure that shires and others are out there and job ready so we can get jobs on the ground before our unemployment rate gets hit out of the park.

CORONAVIRUS — SCHOOLS — TRUANCY OFFICERS

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

The break in schooling due to COVID-19 has resulted in a drop in attendance at some of Geraldton's schools. Instead of threatening parents with a $1 000 fine for their child's non-attendance, will the Premier consider a more meaningful and long-term solution, such as reinstating school truancy officers, who would be responsible for tracking attendance and managing absent children?

Mr M. McGOWAN replied:

The premise of the question is incorrect. I have worked constructively, as has the Minister for Education and Training, with school communities across Western Australia and with individual schools in order to get attendance back up.

We now have attendance at over 90 per cent. The last figure I heard for Victoria was around three per cent. For New South Wales, it was somewhere around 30 per cent, and Queensland was the same. Maybe those figures are growing a little, but we have over 90 per cent attendance.

We worked constructively, but we had to make decisions. We said that education is best conducted in the classroom at school in a face-to-face environment, and that we needed our workforce to go back in a safe way. That is what has happened. After three weeks, we reviewed the choice arrangement, which already had attendance at over 80 per cent, and said that mandatory attendance would come back, as is normal in the school environment, with an exemption for vulnerable students, students with a vulnerable family member, or students who are unwell. Mandatory attendance is back. I do not accept the premise of the member's question. I think that the Western Australian government, in particular the education minister, has managed the situation well and has secured attendance at school. That has allowed thousands upon thousands of families to go back to work. Schooling is incredibly important in getting our economy back up.

As part of doing that, we announced additional resources. Some of those were specifically directed towards families who might have some difficulty in getting their children back to school. From memory, we announced two categories of staff: a group of teachers to work with families who might have difficulty getting their children back to school, and another group of teachers to work with students who might be in the vulnerable category—by that, I mean people who might have an illness, or have a family member who has an autoimmune condition or whatever it might be, so they do not feel that it is right for them to be back at school at this time. There were two categories of teachers to work in that area, with about 20 additional staff in one and 40 additional staff in the other.

With over 90 per cent attendance, which was basically the norm prior to COVID-19, we have largely got people back at school.

I have not received any advice to this effect—I expect that I would have if it had occurred—but I am not aware of any fines having been issued. I do not accept the premise of the member's question. I think that the Western Australian government has shown considerable bravery compared with governments in the eastern states and has made policy decisions that have got schools back and education happening, and are getting kids educated more quickly. We have provided support to children who may have difficulty getting back, and have allowed for parents to get back to work.

CORONAVIRUS — SCHOOLS — TRUANCY OFFICERS

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

I have a supplementary question. Given that some of these children come from disadvantaged families, does the Premier think that a fine option would be more effective?

Mr M. McGOWAN replied:

The answer is clearly no. As I just said, I have not been advised of any families who have been fined for non-attendance of students at this time. Attendance is at the normal rate, which is over 90 per cent. I received advice the other day that for boarding colleges it is 70 per cent or thereabouts, so it is climbing very significantly. When we opened the residential colleges a few weeks ago, attendance on the first day was, from memory, about 30 per cent. That is now up to about 70 per cent. When we brought schools back, on the first day, I think attendance rates were somewhere between 50 per cent and 60 per cent, but I am relying on my memory.

Mr B.S. Wyatt: It was 58 per cent.

Mr M. McGOWAN: It was 58 per cent. It is now above 90 per cent, so we are happy with that outcome. I know that parents are happy with that outcome. When the minister for education had a roundtable meeting with the State School Teachers' Union of WA, educators, principals and the like, prior to implementing the mandated requirement for attendance at school, she said, and I think that it was published, that there was universal agreement on mandatory attendance at school. The Western Australian community has worked well together. The education minister has led this, and we have got schools back in a way that the eastern states have not.

CORONAVIRUS — HOSPITALITY INDUSTRY — GOVERNMENT RESPONSE

350. Ms S.E. WINTON to the Minister for Racing and Gaming:

I refer to the significant impact that COVID-19 has had on Western Australian small businesses. Can the minister outline to the house what measures the McGowan government has taken to support small businesses, particularly those in our liquor and hospitality industry?

Mr P. PAPALIA replied:

I thank the member for Wanneroo for her question and her very clear, bold, strong support for small businesses right across Western Australia. The state government has committed some $1.8 billion toward support of sustainment and recovery measures right across all sectors in the state. A huge proportion of that spend has been focused on small business. We have recently announced measures for the tourism sector. The liquor licensing and hospitality sector in

particular have been impacted significantly by some of the COVID-19 measures, and they were very abruptly impacted. Many of them were required to shut at very short notice, and we are aware of that. We have been taking measures from the moment those businesses were impacted to enable them, where possible, to continue to trade in some form so that they are able to be ready to come into the recovery. I am very pleased to acknowledge the efforts of the Department of Local Government, Sport and Cultural Industries and the director of Liquor Licensing. The director general of the department, Duncan Ord, is also the director of Liquor Licensing. He is an outstanding public servant, and his team has done incredibly well. Like many public servants in the state, they have been focused on supporting the community during this tough time. They swept into action immediately, creating and processing temporary six-month occasional licences to allow packaged liquor of up to one bottle of wine and a sixpack to be provided with takeaway or delivered meals for restaurants, bars and like that would not otherwise have been able to trade had the department not created and very quickly processed those licences. I can report that since March, 2 794 licences have been issued to 590 premises. That is 590 small businesses such as restaurants and small bars that we have been able to help to keep customers and revenue coming in and to keep WA people employed. There were 27 occasional restricted licences granted to hotels and taverns to authorise the sale of packaged liquor on Good Friday, and 30 occasional licence approvals were granted in remote areas to allow for bulk sales to station owners and other eligible people while statewide section 31 notices were in place. The occasional licences were fast-tracked through a streamlined process and at no cost to those receiving them. All annual liquor licensing fees were either waived at the outset, if they not been paid already, or refunded. Those measures represent $3.4 million worth of support by the state government. I am very happy that they have been so effectively employed.

Also, of course, we cannot go without acknowledging the fact that Western Australia has led the nation with the most generous lifting of restrictions on the hospitality sector. In Western Australia groups of up to 20 people are allowed in venues, restaurants, cafes and bars acting as restaurants if they are ordering liquor ancillary to a meal. In other states, in every other jurisdiction except the Northern Territory, 10 people are allowed in hospitality venues. We see measures in place in Victoria. It is being trumpeted that on 1 June people in Victoria will be able to go back into a bar, cafe or restaurant, but at the moment people there have no opportunity to do that. Businesses in Victoria are still waiting for that support from their state government, but we have given it. That is because we have been able to employ such effective measures as the hard border, our tracing and our control of COVID-19. That has resulted in this great outcome, and will enable further liberalisation, providing we keep the hard border with the east, where there is community transfer of the disease, and providing some of those calling for lifting that measure are ignored. If they had their way, everything would be in jeopardy, so I am very grateful to the Western Australian business community for its understanding and forbearance in these difficult times. It can rest assured that we have its best interests at heart.

CORONAVIRUS — RESTRICTIONS

351. Mrs A.K. HAYDEN to the Premier:

Can the Premier please explain to the small businesses of Western Australia why 20 people sitting down for a meal for half an hour is safer from a social-distancing perspective than 20 people standing up and having a beer for half an hour in a venue?

Mr M. McGOWAN replied:

Obviously, the health advice we received is that if we open up bars, cafes and restaurants, having people seated is a safer environment than having them moving around. I think that is pretty clear. That is the advice accepted by all of the states. That is the advice provided by the Chief Health Officer of Australia and it is the advice accepted by the Premiers of the other states, including the Liberal Premiers. That is the advice provided by the Chief Health Officer. I urge the member not to politicise this.

CORONAVIRUS — RESTRICTIONS

352. Mrs A.K. HAYDEN to the Premier:

I have a supplementary question.

If the decision is based on health advice, why do the social distancing rules vary between retail, hospitality and tourism small businesses—especially in our closed regions such as Kalgoorlie, Broome and Geraldton—yet none of them apply to crowded buses or trains? Surely that risk is a lot higher.

Mr M. McGOWAN replied:

The member has obviously not been following this debate, and this has been going on now for three months. We have accepted the health advice as we have gone along. Nothing in this environment has been perfect, none of the solutions have been perfect and nothing is entirely consistent in this environment in any state in Australia or any country in the world. We have tried to ensure that we have had as little mixing and as much social distancing as possible, particularly over the period when the virus was at its strongest in Australia and Western Australia. I note that the rate of the spread of the virus is increasing in many countries around the world, and thousands of people are dying every single day. In the United States I note that there are still hundreds, if not thousands, of people dying

every single day. In Britain it is the same. In parts of Europe it is the same. I dread to think what is going on in parts of South America, Africa, India, Indonesia, Asia or even in Russia. I dread to think what is going on. It is unreported, probably because most journalists have left those places and because the way of judging and collecting statistics is not to the standard that we have in Australia, but it would be appalling. The good thing is that the measures we have put in place in Australia, and in particular in Western Australia, have worked, and we have avoided the thousands of deaths. We have avoided the thousands of deaths because of the measures we have put in place. If the member wants to try to politicise that, be it on her head.

I visit a number of businesses and I am very apologetic. I am very apologetic to businesses I visit. I am very sorry about what has happened. I am embarrassed by what we have had to do. It is a terrible situation, and some of the measures we had to put in place have been shocking. At the start of this process we had to do it, and I did it as part of the national cabinet with all of the other Premiers, chief ministers and the Prime Minister. It was appalling; it was terrible. I could not sleep. It was absolutely appalling. I was shocked and appalled by the measures we had to put in place, but every time I raise it with a business and I apologise to them, they all say that they understand, because as a nation and a state we have avoided some of those shocking situations that have been seen in other countries around the world. We have avoided the deaths of people's parents, we have avoided the deaths of people with disabilities and we have avoided some of the deaths of people whose immune systems might be compromised. That is what has occurred in Australia and Western Australia. Overwhelmingly, I think people are understanding and have embraced the changes we have put in place. I urge the Liberal Party to stop politicising this.

The SPEAKER: That is the end of question time.

ENVIRONMENTAL PROTECTION AMENDMENT BILL 2020
ENVIRONMENTAL PROTECTION AMENDMENT BILL (NO. 2) 2020

Second Reading — Cognate Debate

Resumed from an earlier stage of the sitting.

DR D.J. HONEY (Cottesloe) [2.58 pm]: Just to remind members, as I know they have been riveted by the debate on the Environmental Protection Amendment Bill 2020 and the Environmental Protection Amendment Bill (No. 2) 2020 so far, I was considering proposed section 45A on page 76 going over to page 77 of the blue Environmental Protection Amendment Bill 2020. There is an industry concern, and it is something I saw in my previous career before I came to Parliament, that there is a creep in offsets. For example, the original ratio used to offset bush being cleared was about three to one. That ratio suddenly seemed to creep to four to one, five to one, six to one and even higher. It was clear that the Department of Water and Environmental Regulation had a wish list of land that it wanted to buy, and it appears that was driving a requirement for higher and higher offsets. That concerns me on a couple of levels. Firstly, I think the Shire of Gingin will end up being offset. I do not know how many operational farms are left in Gingin. I suspect there are none left because they have all been bought principally as offsets as a consequence of property development in Perth. Those offset properties cause a great deal of concern for the people who are trying to run farms. It appears that there is not an adequate control program for vermin or introduced weeds on many of those properties. That has to be dealt with. Simply clearing the coastal plain and transferring all the offsets to the wheatbelt or areas close to the city is not necessarily the best outcome. In particular, we need to control the ratio of those offsets; otherwise, it will end up being a hostage situation. When a proponent is trying to put forward a project, time is money. Businesses might be compelled to deal with offsets that are becoming more extreme but do not actually deal with the environmental concerns at the time. Pragmatically, developers will just push ahead with them. We perhaps need to have a better look at that area in terms of the appropriate offset ratio, so that we do not get offset creep, whether it is of land, money or some other thing.

I want to talk next about proposed division 2A, "Payments relating to proposals", on page 95 of the blue bill. I touched on this a little earlier in my introductory comments. Proposed section 48AA(1) allows for the prescribing of —

> … fees or charges that are payable by proponents in prescribed circumstances in relation to the referral, assessment and implementation of proposals under Division 1 or 2.

I am sure that the departmental secretary and the minister have had some solicitations on this. This really is an area in which there has to be performance to match. I have great respect for departmental officers, but I also know that departments want to grow. That happens in all organisations. People in private enterprise also want to grow their area. This is obviously a way for the department to get money. It may be for research programs or officers to do particular things, but there is a risk of agency creep and it needs to be controlled. I understand that these fees will be set by regulation and will be disallowable, so I guess the minister has included some form of control to make sure that there is some parliamentary review of those fees. That is a positive in the bill.

The other part of the Environmental Protection Act that I wish to talk about is part V, "Environmental regulation". Section 49, on page 110 of the blue bill, is headed "Causing pollution or unreasonable emissions". I am a little perturbed by the definition of "unreasonable emission". I will read it for members. It states —

> ***unreasonable emission*** means an emission or transmission of noise, odour or electromagnetic radiation which unreasonably interferes with the health, welfare —

This is the bit I am concerned about —

> convenience, comfort or amenity of any person.

That is an enormously broad definition, and I will explain why. An unreasonable emission includes something that impacts the convenience, comfort or amenity of any person. The breadth of that definition causes me a great deal of concern because there will be serious consequences for causing an unreasonable emission. I will go a little forward and perhaps then come back. Section 49(4) states —

> A person who intentionally or with criminal negligence —
>
> (a) emits an unreasonable emission from any premises; or
>
> (b) causes an unreasonable emission to be emitted from any premises,
>
> commits an offence.

Furthermore, subsection (5) states —

> A person who —
>
> (a) emits an unreasonable emission from any premises; or
>
> (b) causes an unreasonable emission to be emitted from any premises,
>
> commits an offence.

Subsection (4) deals with someone who is perhaps careless or does not care, but subsection (5) effectively says that it does not matter how it happens—if it happens, someone will have committed an offence, whether they knew it or not. These are serious offences. The offence they could commit is to affect the convenience, comfort or amenity of any person. That is a low bar. What is "amenity" of a person? Let us say I am walking past a fish factory and I can smell the odour of processed fish coming out. I might find that extremely unpleasant and it affects my comfort. I might feel very uncomfortable. It might even make me feel nauseous. I might say that it is affecting my amenity. Someone could potentially be committing an offence. With environmental regulation, we seem to be heading to a position in which businesses can have no impact or effect whatsoever. If that is the measure, it will shut down businesses. I could talk about people sitting in this room. The Leader of the House is currently eradiating me with potentially fatal radioactive emissions from his body. I hate to tell the Leader of the House this, but he has polonium, uranium and thorium inside him. The photons, or at least the particles emitted, could potentially cause a cancer in me. I am obviously giving a ridiculous example. It is a true example, but it obviously takes something to a ridiculous extreme. The thrust is that we have an impact on every other person in this room. The emissions from driving our cars impact on the environment. Some of those emissions could potentially harm a person. We will see how this is dealt with in the upper house, but I am very concerned about this provision. I think it risks being too broad. I think it risks creating offences when no offence has occurred. I appreciate that this is an existing provision in the act, but perhaps there is an opportunity to improve it. I do not think we could amend it through this bill unless we inserted another clause in the bill by amendment, but I wanted to highlight my concern that there is a progressively lower and lower hurdle for creating an offence.

I go to proposed section 51DA on page 117 of the blue bill. I want to make a brief comment on this. It is titled "Referral of proposed clearing to CEO for decision on whether a clearing permit should be obtained". I believe the intention of this proposed section is to simplify that process. It is something that needs simplifying. There is a real concern, particularly in regional areas but also in Perth, that sometimes doing simple acts—we have talked today about the need to get things done faster—becomes too complex. As I said, I understand that the intention of this proposed section is to simplify that process. I certainly hope that that turns out to be the case. Later on I will make specific comment about fire permits, because I think there is a major problem with obtaining fire permits.

I will move on to division 3 and proposed section 52, which is on page 141 of the blue bill. Licences is a topic all of its own. Some of the parliamentary secretary's departmental officers would know that in my previous life I had some reasonably intimate involvement in this area. I hear what is being said about how licences are going to change and progress and how we are going to get unification, but I am not sure—certainly based on the conversations I have had with industry—that that is happening. There is a major issue that was supposed to have been dealt with, and, hopefully, it will be progressively dealt with by the department—that is, idiosyncratic conditions. A field officer can come out and set a condition and, to set a condition, it takes that field officer about as long as it takes to write a few words on a bit of paper, but removing that condition, regardless of its substance, takes an enormous amount of effort. In fact, many organisations simply give up; it is so hard and they are so concerned that they might offend the department and lose the ability to negotiate on other conditions that they give up on it. We see highly idiosyncratic decisions that do not have a basis in science if they are examined in any detail. I will give members an example. I remember vividly in my previous life Alcoa's environmental people having an argument with an officer—who had a degree, apparently—who insisted that the water level in a lake be measured in multiple locations and then the levels averaged in case there were differences. This was a small body of water.

Mr R.S. Love interjected.

Dr D.J. HONEY: The member knows how water is; it is sort of up and down like the Himalayas. I doubt that any of the learned people in this room would have done that; nevertheless, that was done and it required some argument to remove that condition from the licence.

The other thing we see is pattern bargaining. For example, a company that does not have its own internal resources or consultant resources to deal with matters may agree to a condition that is a want, not a scientific need, but then that is used as a basis for future licences and the justification is that it was in the previous licence. Pattern bargaining is very common with licences. We see particular bents in a department, as there are naturally—people have different views of the world—creeping into licences when, in fact, if there was a genuine, hard scientific analysis of it, there would not be a justification for it. We see a proliferation of conditions in licences and it seems that the more conditions there are, the better. It just becomes destructive, and I will talk a little about that in a summary at the end.

There is unnecessary monitoring. We end up with monitoring that is simply not required; there is no purpose to it whatsoever. It is not reasonable. The particular emission does not occur or has not occurred for a significant time and is not likely to, but the monitoring is still required. What does the cost of compliance boil down to? I spent 24 years working for mining companies, but I spent the last 18 years of my career outside of this place in line management roles. In the areas that I worked in, we employed a significant number of environmental staff who spent most of their time improving the environmental performance of the particular plants and locations. Sometimes it is funny when you hear an external view of organisations, but I can tell members that, typically, the environmental staff and managers in mining companies are environmental zealots. These are not hired guns who just do their master's bidding. These people in these organisations are passionate about improving the environment, and I think of some of the large plants in the south west. However, now the environmental staff spend almost all their time simply dealing with compliance, with no focus on environmental improvement because they simply do not have time. There is so much effort and focus on compliance. The problem with compliance is that if something is not done, either by mistake or inadvertently, it is potentially a serious offence. The overwhelming majority of companies in Western Australia and Australia take compliance very seriously. Again, in my previous life, it was one thing that went all the way to the very top of the organisation. If there was noncompliance, the board, in fact, was informed about it. These are very serious things in businesses; hence, they put enormous focus on it. Those resources were not going into improving environmental performance in the plant, even though, year on year, nothing changed. The cost is phenomenal—millions of dollars for one of the locations on the Kwinana strip. Each of those locations would spend millions of dollars purely on compliance monitoring. That does not help the environment. Nothing is changing. In fact, I am sure that the minister's excellent staff would know that the officers here today would know that emissions have reduced substantially in that area, but that is true for most businesses. Most businesses have a big focus on reducing emissions. I think that ends up being a waste of resources. I have heard lots of words to say that this will be improved. I hope that one of the outcomes of this change to division 3 of the act is that there is much more focus on conditions that will prevent a real risk to the environment. Otherwise, let those organisations spend their environmental budget on improving environmental performance, not simply reporting on this increasing list of compliance requirements over time.

The parliamentary secretary will be pleased to know that I am moving on in reasonable chunks. I move on to division 5, "Defences", on page 193. I certainly welcome that. It is a very positive thing to see that clarified. The defences referred to in that division are sensible and provide a basis for reasonable people, or for good people who are doing the reasonable thing, to defend their actions. I know it is not the intention of the parliamentary secretary or the minister to punish people who are trying to do the right thing but maybe make a mistake. However, clearly, people who do the wrong thing knowingly and belligerently, and perhaps for profit, should be punished. It is certainly good to see that clarification in the legislation.

I now move on to section 79, "Unreasonable noise emissions from premises", which is outlined on page 203 of the blue bill. I do not have any recommendations or suggestions about improving that, but I thought it was worthy to make the comment that that is an enormously difficult area to manage. Perhaps my colleague in the other place Hon Dr Steve Thomas will have some ideas. I think this area needs work over time. Is there a better way to do this? It is so subjective. The costs of complying with this issue are enormous for some businesses. Equally, I appreciate that a noise that some of us may ignore can place an unbearable burden on someone's life and make their life a misery. Perhaps it is an area that needs more science. I do not have any suggestions on how that section can be changed. It is an existing section in the act, with some very small amendments. It is certainly a vexatious issue for industry to deal with.

Part VB, "Environmental protection covenants", is a new section, and set out on page 216 of the blue bill. That seems to be a sensible change. As with all such things, the devil will be in the detail. It seems to be a reasonable way for the minister to satisfy himself or herself that the proposal will protect the environment.

I move to part VI, "Enforcement", and section 87, on page 223 of the blue bill. This is an existing section of the act, with some minor amendments. There has been some strengthening of the entry powers. I am not sure whether it needs reference in the act or whether it is part of a procedure. There are very substantial safety risks for untrained people entering industrial facilities. Although it may seem wise for people to enter a site, I have been in the situation of a potentially collapsing dam when government officers wanted to encroach on the area, and it was

simply profoundly unsafe for them to do so. As I said, I am not sure whether that needs to be in the bill but it needs to be taken care of. It is very legitimate that organisations may say that an untrained person simply cannot enter an area. However, we recognise that it is very important that businesses exclude people from sites to prevent discovery of their acts. Clearly, we need that entry power.

Also, enforcement needs to be timely and done in a proper way. I was aware of one incident in which it was asserted that there was a serious contamination of the environment. The department of environment officers chose to let that apparent emission—it turned out not to be an emission—occur for 24 hours just so they could come down in person and nab it happening. In that case, if it had been an emission, as the officers suspected it was, it would have ended up contaminating Peel Inlet. It would have been very serious. Rather than ringing up the organisation and asking whether it was an emission; and, if so, asking the organisation to stop it, the officers waited almost 24 hours before they flew down in helicopters and whatever to catch them in the act. I was profoundly shocked by that action. I thought it was highly irresponsible at that time. Enforcement needs to be timely. I hope that is the worst example that any of us have ever heard of. At the time, I was pretty taken aback by that.

I wish to dwell a little on the landfill levy. I refer to part VIIA on page 276 of the blue bill. The legislation was introduced by a previous Liberal government.

Mr W.R. Marmion: Yes.

Dr D.J. HONEY: I thank the member for Nedlands. Obviously, there has been bipartisan support for this. The clear aim of the legislation was to force people who generate waste to maximise the amount of material that is recycled and reused. However, a matter that has been brought to my attention is a major concern about levy avoidance. I have been informed that the levy avoidance is so significant that the economic viability of reputable companies that responsibly recycle materials or otherwise landfill unrecyclable material is being threatened. It is being threatened because unscrupulous operators are receiving material as recyclable material that is not recyclable. It has been put to me that in some cases very substantial volumes of material are utterly unrecyclable or only a very small part of it can be recycled. Because it has been claimed as being recyclable material, no levy is applied. In fact, I was told that as of almost today, some operators are charging only $26 a cubic metre for material that is not recyclable; it is all going to landfill but is being claimed as recyclable.

I have raised this matter with the Minister for Environment. He is a very hardworking and good minister who works hard to do his job properly. The minister has passed that information on to the department, and I will follow up with some more information. This relates a little bit to penalties for avoidance of that levy. I think there needs to be a substantial review of penalties for avoidance of that levy. Some excellent businesses operate in Western Australia, which are outstanding in the way they recycle material. They have invested millions of dollars in recycling plants. Because of this large-scale avoidance that is occurring, those plants are sitting there almost idle. Organisations that should know better and should do more due diligence are taking advantage of these very low-cost operators that patently are not recycling material. As I said, I have certainly passed specific details on to the minister. I know that the minister takes that very seriously and is very concerned. I am making no assertions about the lack of willingness on the part of government in this matter. I believe that the people I have spoken to are reputable. I believe that this is occurring on a significant scale.

I turn to section 110G, "Evading levy", of the act. I think the levy is about $90 a cubic metre for landfill material or something like that. It is a very significant amount. It is a very significant disincentive for people to dump material that could be reused or recovered in some way.

Mr W.R. Marmion: They drive it across the border.

Dr D.J. HONEY: That is right; they drive interstate.

It is a very significant levy. I think everyone in this place supports it as being very sensible. The penalty is set out in the second paragraph of section 110G(1). It was not amended in the bill. The penalty is $5 000 and treble the amount evaded or attempted to be evaded. I say to the parliamentary secretary that perhaps in a future revision of the bill, we could look at that penalty and perhaps make it far more substantial. It has been put to me that the people who are avoiding this levy are making considerable profits because of what they are doing. What is far more concerning is that it threatens the economic viability of some excellent companies that have excellent sorting and recycling facilities.

I move on to proposed part VIIB "Environmental monitoring programmes" on page 281 of the blue bill. This new part is trying to look at those situations in which there are many emitters in an area; for example, in Port Hedland there are many potential emitters of dust. I understand this proposed part was perhaps inspired by the issues Port Hedland is having with dust. The department could set up a monitoring program and then apportion those charges out to various businesses. That sounds like a reasonable thing to do. For members who have been actively involved in this area, they would also know that the department will sometimes enter into an agreement with an organisation. For example, one of the reasons the Kwinana Industries Council—the parliamentary secretary is very familiar with the Kwinana Industries Council—was set up was to facilitate joint monitoring initially for sulphur dioxide emissions, and then it perhaps broadened to some other things, and that was done with the department's

agreement. My only caution is that there has to be strong ministerial oversight; this must be a genuine service. This cannot be monitoring for a whim, it has to be monitoring for a genuine emission concern, not part of someone's research project or their general thesis. I do not think anything could be written in the bill around that, but it is something that needs continuous ministerial oversight to make sure that the appropriate amount of monitoring is being carried out.

I move on to proposed part VIIIA, "Bilateral agreements with the commonwealth", on page 302 it of the blue bill. We talk about things that will help business in this state, and I would say that all industry is metaphorically leaping with joy and doing cartwheels about this prospect because, as many members in this place who are interested in this area would know, there are cases that effectively go through a thorough and complete environmental review at the state level and then a duplicate process occurs at a commonwealth level, which is enormously frustrating and costly. There can be nuance, and what is presented to the commonwealth is not necessarily a regurgitation of what was presented to the state; it may have some subtlety to it that requires something else. However, the worst part is the timeliness of it. It is crippling. We are very strong supporters and applaud the inclusion of this in the legislation. It is very important to get this going. I understand that this is only part of the equation and that perhaps the commonwealth was very enthusiastic about it at the start, but once perhaps some empires were challenged, there has been some slowdown in the progress of it. I would very strongly encourage the parliamentary secretary and the minister to pursue this with our full support, in any way that we can help. Industry is very excited to remove this burden. Removing a year's delay on a major project can be worth millions and millions of dollars to the state. We all know that time is money, but doing things in a timely fashion also means it can get up. We have seen the situation at the moment with Albemarle putting its project at Kemerton not on hold, but slowing it right down because the lithium market has peaked and fallen off the peak. I understand that the state government did an enormous amount of work to facilitate very fast approval for that project, so it is not a criticism of the state government, but if that project could have got going more quickly, that plant would now be running and have hundreds of people employed. Collie and at least Bunbury and other towns would be benefiting right now from that extra money flowing into their coffers, and the state would be benefiting from its exports. Anything that can be done to improve the speed of these approvals is good, and clearly the bilateral agreements, in which the state could carry out those critical federal approvals or it could be done in parallel in a very timely manner, is something that will benefit this state and all of us. I certainly welcome the inclusion in the legislation.

I move on to page 332 of the blue bill, schedule 2, proposed item 36B, which states —

> Establishing or recognising the scheme or system for the accreditation of persons as environmental practitioners for purposes related to this Act.

That is an area is that has caused considerable concern amongst industry in the state. The minister has apparently said that registration of in-house personnel would be voluntary; however, it appears that that is not in the bill. It may be implicit, but it is not implicit. I am intrigued to know what guarantees have been given.

Mr R.R. Whitby: What part are you referring to?

Dr D.J. HONEY: Proposed item 36B —

> Establishing or recognising the scheme or system for the accreditation of persons as environmental practitioners for purposes related to this Act.

Mr R.R. Whitby: It will be voluntary.

Dr D.J. HONEY: I just want to understand, by what mechanism? It is not clear in the legislation that that is the case. I am very happy to be educated. As the parliamentary secretary knows, we go through these things as best we can. Industry has expressed concern to me and our shadow minister about this.

Mr R.R. Whitby: We have acknowledged that feedback, and as a result it will be voluntary.

Dr D.J. HONEY: Thank you very much.

I am almost there. I am moving on to schedule 6. I want to use this as an opportunity to discuss the issue of clearing permits in proposed items 15 and 16, on page 345 of the blue bill. I do not have a particular concern with those items; however, there is extreme consternation in regional communities and on regional farms about how difficult it is to gain a fire permit in those areas, and the requirements for flora and fauna studies. Because the shires are administering it, the shires are taking a cautious approach as they believe they have to do this to satisfy the department's requirements. The shires are requiring 25 page submissions for people to carry out burning on parts of farms or around buildings, and that is a significant concern in some of those areas.

Some members will be pleased to know that I do not have any more parts of the legislation to go through. As I said at the outset, we support this legislation and recognise that it represents a body of work that has probably gone back six or five years at least, with enormous effort from the department. I certainly thank the departmental officers and ministerial officers who have been involved in these changes. I recognise that the great majority of this legislation represents a significant step forward, and I reaffirm our support for it.

MR W.R. MARMION (Nedlands — Deputy Leader of the Opposition) [3.39 pm]: I would like to add some comments on the Environmental Protection Amendment Bill 2020 and the Environmental Protection Amendment Bill (No. 2) 2020, which we support. I think any work done on the current environmental regulations and legislation would be an improvement. Indeed, a lot of this process started when the Liberal government was in power. I have a fair bit of background in environmental matters, so I will try to keep my comments to practical examples. I will try to avoid looking at the bills, but I have some points to make on them.

I go back to my Main Roads days, when we did not have environmental approvals. I have designed and built roads and done my own environmental approvals. In fact, environmental approvals came into Main Roads in the early 1980s, and we did them in-house. I remember the one-pager with five boxes to tick, and I just ticked them all—no problem. A brand-new level 3 enthusiastic young environmental gentleman—incidentally, his father was a director at Main Roads at the time; I will not mention his name, but I have a good memory for names—came down to go through my environmental assessment. He said, "You've ticked A", meaning there was no environmental impact on any of the aspects of the Great Northern Highway between Sandfire and Port Hedland. We reached the water course aspect. He said, "Aren't you cutting off the flow of water from one side of the road?" I said, yes, but I had a culvert going that would pick it up. He said, "Okay", and went away. That was the extent of the environmental approval for part of the Great Northern Highway.

We roll along to about 1985. The Environmental Protection Act came in around then. Main Roads was building the Great Northern Highway a bit further south of Port Hedland through the Karijini National Park. It was not my project. I think Main Roads did the very first, what I would call, very large public environmental review. In fact, the Commissioner of Main Roads was very proud of it. It was a very thick, massive document; it was probably the biggest document Main Roads had ever put out for a project, and we had not even built the road, which was to go straight through a gorge. The Great Northern Highway runs over a plateau and cuts straight through a gorge, which I do not think would be allowed today, but the cutting was such that it looked a bit like the surrounding environment. In fact, the engineering fraternity at Main Roads, which included me, was very proud of the engineering aspects of this road.

I have seen the environmental assessment process evolve since that time. I guess the most significant aspect that I was involved in was the Regional Forest Agreement, which I think started in 1997 and concluded in about 1999. It was a massive process. In fact, I was quite surprised when I looked on Google because I could get hold of about 40 documents from the 1990s on these small aspects of all forests in the south west. It is a good example of the massive amount of work that went into those projects. I think the aim was 15 per cent old-growth forest. There was a target of 15 per cent old growth of nominated species of trees. Karri and jarrah were the predominant ones, and I think tuart might have been, too. Interestingly, wandoo was not included. As the member for Cottesloe knows, wandoo is in the Darling Range over bauxite. A wandoo tree is a good indicator of where there is bauxite. Interestingly, wandoo was excluded. I was part of a four-person Western Australian committee. There were two people from what was called CALM or the Department of Conservation and Land Management—Syd Shea, who ran that department, and his tree expert—someone from the Department of Resources Development, and me from the Department of the Premier and Cabinet. Interestingly, Alcoa had a strong interest in wandoo not being included as one of the tree varieties, and it explained that a square metre of soil is about a hundred times more valuable as bauxite than a wandoo tree. Alcoa was very good because it was very environmentally conscious. It was very good at rejuvenating the Darling Range areas that it excavated. Indeed, I will not mention the name, but the person at Alcoa who ran the environmental side—Brian somebody—was a member of the Conservation Council of Western Australia, and I think he was the president of the World Wildlife Fund. The company had great environmental credentials, and I think it contributed to the Conservation Council in some monetary way. It was interesting to me that wandoo was not included.

On this issue, karri trees were the problem. Basically, someone logging for karri trees clear-fells. It looks terrible when a photo is taken. I think they leave a tree every 200 metres, and then they burn everything as the heat makes all the seeds rejuvenate. Syd Shea explained the process to me. I went to see it and it looked terrible. A photo of a karri area after it has been clear-felled for logging looks terrible. There was a big push.

One of the biggest environmental issues of the last three decades was the Regional Forest Agreement in Western Australia. Interestingly, the Liberal government lost the election after that agreement was signed and parties such as Liberals for Forests contested the election. It was a huge issue. Campaign advertisements containing pictures of trees were placed in *The West Australian.* The Boranup forest area of the south west was used as an example of why karri trees should not be cut down because they are so nice. Karri trees are wonderful; it is probably my favourite tree. The interesting thing is that Boranup is a regrowth forest. It looks so nice because all the trees are big and a uniform size. I remember going through this process. I worked for the then Premier, Richard Court. Environmental people came into this process. Syd Shea explained the 100-year life cycle of trees and how we managed our trees really well and that there was no problem. The environmental person we met said, "No, the life cycle of a tree is 600 years. It falls down; it rots; and there are animals." I could see that the then Premier decided that that was it; he was not going to meet anymore! We could not do a 600-year cycle in forestry, so that was the end of that argument. I remember that very well, as members can imagine.

As a private sector consultant, I sought Environmental Protection Authority approval for a Formula One–standard motor racing track beside the Preston River in Bunbury, and that got across the line. I have experience in using the EPA system and getting projects approved. Unfortunately, I also have other experience: when we started to subdivide land, there were banksias on another part of the land. The issue arose when we put the boundary through the large parcel, which had two bits. A rare orchid was found right on the boundary, so from an environmental aspect, the whole process stopped. The commerciality of it was a problem. If I had three hours, I could explain all that to members.

I became Minister for Environment in 2010. I had just become Minister for Environment, and I went on holiday at Christmas time, and then we had the Magellan Metals lead incident, and I had to come back from my holiday. I had taken the whole family down to Abbey Beach Resort for my five days of holidays. Two days in, I had to drive back to Perth and there were all these cameras to meet me. Ironically, there was no issue. The National Association of Testing Authorities had credited a laboratory that had forgotten to divide the results by 10. All the data that showed there was 10 times the lead pollution that there should be along the railway line between Kalgoorlie and Perth was the result of the NATA laboratory using a different filter and forgetting to divide the results by 10. There was no issue. They did isotopic testing of the lead and it was not even Magellan lead; it was from the red paint that had come off the trucks. Of course, that was never reported. When I became Deputy Leader of the Opposition, a young journalist from *The West Australian* said to me, "You've got a pretty bad track record as a Minister for Environment. That Magellan issue was terrible!" Anyway, I have a fair bit of experience in the environment portfolio.

I will very quickly go through some of the main areas of reform mentioned in the second reading speech. I congratulate the minister and the parliamentary secretary for a good second reading speech. I could read it and get the main points; it was not just motherhood statements. It was very good. I congratulate probably the staff for doing that.

Firstly, what are we trying to achieve with this legislation? We are trying to improve the process, because that is what frustrates people. Stopping the clock is a big thing. It was mentioned today in relation to local government, but it is worse for state government departments. Stopping the clock is one of the biggest things that happens. When we were in government, one of the things that frustrated me—I know it has been mentioned in press releases recently—was that documents produced by environmental consultants, which cost quite a lot of money, were repeated. Someone might do an assessment of a plant or some fauna and write a report, which might cost $30 000, and then three years later, someone does another project close by and they get the assessment done again. This data needs to be captured and put on a database that everyone can access. We tried to do that—it was a failing of ours—so that all data could be captured. We wanted to capture data for not only the then Department of Environment and Conservation, but also the Departments of Mines and Petroleum, Water and Indigenous Affairs. We wanted to put all the data on one database so that a person wanting to do a project could go to the database and see all the information. The department would also know that the information was there. The department could see whether it needed a report on noise or whatever and could target the environmental information needed, rather than just telling the person to analyse everything. I understand that is one of the things the government will do to improve the process. I think that is a great idea.

I will just point out that one of the problems we had was that each department said that its database was the best. The department of mines would say that its database was the one we had to use, and the environment department would say that its was best. It got too hard. It must be so easy now; a first-year engineering student could develop an app to put it all together in one week. Surely, it can be done now.

My second point is on cost recovery. I was not the Minister for Environment when this was promulgated; I was Minister for Mines and Petroleum. I was a bit concerned about this, but we went through a bit of a consultation process. At the time, industry was not very enthusiastic about that. As the member for Cottesloe asked, will this mean that the approval process will speed up over time? This is always the problem. There is a suggestion that the department could get more money and put on more staff to speed up the process, but then analyse the project more. It is an issue for someone to manage. It is up to the CEO. It is up to the Syd Sheas and Keiran McNamaras of the world. I had many conversations with Keiran McNamara over many decades. Unfortunately, rest his soul, he passed away.

It is the triage effect. We need someone in the department with the knowledge of a person like Keiran McNamara and who has been around for a couple of decades and can look at a project and put it into category A, B or C. Category A could be projects with serious environmental impacts and the department it goes to would have to have a hard look at them. Category B could be projects that could have some implications, so the department should maybe look at noise or whatever aspect it is. Category C could be for projects that are going to go ahead, such as just dredging a port, which happens every five years—it is a state asset and we are not going to close down a port, so for goodness sake, the department should not spend too much time analysing the hell out of Esperance port. The department should have some commonsense when doing those assessments.

[Member's time extended.]

Mr W.R. MARMION: I will try to speed up. It is horrible being one of the last speakers on Thursday afternoon.

Again, it is terrific if the government is going to improve strategic assessments. I think BHP has done this on its iron ore projects, so it has a steady stream of projects that have gone through the majority of the environmental assessment process. It does not want to do that and then find, when it gets to the specific project, that it still has to go through the normal process. Strategic assessments are important but they need to be looked at by the CEO.

Clearing provisions are very important. This document is just the guidelines on clearing. People can download the instructions on clearing. Indeed, back in my Main Roads days, we used to clear everything. We did not talk to anybody. We got the material off the side of the road from a burrow with a scraper and dumped it on the road to build up the road. Then we tied it down as best we could. In fact, if members were to fly over the Great Northern Highway in the Kimberley, they would see where the burrows were—we probably could have done a better job. It is neither here nor there, really. If we were in the south west and needed material to build a road, we would just go to a farm and find out if the farmer had taken out any gravel and take it from the farm. People cannot do that now, although there are exceptions.

I will give members one frustrating example on clearing. It is to do with landing an aeroplane at Bunbury Airport. Some Japanese investors were coming down to Bunbury to invest in a Formula One motor racing track in Picton, just out of Bunbury. We could not land at the Bunbury Airport because of the vegetation on the side of the road. I call it the North Boyanup road, but I think it might be part of the South Western Highway now. The vegetation had grown up on the side of the road right next to Bunbury Airport. The Civil Aviation Safety Authority said that only Cessnas could land. Planes that were the next size up, which could normally land there, could not. There was a V-shape that had to be complied with and a couple of tree branches had grown up. The local office of the Department of Environment in Bunbury said that the airport could not get a clearing permit. That was in about 2006, and it was really frustrating. What did we do? We landed the plane in Busselton, got a bus, and bused them up. The motor racing circuit was 400 metres from Bunbury Airport. We would have had to drive them around, but it was very close, so it was very frustrating. I got that off my chest!

Anything to do with clearing is an issue, especially in the Kimberley. In the Kimberley, if it rains, the clearing cannot even be found the next year. It depends on the situation. For Main Roads' camps, we always cleared to put a camp on the side of the road. In the south west, a clearing could not be found after a couple of years, but in the Kimberley it could not be found after one year.

The amendments to division 3 of part V are to improve the efficiency of regulations around emissions. I have an interesting story about that too, which is about Cockburn Cement. When I was the Minister for Environment, the member for Cockburn used to get up every single day and rattle on about all the pollution that Cockburn Cement was causing. I got in the car and drove down there. I noticed that the company had won a Golden Gecko award, by the way. In the foyer was the Golden Gecko award that it had won, but the member was jumping up and down. It had some good environmental credentials, with the Golden Gecko award, but I drove around the area. I met a lady who lived 900 metres away from the facility who was crying and was in tears. She said her health was suffering. She was 900 metres away, so she was inside the one-kilometre buffer. It was a brand-new house. The Minister for Planning, Hon Alannah MacTiernan, had approved a development that was within the one-kilometre buffer zone and that lady was really upset. I remember that very well. She would have had to leave.

Someone in the Department of Environment lived about two or three kilometres from Cockburn Cement, so I went to their house. They were an insider. They told me that there was dust there too, and there was. I went onto the roof. It was a Colorbond roof, but the emissions were corroding the roof. I went up the ladder and saw that he was dead right. Ironically, if someone had been really close—a certain distance—they would not have had the fallout, so the one-kilometre buffer was probably really a nonsense, because the emissions went further than that. Of course, it depended on which way the wind blew. Anyway, we solved the problem with a baghouse filter. The company spent $24 million on a baghouse filter to reduce the emissions, and it worked fantastically. Cockburn Cement put real-time emissions data on its website so all the people around there who used to grizzle about it could see the data. From memory, the trigger to shut down the plant was about 150 parts per million at the stack.

It put a baghouse filter on it, for $24 million, and at the stack it was emitting nine parts per million. The filter reduced the emissions to nine parts per million. I was the Minister for Environment, who was looking after part V of the act. Some paperwork came up and I asked what it was. I was told that the department wanted to reduce what it was to achieve in the regulations. I cannot recall the exact figure, but it was something like 20 parts per million. I asked why the department wanted to do that and was told that because the company was now achieving nine parts per million, the regulations were to be changed so that if the emissions reached 20 parts per million—do not hold me to that, because it could have been higher—the department could tell it off, or shut it down or whatever. I thought, "That'll look great in the press!" People do not understand what 20 parts per million, 50 parts per million or 150 parts per million means. They would just know that Cockburn Cement had exceeded the limit and it would be a front-page story. Anyway, to cut a long story short, that did not happen. The regulation stayed the same. Creep is a problem, and if the minister does not know the science and someone tells them to sign something, they could make the standard better than anything else in the world. Ministers have to be alert to that. I have some other examples but I am not going to mention them now.

Dr D.J. Honey: That is a powerful example, member, of why we need to maintain adequate buffers and not let people build houses inside them.

Mr W.R. MARMION: That is dead right.

Mr R.S. Love: That's the opposite of what you just said! You said it'd be okay if you were in the one-kilometre buffer.

Mr W.R. MARMION: The buffer should have been three kilometres.

Mr D.A. Templeman interjected.

Mr W.R. MARMION: I have only five minutes. I have four other points, but I will pick the best one. The CEO may enter into environmental protection covenants under the conditions in part IV, proposals—which is negotiation that can be done for a part IV approval—and part V, division 2, clearing permits. I imagine that this is an opportunity for a trade-off covenant. Someone needs to keep a handle on this. The member for Cottesloe mentioned this when he raised the subject of the town of Gingin. The parliamentary secretary will know that an offset quite often means an area 23 times the area that is being cleared. That is one of the worst-case scenarios. It may be more now, but in my day I think 23 times was the biggest. There can be offsets for a proposal and covenants that can be put on. There are a hundred national parks and the Minister for Environment will never get to them all unless they are the minister for 30 years. I think I went to about three national parks.

Mr D.A. Templeman: What was that? Which ones?

Mr W.R. MARMION: If there are a hundred national parks, how many did the member visit when he was the minister?

What are we doing? We are actually increasing them by 10 or 20 per cent. We are locking up more of Western Australia. I do not know how many hundreds of years from now it will be, but there will be no land left that is not in an offset or a covenant. There is a limited amount of land, so I think we have to be fairly strategic in this area. I hope someone is keeping a register and monitoring that, but I know that they are not.

Mr R.S. Love: I'm sure they are.

Mr W.R. MARMION: Yes, but not all of them. There is Bush Forever land and others, but I meant it needs to be done strategically. I know that there is a register for each one individually. It is a bit like medical research. The state puts a lot of money into medical research—the Harry Perkins Institute of Medical Research does some research and the University of Western Australia does research, but who has a handle on all the different bits of medical research? Three lots of medical teams, including researchers in the private sector, may be doing the same research and there is no collaboration. I am using that as an example. If we lock up areas of Western Australia in whatever way, with one department doing this and another department doing that, where is the strategy of someone looking at the big picture?

Mr D.A. Templeman: You're dancing around the table!

Mr W.R. MARMION: I know. I have been watching the member. I will start using my hands as well!

Mr D.R. Michael: I didn't know you liked centralised planning that much, comrade!

Mr W.R. MARMION: It is not centralised planning; it is coordination.

I will finish on bilateral assessments. It would be fantastic if we could get that across the line.

Mr R.S. Love: Except they are not across the line.

Mr W.R. MARMION: They will not get there, because, unfortunately, the commonwealth legislation overrides state legislation. I would love it to happen. I got involved in an intergovernmental agreement on exactly this and it lasted for about three months. Jim Limerick was the director of the Department of Industry and Resources and wrote the Intergovernmental Agreement on the Environment with the commonwealth. We signed off on it, but it had no statutory power. The idea was that either the state or the commonwealth would do the assessment, but when the first major project came along, the Australian and New Zealand Environmental Conservation Council was not happy with the state government assessment and went straight to the federal minister, who bought in and it was all over red rover.

MR R.S. LOVE (Moore — Deputy Leader of the Nationals WA) [4.09 pm]: I am very pleased to be here to contribute to the debate on the Environmental Protection Amendment Bill 2020 and the Environmental Protection Amendment Bill (No. 2) 2020. When I say I am pleased, I am pleased that I will finally get to discuss a matter that has been something of a dread to me for the past two weeks, because for the last 20 years I have been living the nightmare of being a farmer who has tried to operate under the clearing system that we have in this state. The proposed system is a great improvement and will bring some clarity that we perhaps did not have a few years ago. Where I come from in the Shire of Dandaragan, bush is still the predominant state of vegetation, and land for people to clear for agriculture was released as late as the 1970s. A number of farmers were hit with the changes that came in, and, sadly I must admit, there was a National Party agriculture minister at that stage. Many people throughout the region were unable to continue the clearing program that was essential for their business to thrive. A particular friend of mine was put in such a position that he was looking at going to jail because he was simply trying to do

his job of running his farm. As it was, in the end he was not found guilty of the offences that the department had accused him of, and the long letter that I wrote as shire president extolling his virtues as a human being and a decent citizen was not necessary to mitigate the sentence that we felt it was inevitable he was going to get. That is the sort of pressure that people have been put under for many, many years.

I think the member for Cottesloe touched upon environmentally sensitive areas in the electorate. I have all this down in my notes and I was going to go through it in a more structured way, but I will get this off my chest. Farmers back in the early 2000s were faced with a wetlands policy that was going to take in the Swan coastal plain from the boundary of the Shires of Coorow and Dandaragan all the way to Perth. All the wetlands in that area were going to be controlled and farmers would not have been able to access them. There was virtually a mini-revolution, there were meetings, and finally the policy was abandoned. What nobody knew was that a system of environmentally sensitive area registrations had been developed. That was introduced in 2005, and it was not until the unfortunate circumstances illustrated by Peter Swift and his troubles with clearing regulations came to light that many people realised that they were affected by these environmentally sensitive areas. When I was elected, I advocated on behalf of my constituents, a number of whom were very concerned when they found that they might have been in environmentally sensitive areas and what that would mean for their ability to carry on their business. There was no clarity about whether running cattle, for instance, on a declared environmentally sensitive area would be considered an offence under the provisions of the act. There was not much advice coming from the minister or the department at that time to alleviate people's concerns. What was even worse was that no-one had been notified that they were to be involved in this environmentally sensitive area and nobody could find out where to go to find out whether they were. There was a website, but my research officer, who is not without skills on a computer, spent weeks trying to access the maps on that website and could not get through. It was virtually impossible. It was virtually impossible for a person, a farmer, to understand whether they were in an environmentally sensitive area and what that meant if they were. All that time they were living under the cloud of possibly being found guilty of an offence and facing a severe penalty by simply going about the business their family had been doing in that area for up to 100 years. That is the type of circumstance that people in my electorate have gone through with some of the provisions of this act.

My well-structured contribution to this debate has now gone out the window, and I have forgotten where I am up to.

Mr D.A. Templeman: You are following on the same theme as the former speaker.

Mr R.S. LOVE: Yes, the same theme, but with much more lived experience.

Members were talking about the offset program, and I have a slightly different view on the offset program's effect throughout the area that I represent. Of course, for many people who were caught in that invidious situation of being unable to clear their land, the offset program became a form of de facto compensation for the purchase of some of their land, which was by then quite worthless to them. In fact, the Valuer-General had altered the unimproved valuations of their blocks so they would not have to pay rates on that portion of the land, which then made it quite difficult to understand how much the land was worth when they did come to purchase it. But at least it was some form of compensation for those people who had lost the ability to clear land. I put on the record that I was one of those people, and I had around 2 500 acres in that situation.

I will say this much for the current government about environmentally sensitive areas in the Shire of Gingin. One of the most oppressive policies to come forward in recent years in the time I have been involved in public life was the development of the Perth and Peel growth plan. It set out a pathway for development in the Perth and Peel area using a system of offsets that would involve the purchase of those environmentally sensitive areas in the Shire of Gingin and some of the shires surrounding Perth. That would have left large areas of the Shire of Gingin excluded from any economic activity. It would have affected the rate base of the Shire of Gingin and would have effectively stymied any economic growth in some of the electorate that I represent on the basis of enabling growth in the Perth and Peel area. When the Minister for Planning came in, she set that policy aside, and I wake up every day and thank her for doing it, because it has alleviated the problem that the Shire of Gingin, especially in my electorate, and the Shire of Chittering had under that circumstance.

With that, I will get back to the speech I have prepared. The Nationals WA will support both bills overall—the Environmental Protection Amendment Bill 2020 and Environmental Protection Amendment Bill (No. 2) 2020—which we are debating cognately. We will participate in consideration in detail, and no doubt when the bill gets to the other place, my colleague Hon Colin Holt will look at it with a great deal of interest. This bill upgrades an act that has been around for many years. It aims to simplify and reduce some of the unnecessary regulatory processes that we face. An exposure draft was released on 28 October 2019, and submissions closed on 28 January 2020. Again, as a farmer, I have to say that releasing a consultation program in the middle of harvest and closing it during the Christmas school holidays is probably not the best time to get some response from farming communities. I wonder why those times were chosen. Nonetheless, it has been done. There were 101 submissions received, and the summary report appeared on the website after the bill was introduced. I went looking for it and initially I could not find it, but I found it a bit later. It is not a bad outline of some of the things that were discussed and will no doubt inform the debate during the consideration in detail stage.

We have heard from other members about some of the major changes. I will not again run through a whole list of things that are in the explanatory memorandum, but something that will be of particular interest is the cost-recovery processes. I know that local government has some concerns about its involvement in some of those cost-recovery processes, but in other ways I think it is a justifiable situation. As the member for Nedlands pointed out, the trick will be to ensure that this does not lead to a massive increase in the burden, simply because there is no downward pressure on the department in a cost sense to try to make sure that the approval requirements do not grow inordinately.

There are also changes to the clearing provisions. The ability to make a referral to the CEO about whether a permit is needed will be interesting. This will not affect the regulatory framework around some of the current exemptions for farmers. I know that consultation on native vegetation clearing was done around the same time as this wider consultation. Some of the comments I saw from that were a bit worrying, such as about trying to limit the five-hectare rule and other things in those regulations. From a practical point of view, it would be quite a disaster if farmers were to lose those things. There are changes to some of the defences. There is the ability to provide modified penalties. There is quite a steep increase in some of the penalties for certain offences and also some recognition or clarity around the use of satellite imagery for detection, enforcement, monitoring and what have you. The introduction of the environmental protection covenants will be interesting, although, in reality, soil conservation notices have been attached as conditions in some other circumstances. It is not a radical departure and it could be quite a useful tool; it will be interesting to see how it will manifest. I am not entirely sure how it will work in practice on the ground, but it looks to be reasonable at the moment. We were given examples of the development of environmental monitoring programs, but these were mainly around large industrial sites. It has been raised with me that there could be some implications for agricultural areas. For instance, if salinity were to become an issue, would that somehow affect other people? I understand that someone will have to be a licence or permit holder to contribute to that, and maybe that would exempt farmers from being worried about that.

This bill facilitates, streamlines and lays the groundwork for a possible bilateral assessment and approval agreement with the commonwealth, which is welcome. That would meet all the requirements of the commonwealth as well. We would like to see that come to fruition. I understand that the commonwealth has to alter the Environment Protection and Biodiversity Conservation Act to make that work, so it is not just up to the Western Australian government and this bill to do that.

The bill also makes some changes to the publication requirements and to the way in which environmentally sensitive areas are notified. That is being put in the regulatory framework. There is also a head of power for the development of a program of accreditation of environmental practitioners, which other members have spoken about. There is a bit of uncertainty about what that means. I do not think it is a bad thing to recognise the expertise of people in that field. In some ways, I am quite happy to see that. At the same time, I understand there is some concern about what that might mean in practice and whether, over time, it will limit the ability of people to make applications without going to a limited pool of expensive consultants, which might make the process even more expensive than it is at the moment.

Nationals WA members are all regional members of Parliament. We all know that land use is a key issue in our electorates. It is not just about clearing; it is about all sorts of activities on the land. Clearing is an issue for farmers. It is an issue that impacts the ability of mines to operate, industry to be developed, infrastructure to be developed and town sites to be developed. A number of towns are surrounded by large areas of bush and crown land, so the expansion of town sites is somewhat difficult and tricky in many circumstances. There is a need for that to be recognised as well. Of course, we all acknowledge that the preservation of the environment is very important, not only because of its intrinsic value, but also because of the amenity it provides. Many people live in my electorate because of the environment. They enjoy the environment, as well as work and live in it. This bill addresses some of the issues that come across the desks of all MPs. I have spoken already about environmentally sensitive areas. That has been a huge issue in my electorate, along with other clearing circumstances. This bill is a way to recognise some of those issues.

The Shire of Gingin has been mentioned. Members may be aware that underneath the Shire of Gingin is a very large amount of groundwater. Extensive irrigation has been developed in some areas, but I have seen some ridiculous things happen, such as people not being able to clear the last couple of acres within a pivot-irrigation circle—they simply cannot get a clearing permit processed.

[Member's time extended.]

Mr R.S. LOVE: These are the types of issues where I think this process falls down. I will not name this person, but I will go through a precis that my office developed about this case. This family had established a market garden south of Perth and needed to expand. They knew Gingin was an area in which water was available, so they moved north to Gingin and started growing sweet potato, parsnips, eggplants, zucchini, broccoli and garlic. Coles, for one, was knocking on their door and pleading with them to expand their production as it could not get enough of these products locally. Without going looking for extra markets, they knew they could sell more than they could produce, but they needed to develop some of the additional land to meet that demand and allow for crop rotation et cetera. They had the necessary water licences. They had land with a rural zoning. They had 14 hectares in production.

They initially wanted to clear 12 hectares of the remaining 21 hectares of bushland on this property and offered to place a covenant over the balance. They were told that it would not be sufficient and that they would have to purchase offsets somewhere else—an additional 40 hectares on top of that. This was a small family business that was starting up and was already facing significant capital costs to expand. It had bought the property and wanted to expand the production area, which would probably involve putting in extra irrigation facilities. It just was not possible. There was a lot of argy-bargy going backwards and forwards. This is an area in which the local native vegetation content and cover is about 57 per cent of the landmass. This family's operation was in the wheatbelt. I know there has been discussion in here about cumulative impacts; they have been part of the assessment process for a long time. Farmers in that western area of the sand plain have been very poorly judged because they are trying to clear in a region that largely comprises salmon gum and other woodlands that were cleared generations ago. Nominally, they are in the same region. In fact, they should be assessed in a completely different region. The region in which the cumulative impact has been assessed needs to be looked at very carefully and not just assessed on development commission regions or by some other convenient measure. This person—he is in a large shire—has 57 per cent native vegetation clearance in his area. It got to the point that it was so costly, so bad and so hard that he abandoned the project and ended up selling. I do not think that is a great outcome. Potential business development in that area is lost and that person is no longer able to meet that extra demand that the supermarkets were looking for at the time. I do not see how that is a great outcome.

I will quickly read through some extracts of a letter I received from another farmer. This farmer is not in my electorate, but in that wheatbelt area that I spoke about. It states —

> The Environmental Protection Act … restricts the clearing of native vegetation by farmers on private property for agricultural purposes. While there are improvements in the approval processes for well-resourced land developers and mining companies, there is no relief for family farmers. Applications and appeals from farmers are doomed to fail as the legislation is structured to deny, delay, deter and discourage farmers by imposing costly reports and offsets.

As members would be able to guess, this guy has tried and failed to get a program up. As I recall after discussing it with him, he was trying to grow jam trees and sandalwood on some country that was not much good for wheat farming in the area. I do not have much time to run through the whole of his circumstances, but he goes on to say —

> The current and proposed legislation is structured to protect DWER from criticism and scrutiny while ruthlessly applying Schedule 5 and 6 of the EP Act. DWER should be required to detail the full economic and social cost being imposed on farmers and small businesses in wheatbelt communities when clearing applications and appeals from farmers are rejected.
>
> Currently the appeals process is flawed and needs to be amended. The Appeals Convenor's role is not independent, transparent or accountable.
>
> Nothing will change for farmers unless a new Application and Appeals system for farmers on private property is introduced.
>
> Private property rights need to be recognised and compensation paid when DWER applies legislation that diminishes the value and productivity of privately owned farming land. Current and proposed legislation condones private property theft …
>
> Farmers have limited time, expertise and resources to address the complexities in submitting clearing applications and dealing with appeal issues. A farmer cannot match the legal, human and financial resources available to DWER. Consequently, for farmers to be treated in a fair and equitable manner, a different approach to clearing applications and appeals is needed.
>
> The State Government is well resourced to find alternative solutions by finding or regenerating rare flora and fauna on the …

Large percentage —

> of the land the State currently owns.
>
> …
>
> It is appreciated the environment must be protected and conserved. There are better alternatives that should be considered rather than arbitrarily restricting farmers on private property. Farmers are also committed to protecting the environment, as their sustainability is directly dependent on soil and water conservation for yield. Effective legislation needs a pragmatic distinction between environmental protection and agricultural production. Local rural economies need to drive job creation and investment opportunities to enable regional centres to remain attractive places to live, visit and in which to do business.
>
> After WWII and prior to the mineral boom, WA's economy prospered due to wheatbelt farmers. The EP Act's schedules and guidelines must work towards an outcome that produces opportunities for employment, investment and income growth in rural communities.

That was the letter addressed to me as the environment spokesperson for the Nationals WA from a person who had that lived experience of trying to expand the family business, meeting considerable headwinds and, as I understand it, ultimately not being successful.

Both anecdotally and objectively, the current clearing permit system is frustrating and slow. The published performance target assessment for the department's handling of these assessments is 60 days. I think only 49 per cent of applications were dealt with in that time frame in 2018–19. This is an important matter for farmers, industry and, tellingly, in regional areas, it is important for roads et cetera for local governments. Again, that goes back to town site expansion and everything that local governments are involved in.

Local government is understandably concerned about the cost recovery provisions in this pair of bills. The activities undertaken by local government for which approvals, permits and assessments are required are generally for public benefit. There is no private benefit for a local government involved in any of this. It is not often a discretionary type of situation. A road improvement might need to occur for road safety. The benefits of that may extend well beyond the local government. It can extend to travellers coming through the area, so a range of people benefit from this local government expenditure. I think there is merit in exempting local government from the majority of these possible charges.

I have spoken already about the Perth and Peel growth plan and the situation relating to private property rights for rural landowners. I will briefly pay tribute to a former member for Moore—not Hon Grant Woodhams so much, my predecessor—the shire president of Dandaragan, Gary Snook. When Gary Snook was involved in Parliament, he was tireless in bringing together an understanding of just what was happening for farmers and their communities in the electorate of Moore. The electorate has expanded somewhat. The former Nationals member, Grant Woodhams, also had concerns in this area.

There is a long history in the electorate of this issue having a significant impact on residents and businesses, partly stemming from the fact that, as I said before, a lot of the country was released only in the 1970s. From the 1950s right up until the 1970s, a lot of that sand plain was released. People who own the land now and who are still farming that land were going through a gradual process of developing the country. Some people do not come in with a lot of money and they do what they can. It takes a lifetime to develop a farm when people have no money to come in with huge machines and just bowl everything over and develop it in a couple of seasons. For most of those families who came onto that scene later, on those last blocks, this had a devastating impact.

With the developing industry in the electorate, such as irrigation and other technologies, enabling farmers to move to different methods, even in broadacre agriculture—now there might be guidance mechanisms on machines and they are wider machines—there has been an awful lot of problems with people who, from time to time, have been in trouble over clearing isolated paddock trees, for instance, which is necessary. Once upon a time, farmers might be going around a paddock with a 14-disc plough and a 20-run combine, but now people are running 100-feet wide machinery and have machines that are satellite guided. Therefore, having trees in the landscape in the way they were traditionally cleared, especially on some of the country where large trees were left for shade when livestock was much more of a consideration, has come back to curse some of those farmers. I think there needs to be more consideration for programs without the hugely expensive offsets, such as I illustrated with the guy in Gingin; for instance, a covenant could be agreed for a like for like within the farmer's own land. An area of land that has a lesser value could be set aside for flora and may be even planted back, which would allow the more productive land to be developed without the need to really put the farmers through the mill in the way that they have been over the last generation.

MR C.J. TALLENTIRE (Thornlie — Parliamentary Secretary) [4.39 pm]: I am very pleased to give my reasons for my support of the Environmental Protection Amendment Bill 2020 and Environmental Protection Amendment Bill (No. 2) 2020. I am somewhat heartened by the tone of contributions from those opposite who are generally supportive of environmental regulation. I want to talk a little about environmental regulation. I also want to touch on how our Environmental Protection Act 1986 deals with matters of climate change, how it deals with biodiversity, and touch a little on the notion of a central repository for all the state's geospatial information.

Turning to the issue of environmental regulation, I often hear from people outside this chamber who I might describe as of a gung-ho pro-development mindset. Their view is that environmental regulation is green tape and something that should be got rid of. It is incumbent on every one of us here, all 59 of us, to be the advocates for good, sensible regulation that counters the many sad events and neglect of our environment across this state. When I think of the extent of soil and land degradation across this state, I still hear that the land degradation extent is across 18 million hectares of cultivated land, with the potential for about six million hectares, one-third of that, to go to salinity or some other form of degradation. The salinity problem was talked about a lot in the 1990s, and we even had a State Salinity Council. The rural sector, the farming community in particular, seemed to be saying that it is not such a problem, or were they in denial of it? I do not think the situation has changed. We do not have the miracle crops that can grow on highly saline grounds; that never eventuated. We still have a huge problem with salinity. We have introduced techniques around deep drainage that have limited the problem to some extent but that has shifted the problem from one property to another. That is a perfect example of why we need environmental regulation; we have to

accept that what happens on one person's farm will have an impact on another. If we do not regulate the whole of the land across a landscape scale, we will see unfair outcomes for other farmers, but also for other environmental values, which will be damaged or lost. Generally the trend is unfortunately downwards, but there are many other indicators as well: species lost; the number of species listed; matters of water and air quality; and climate change—which I will come to.

I want to focus on the issue in the legislation around the so-called clearing provisions, which I would much prefer to see described as native vegetation protection laws. When it comes to the best surrogate we have for monitoring the health of biodiversity, if we want a quick snapshot of biodiversity health across the whole of the state of Western Australia, probably the simplest way to do it is to see what habitat is there and to do that, a quick assessment of the quality and health of vegetation types across the state—and I said types. I notice the member for Moore talked about his area, an area that is incredibly rich in biodiversity. I am sure he is rightly very proud of that. He talked about how across those kwongan vegetation types, sometimes he sees clearing proposals going through and people talk about how much vegetation remains in the Shires of Gingin and Dandaragan. That has to be done in a far more scientific way than looking at the arbitrary boundaries of local government areas. We have to be very scientific about it, in terms of ecosystem types and vegetation types, really distilling it down and seeing how much of a particular ecosystem type remains before we contemplate allowing someone to destroy more of it.

That is when we get into this interesting question of how much more we are prepared to lose. Of course, I have sympathy for those farmers who feel that they bought properties with an expectation of being able to clear land and destroy more environmental value and then have some sort of business activity, but it has to be said that—we have only to look at a satellite photo of Western Australia to see this—we have an abundance of cleared land. If somebody has ideas for a sandalwood plantation or some new crop that they want to try out, there is an abundance of cleared land available for them. They simply need to have the business capability to do a deal with the current owner to access, rent, share farm or enter into some sort of arrangement to develop their business. It is curious that the agricultural sector always has this mentality that people have to own land to have some sort of business. We need to go beyond that. If people have the business nous, they can develop it. It is interesting.

I do not want to focus on just the rural sector here; some of the most egregious examples of abuse of environment regulation, and this criticism of environmental regulation, has come from the very biggest corporations. I recall when the Gorgon proposal was first talked about for Barrow Island. It was couched as being a $9 billion project. That was in the mid-2000s. By about 2015–16, I think it was up to a $60 billion project. One of the explanations given by the senior executives of Chevron for this incredible cost blowout was environmental regulation. To go from $9 billion to $60 billion and then blame that on a combination of environmental regulation and I think the industrial relations issues that it had is absurd. When we hear people saying that they cannot cope with environmental regulation, often it is the case that the real problem is poor business management. Having established that environmental regulation is a good thing, it is something that we can be proud of and we can talk about as our antidote to the serious environmental loss that we have faced in this state. It is very important.

The new capability to look at cumulative impact assessments is very important, because under the environmental impact assessment process, part IV of the legislation, there has often been a tendency for a project to be looked at in isolation and for us to not have considered what might be happening in the whole region. That is when we have to take that cumulative impact, otherwise we could have a death by a thousand cuts scenario, which is very damaging and worrying. I first became aware of the need for this cumulative impact assessment approach when I was on a task force convened by Hon Alannah MacTiernan in, I think, 2003, looking at coastal developments and the need for us to be really careful about where we place coastal developments so that we did not have a cumulative impact. It is really heartening to see that at long last we have amended our legislation to include cumulative impact assessment.

I want to turn to climate change and especially relate this to the bilateral agreement process. This will be very interesting. One very sad bit of Western Australian, indeed Australian, history was given a great exposé on *Four Corners* on Monday night, in an excellent report by Michael Brissenden called "Climate Wars". It had some really great thinkers and contributors to Australian society and Australian public service, people such as Ken Henry, Peter Shergold and Martin Parkinson talking about, to use Ken Henry's words, how "power and ambition triumphed over the national interest", and that it was not about ideology. The failure to have decent climate change policy—in the words of Martin Parkinson, "What climate policy?"—has been power and ambition triumphing over the national interest.

I relate that to this legislation and the bilateral agreement because of an episode that happened in I think 2012. The Wheatstone project was a massive LNG project with 10 million tonnes of CO_2 emissions attributable to it annually. The then Minister for Environment, Hon Bill Marmion, was given advice by the Environmental Protection Authority that the state EPA should have some conditions on greenhouse gas emissions. Hon Bill Marmion saw that, at the time, we had an emissions trading scheme coming in federally under the Gillard government, and rightly said that the federal emissions trading scheme would control the emissions from this Chevron project, so we did not need greenhouse gas emission control provisions in the state approval. That was reasonable up until the disaster of the Abbott government that came in. Ken Henry was talking about this on Monday night. He said how angry he was at the grotesque events of mid-2014, when the Abbott government removed the ETS. All the comments were that it

was an extremely grim day for Australia. Once that happened, there was no longer an ETS to control projects like the Wheatstone project with its 10 million tonnes of emissions annually. There was no control. Did the state government of the day immediately seek to reinstate the controls on Wheatstone? No, it did not. I understand that there is an EPA investigation and report into this that is still ongoing; I am sure the matter will be dealt with in due course. But we had that frenzy climate change craziness around "axe the tax" and all that stuff. It just whipped up a whole frenzy of very low-grade debate, if we can barely call it that; I do not think we can. It was just a succession of populist slogans that have got us into this terrible impasse. I am hopeful that with this legislation and the connection that can be established with the assessment of major projects under the Environmental Protection Act and the Environment Protection and Biodiversity Conservation Act, the commonwealth legislation, we will not have an impasse like this arise again.

I am aware of the time. I just wanted to make some general comments on the need for a central repository of information—data that is gathered through the environmental impact assessment process, things like the geological survey, and all sorts of groundwater assessment studies that are done by the Department of Water and Environmental Regulation. There are all sorts of good studies. We need those to come together and be as accessible as possible. But that should be accessible using all the latest geographic information systems and technology. I have been hearing about this for years. There was the land monitor program of the CSIRO, the Western Australian Land Information Authority—all these things continue on in various guises. The actual information that can be fed into some overarching body gets better and better with the quality of remote sensing. We can have drones flying over areas with cameras using various remote-sensing equipment to detect and determine what species are present in an area. The powers are absolutely incredible. Some brilliant research is happening on this at our various universities. One faculty in particular—an engineering faculty at the University of Western Australia that I am soon to visit—is doing some really exciting stuff so that we can continue to enhance and share the knowledge of our state. It is public knowledge; it should be shared. I know that there is some question about equity—a company may pay for some very expensive environmental reporting that can then be shared with perhaps an opponent—but I think we have to find a way around that. After all, the company is paying for that expensive environmental information so that they can exploit a natural resource that belongs to us all. That is a very reasonable thing.

That reminds me to touch on the issue of cost recovery, which is something that I fully support. Interestingly, the Barnett government did a curious thing here. I think in around 2014 and into the forward estimates, it built or put into the state budget $3 million coming in from cost recovery on environmental impact assessments. It had that over three or four years but did not ever get around to bringing in the legislation to enable the cost recovery to take place. At last, we are going to see cost recovery, and I think that is very sensible. It is not only the proponents that go to great expense to get their projects up and pay for the environmental and consultancy work to be done, but also the state. Each time a proposal lobs into the office of the Environmental Protection Authority, a very extensive assessment is done, causing an enormous amount of public service time to be expended on a particular project. Regardless of its merits, it gets this incredibly expensive treatment from the state. I think it is only reasonable that the people who present these projects for assessment should be contributing to the cost, and there should be a cost recovery process in place.

I am very pleased that there is this interest in the house around environmental protection. I want to conclude by saying this. We must stop the silliness about getting rid of green tape. Necessary environmental regulation is a very good thing. Western Australians expect it from us, they expect no less, and this legislation will help us to deliver it.

MR R.R. WHITBY (Baldivis — Parliamentary Secretary) [4.56 pm] — in reply: I want to acknowledge the contributions this afternoon of all members who have spoken on the Environmental Protection Amendment Bill 2020 and the Environmental Protection Amendment Bill (No. 2) 2020. I note that all members have said that they support the legislation. We heard from the members for Cottesloe, Nedlands, Moore and Gosnells. I want to thank them all for their valuable contributions. I have listened to all their comments and I will respond to each member shortly, but, in general, there was wide support for the changes that we are bringing in.

It is important to remember that these bills form some of the most important pieces of legislation on the state's statute book, because they serve two vital key roles. Firstly, they seek to protect our unique and valuable Western Australian environment on behalf of all the people of the state. Of course, they establish processes by which vital projects can proceed, as well as other economic or industrial endeavours that underwrite the wealth and prosperity of our state. These are two vital considerations for us all and, of course, it is about finding the right balance.

This legislation dates back 30 years to the 1980s and was updated in the early 2000s during the Gallop government. The bills before us today are an accumulation of reviews, recommendations and consultations dating back to that last update. Much of the work that is evident in the bills today did indeed come from the Barnett government during its term. That work continued into the McGowan government, which has consulted widely and deeply with all stakeholders. This process included the release of an exposure draft bill, a discussion paper, and many meetings with stakeholder groups. It generated 101 submissions and there was broad support across stakeholders. Indeed, there is a keenness by many for these amendments to be enacted in the interests of efficiency, clarity and timeliness in the process for assessing applications, as well as providing certainty in protecting our environment. Essentially, the bills seek to modernise, update and streamline processes; introduce a cost recovery process based on the fairness

of "user pays"; provide better clarity for all; provide more flexibility; improve investigation enforcement powers; provide for cumulative impact to be considered and monitored; streamline the operation of bilateral assessments and approvals with the commonwealth; and provide consistency in terms of transparency with publication requirements noting modern day communications.

The added importance to this bill is the need for greater efficiency and timeliness. In the time of COVID-19 we need to ensure appropriate mining and resource projects that employ thousands of Western Australians and that meet the environmental standards we expect can be delivered in a timely and efficient manner.

I want to go through members' contributions this afternoon. I note that the lead speaker, the member for Cottesloe, had a lot to say, and I will come to the member's contribution in a moment. After the member for Cottesloe, we heard from the member for Nedlands, who said he supported the reform. As is often the case with the member for Nedlands, he took us on a nostalgic journey to a time when the Main Roads Department was effectively the Environmental Protection Authority. Is was a very interesting time, when people could just bulldoze a road through a gorge in our north west, and as long as a box had been ticked in the member's then office at Main Roads, it would all be okay. He reminded us of Syd Shea and the forest wars. In his time as Minister for the Environment, there was of course the Magellan Metals lead fiasco.

Mr W.R. Marmion interjected.

Mr R.R. WHITBY: It was a fiasco in the way it turned out for the member, I guess. It just goes to prove once again that if you are a minister, you do not go away on holidays! In the member's case, it was not Hawaii; it was only Abbey beach, and just as well.

The member explained that there are a lot of things to like about this legislation, as indeed most members have. The member for Nedlands had some concerns, but overall praised what is being proposed.

The member for Moore drew on his experience as a man from the land, in Dandaragan, and pointed out some key concerns, including the impact of offset purchases on Gingin and other parts of Western Australia. The member had a concern about cost recovery and how that might lead to increasing the burden for farmers and other industry participants. The member expressed a concern about cumulative impact and the way that would be interpreted for historic clearing in parts of the wheatbelt. He then read the letter from a farmer, which we were eager to hear—someone with real experience as a man of the land. I want to tell the member for Moore that there is currently an inquiry into private property rights that also deals with environmentally sensitive areas, and we await the outcome of that inquiry. The changes to the clearing provisions, including the referral system and the making of regulations for ESAs may, or are intended to, address many of the concerns the member raised.

I will also mention timeliness. The member for Moore talked about timeliness. The new referral system in this legislation will help improve timeliness by ensuring that regulatory resources are focused on clearing that has a significant impact. We do not want to be bogged down with minor issues; we want to put our energy and resources into major clearing. For farmers there will be the ability to refer clearing without the need for an application. That would also be welcome.

We all know that the member for Gosnells is a very passionate advocate for the environment, but as he let out in this chamber the other day —

Mr C.J. Tallentire interjected.

Mr R.R. WHITBY: I get confused. Sorry, member for Thornlie.

A member interjected.

Mr R.R. WHITBY: I am trying to catch up. I think the member for Thornlie was referred to as the member for Gosnells earlier today.

We know the member for Thornlie is a passionate advocate for the environment, but he understands that we need to strike a balance. The member let loose in the house, the other day I think, that he owns a chainsaw! That might be a revelation for many.

Mr C.J. Tallentire: It's a very important conservation tool.

Mr R.R. WHITBY: Indeed. The member also believes in that balance, and I was interested to hear his views on the *Four Corners* report, which I found very interesting as well.

I go to the member for Cottesloe. I certainly acknowledge and appreciate the contribution made by the member, given his many years in his former life involved with a sector that has a lot to do with the environment, working for Alcoa and the mining industry. The member endorsed a range of features of the bill and welcomed the improvements, some of which have their genesis, as I said, in the former Barnett government. The member also acknowledged that this legislation will have important COVID-19 stimulatory impacts on our economy and jobs, which we all welcome. We also agree with the member's comments that strong ministerial leadership is needed to deliver improved regulatory performance, and that is what we have in this bill.

I will go to some of the member specifics, because there were a couple. The member for Cottesloe raised concerns about proposed part VIIB and cost recovery for monitoring programs, and that changes may become excessive, that agency studies may be seen as essential and that there needs to be strong ministerial oversight. My response to the member is that all charges will be set through regulations and as such shall be the subject of scrutiny by Parliament. There will be consultation with stakeholders in developing the regulations and it will also only apply to part V, licensed premises. Like many of the head powers in this legislation, there is a commitment to consult in the development of these regulations.

I will continue to go through the member's contributions, but I would like to allay some of the concerns he raised today. It was certainly valid to raise them, but I think I can help to put the member's mind at ease on a number of them. In relation to cost recovery and the importance of ensuring improved time line performance, it is actually the certainty of funding that assists in improving time frames and allows the department to increase its effort with demand. The member for Cottesloe was concerned that section 38 of the act, in terms of referrals, which mentions the proponent or "any other person" could allow anyone to refer a proposal. He considers that that seems loose and would like an explanation for that. The response to that is that this is actually an existing provision that seems to have worked well for 30 years. We do not get strangers from some far-off place like Kazakhstan making referrals, and checks and balances are done by the Environmental Protection Authority before a project is considered to be a valid proposal.

On proposed new section 38G, on timing to assess proposals, the member for Cottesloe raised concerns that industry would be concerned about the stop-the-clock proposals. Indeed, that is a concern. The concern is that proposals could take years to be resolved if that stop-the-clock system is abused. The response is that there is a new stop-the-clock provision in proposed new section 38F that will tighten the use of the existing provision. It can be used for only a specified period, and if not met, the clock restarts regardless of whether it is received. We agree that timeliness of decision-making is important and timeliness of decisions is a key focus of these reforms. For example, cost recovery will support resourcing of assessment processes and timeliness is a key performance indicator for the EPA, so we are addressing the member's concern via this legislation. I might add that my own experience is that it is a key desire of the minister at every turn to increase the timeliness of responses for things like native clearing and other parts of the legislation he is responsible for. He is incredibly keen to build up that timeliness. It was a concern before COVID-19 and it is especially so now.

Proposed amendments to section 48A relate to the member's comments about proposed new 45A and the implementation of conditions and offsets that this could be used by agencies to force proponents to implement idiosyncratic views of individual officers. The response is that it is important to remember that under part IV of the Environmental Protection Act, these are ministerial decisions—government, not the agency—on consideration of the advice and recommendations of the EPA. The minister makes these decisions and any conditions of approval with other decision-making ministers.

The member raised that there is an industry concern of a creep in offsets. That issue was also raised by the member for Moore in terms of having a three to one ratio go up to six to one.

The issue was raised of the Environmental Protection Authority having a wish list of driving higher and higher offsets—an example given was that farms are being bought in Gingin to offset Perth development and that poor management of these properties leads to weed and vermin problems. I think that was the member for Moore's point.

Mr R.S. Love: I think I might have spoken about the weeds.

Mr R.R. WHITBY: In response, I am assured that these offsets are determined by science and that an offset calculator that considers a range of factors is used to determine the necessary offset. I also imagine that, regardless of conditions of ownership of an offset, there would still be some regulatory requirement for someone to control weeds and vermin on the land.

Dr D.J. Honey: The concern has been that although there may be a calculator, the calculator seems to be growing.

Mr R.R. WHITBY: Or that it is all in the same place.

Dr D.J. Honey: The formula is changing. That's the concern.

Mr R.R. WHITBY: Okay.

Mr R.S. Love: In terms of weed control, what is happening is that isolated pockets of land are being bought by the department all over the place and they do not manage these isolated pockets.

Mr R.R. WHITBY: I see. So the obligation would be on the state to maintain those and to do a better job of that.

Mr R.S. Love: That's the issue.

Mr R.R. WHITBY: Sure. The member for Cottesloe gave an interesting example about section 49 of walking past a fish factory and an unreasonable interference with someone's comfort. I am advised that would not meet the test. That would not provide the ability to shut down a fish factory. The provisions have not been changed by this bill and have been in place without issue since the Court government in 1998. The member raised a concern that

simple clearing is too difficult. The changes that this bill delivers are intended to address this issue. The member mentioned about section 52 licences, he considers that concerns with idiosyncratic conditions have been addressed. The example was of water levels being in multiple locations. The response was that we agree that there is need for consistent licensing practices and the department has been working on improving its practices. Changes in the bill will help improve the administration of regulation.

I refer to part VI section 87, regarding safety risks of entry. We have consulted with the Department of Mines, Industry Regulation and Safety on the provisions dealing with powers of entry to ensure safety concerns can be addressed. The Department of Water and Environmental Regulation currently gives notice and complies with safety training requirements, except in circumstances of environmental emergencies. There is an awareness of the need for people who are not familiar with certain sites to be aware of safety issues involved that need to be addressed.

Issues with the landfill levy were raised. These are saving provisions and have been replaced by the waste levy, which is under the Waste Avoidance and Recovery Act. In time, we expect that these provisions will be repealed. We recognise that the levy can be improved and are consulting now on how to improve application of the levy and prevent levy evasion. A discussion paper titled "Closing the Loop" has been released and comments from stakeholders are being sought. Those concerns are being addressed elsewhere in government as we speak.

I refer to proposed item 36B, which will be in schedule 2. Accreditation has caused concern. The response is that the capacity to establish an accreditation scheme has not been included because industry, particularly the Association of Mining and Exploration Companies, has sought this provision for accreditation. This is also supported by environmental groups, who see the value in improving the integrity and quality of environmental reports. There are no provisions to make the scheme mandatory, as stated in the second reading speech. The scheme will be designed in close consultation with stakeholders.

Members made comments about clearing causing consternation because of the difficulty in obtaining fire permits. The response is that there is already an exemption in place to support burning for fire prevention outside the limited period under the Bush Fires Act under item 3 of regulation 5 under the Environmental Protection (Clearing of Native Vegetation) Regulations.

In closing, this legislation is about updating a very important piece of legislation. It is about creating a more efficient piece of legislation. This is a long-awaited reform and is supported by industry and environmental sectors. It has many welcome improvements on what we have now. I note today that it was supported by all speakers. I welcome that support and I commend the bill to the house.

Question put and passed.

Bill (Environmental Protection Amendment Bill 2020) read a second time.

Leave denied to proceed forthwith to third reading.

ENVIRONMENTAL PROTECTION AMENDMENT BILL (NO. 2) 2020

Second Reading

Resumed from an earlier stage of the sitting.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

BUILDING AND CONSTRUCTION INDUSTRY TRAINING FUND AND LEVY COLLECTION AMENDMENT BILL 2020

Returned

Bill returned from the Council without amendment.

BILLS

Assent

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

1. Prisons Amendment Bill 2020
2. Mandatory Testing (Infectious Diseases) Amendment (COVID-19 Response) Bill 2020

House adjourned at 5.16 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

MINISTER FOR TRANSPORT — CGM COMMUNICATIONS — CONTACT

6038. Mrs L.M. Harvey to the Minister for Transport; Planning:

Has the Minister, or any former or current Ministerial staff, met with or had any contact with representatives of registered lobbyist CGM Communications since October 2017 and if so:

(a) What are the dates for each meeting or instance of contact;

(b) Who did CGM Communications meet with or contact;

(c) What was the topic of discussion for each meeting or instance of contact;

(d) What third party, if any, was being represented by CGM Communications;

(e) Was any follow-up action agreed to by the Minister or ministerial staff:

(i) If so, what action was agreed to; and

(f) What form did the contact take (i.e. email, phone) for meetings, and where did they take place?

Ms R. Saffioti replied:

(a) 5 February 2018; 2 March 2018; 8 May 2018; 18 June 2018; 28 August 2018; 14 August 2018; 12 September 2018; 11 March 2019; 9 April 2019; 19 July 2019; 2 August 2019; 4 September 2019; 13 September 2019; 29 January 2020; 14 November 2018; 26 September 2018; 29 May 2018; 19 July 2018; 10 September 2018; 26 February 2019; 26 March 2019; 21 May 2019; 13 September, 18 October 2019; 24 January 2020; 29 January 2020; 9 December 2019

(b) Minister; Chief of Staff; Policy Advisers; Ministerial Office Email; Ministerial Office Email; Ministerial Office Email; Ministerial Office Email; Ministerial Office Email; Ministerial Office Email, Policy Adviser; Ministerial Office Email; Ministerial Office Email; Policy Advisers; Ministerial Office Email; Ministerial Office Email; Ministerial Office Email; Ministerial Office Email; Policy Adviser; Parliamentary Secretary; Chief of Staff, Policy Adviser; Special Adviser, Policy Advisers; Policy Advisers; Policy Adviser; Policy Advisers; Policy Adviser; Policy Advisers; Policy Advisers; Policy Advisers; Media Adviser

(c) Short Stay Accommodation; On-demand Transport Reform; Activity Centre Policy; Matagarup Bridge; Belmont Park; Invitation to event; Invitation to event; Invitation to event; Perth Parking Policy; Rail Suicide Prevention Roundtable; Community Football Showcase; Invitation to event; Invitation to launch of Element 27; Exmouth Gulf; Invitation to Event; Belmont Park; Perth Stadium Station; IGA Stores; Matagarup Bridge Lighting; Belmont Park; Belmont Park; Belmont Park; Karnup Planning Control Area; Nambeelup Business Park; Perth Parking Policy; Media statement

(d) Australian Hotels Association; Complete Cab Care; Metcash; Perth Fashion Festival; Golden Group; Perth Fashion Festival; Perth Fashion Festival; Joondalup Hospital; DMG Property; Lifeline WA; WAFC; Perth Fashion Festival; Sentinel Real Estate Corporation; Gascoyne Gateway Ltd; Perth Fashion Festival; Golden Group; Golden Group; Metcash; Perth Fashion Festival; Golden Group; Golden Group; Golden Group; Golden Group; Golden Group; DMG Property; CGM

(e) No; Meeting held on 31 May 2018; Meeting held on 29 August 2018; Letter from Chief of Staff; Meeting held with Parliamentary Secretary on 7 November 2018; Apologies sent; Invitation accepted; Invitation accepted; Meeting held with Parliamentary Secretary and Policy Advisers on 17 April 2019; Minister attended the roundtable; Apologies sent; Apologies sent; Invitation accepted; Meeting held on 21 April 2020; Invitation accepted following Integrity Unit approval; Meeting held with Parliamentary Secretary on 20 November 2018; No; No; Referred to Main Roads feature lighting guidelines; Follow up meeting held on 1 March 2019; Meeting held on 18 April 2019; No; Meeting held on 14 November 2019; No; Meeting held on 7 February 2020; No

(f) Meeting; Email; Email; Email; Email; Email; Email; Email; Email; Email; Email; Email; Email; Email; Email; Meeting; Meeting; Email; Meeting; Email; Email; Email; Email; Email; Email

ROADS — CAVES ROAD–YALLINGUP BEACH ROAD INTERSECTION — UPGRADES

6077. Ms L. Mettam to the Minister for Transport:

I refer to the intersection of Caves Road onto Yallingup Beach Road/Caves Road, and I ask:

(a) With respect to the proposed interim measure of a left-hand slip lane from Caves Road onto Yallingup Beach Road into Yallingup:

(i) Has any progress been made on this since 1 January 2019;

(ii) What is the current status; and

(iii) What is the estimated cost;

(iv) When is it anticipated the slip-lane will be funded and constructed; and

(b) With respect to the proposed roundabout at this intersection:

(i) Has any progress been made on this since 1 January 2019;

(ii) What is the estimated cost to construct a roundabout; and

(iii) What further approvals or works, if any, are required for this project to commence construction?

Ms R. Saffioti replied:

(a) (i)–(iv) Main Roads has investigated options for a left-hand slip lane; this will not be effective as it fails to address the cause of congestion being the right hand turn movements, this view is supported by traffic modelling. It will also require clearing in addition to the recommended.

This was discussed and supported by the Caves Road Yallingup Roundabout Working Group, at an on-site meeting held on 24 February 2020 with Main Roads.

(b) (i)–(iii) The Working Group also supported Main Roads progressing design and development work for a roundabout at this location. Costs estimates are currently being finalised.

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