LAND AND PUBLIC WORKS LEGISLATION AMENDMENT BILL 2022

Second Reading

Resumed from an earlier stage of the sitting.

MR P.J. RUNDLE (Roe — Deputy Leader of the Opposition) [2.51 pm]: It gives me great pleasure today to talk on the Land and Public Works Legislation Amendment Bill 2022. Just before I start, I firstly pass on my best wishes to our firefighters, all our people down in the likes of Ravensthorpe, Esperance, Munglinup and the surrounding areas, because I know they had some big fires there last night caused by lightning through that strip. Certainly to all the landholders, community members, firefighters and others involved, I pass on my best wishes.

I rise to confirm that the opposition will not oppose this bill. We will obviously have many questions on the way through, but we certainly will not oppose it. The bill has actually been long touted. I know from speaking to former Minister for Lands Hon Terry Redman that he certainly worked on this legislation in that role. Of course, the work flowed on under Hon Ben Wyatt and Hon Tony Buti, now the Minister for Education but the former Minister for Lands. Now we have our new Minister for Lands, John Carey, taking it through. I think we have seen a number of ministers with carriage of the legislation, but I think that all of them have worked in a genuine way to progress what is a pretty important bill to this state.

Certainly, stakeholder feedback has been mixed. I note from speeches today that many of the government members are very much focused on climate change and methodologies to improve climate change targets. The member for Kingsley spoke about solar and wind. Obviously, wind is generally fine in the coastal strips, but I can assure the member that there are many places inland covering thousands and thousands or millions of hectares in which there are long periods with no wind. The member for Kimberley made an excellent contribution this afternoon. She talked about the cultural benefits for Aboriginal people and the potential tourism benefits. I thought her example of El Questro was very good. I think there will be many cultural and tourism benefits as this progresses. I certainly appreciated that contribution. Of course, the member for Cockburn spoke with his always balanced approach and the member for Bateman also reiterated the climate change scenario.

With my agricultural background, I stand on behalf of our pastoralists. I did not actually hear much mention of our pastoralists amongst those previous contributions. From my perspective, I would like to lay out not only a few things that our pastoralists will be up against, but also some of the things they will benefit from. As I said, we will not oppose this legislation, but we will be asking questions along the way. I will certainly take that opportunity at the consideration in detail stage, and I will probably raise a few questions for the minister during my contribution.

Most of our pastoralists appear to relish the opportunity to get involved in the renewable energy market. The new form of leasehold will provide for more flexible use of crown land, including for hydrogen, solar and wind power; carbon farming; as I said, tourism and Aboriginal land management; grazing livestock; and horticulture.

First of all, I would like to refer to an article in the *Farm Weekly* of Thursday, 20 October 2022. It refers to Tim Shackleton, who is the chairman of the Pastoral Lands Board and a former colleague of mine when he was the chair of the Wheatbelt Development Commission. Tim Shackleton is a quality person and a quality chairman of the Pastoral Lands Board. It was interesting to see some of the highlights that he pointed out in his address to the Pastoralists and Graziers Association conference were reported in the *Farm Weekly* article written by Bree Swift. She points out that Tim Shackleton highlighted that this is the most significant land tenure reform of the pastoral industry in decades.

The diversification lease is not designed to replace pastoral leases except when the pastoralist agrees to relinquish the lease. There will be an ability to transfer existing permits to the buyer when they sell their lease. Under the new reforms, the Pastoral Lands Board will also have the authority to cancel, suspend, renew or amend a diversification permit. That will be a significant change for pastoralists who are considering undertaking carbon projects. In conjunction with that, it will help to secure bank debt and third-party arrangements for those carbon projects. Also, the new pastoral rent methodology, which is based on CPI, will deliver more predictable and less volatile rental outcomes. I think that is a pretty important element, because it will give that little bit of extra security to those pastoralists who are worried about when their next rent will be reviewed, and a market-based review will be undertaken by the Valuer-General every 10 years, as opposed to the current five-year cycle.

Part of that article is a question-and-answer session, if you like, about some of the questions that pastoralists might have. The first question is —

> How much diversification under an existing pastoral lease will make it null and void?

The answer is —

> For a diversification lease to be issued over what is an existing pastoral lease, the pastoralist would have to surrender that portion of their pastoral lease.

> Before doing that, the minister will ask the PLB whether the remainder of the lease is still viable as a pastoral operation …

And so on and so forth. The next question is —

> You put in an application for a diversification lease—does that guarantee that after you've surrendered your current lease you are going to get that?

The answer is —

> We anticipate that people who want to transition to a diversification lease will want to enter into an option to lease with the government while they're tailoring the necessary approvals, such as environmental approval, negotiation of an indigenous land use agreement and so on.

The final question is —

> What happens if you take out a diversification lease, and it's not working, and then you want your pastoral lease back?

The answer is —

> You can ask for the lease to be surrendered if you don't want to continue with the diversified uses.
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> …
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> The minister would likely consider an application by the previous pastoralist as part of that process, but it is not guaranteed …
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> We anticipate a lot of the diversification uses will be quite long-term.

I think it is important to point out some questions that are being asked out there by our pastoralists. I think it is my role today to point out some of those concerns. There has been mixed feedback. Certainly, energy security is one of those elements. A key component of this bill is to allow public works and diversification of pastoral leases focusing on hydrogen. As we know, there is still a huge lack of energy security across regional WA. There is no doubt—I think there is general recognition amongst the people of WA—that the current government is making a bit of a mess of the energy situation.

I look at the scenario with Western Power. The member for Moore and I have that grid system running right through our electorates. We look at Northampton, Perenjori, Chapman Valley, Coorow, Irwin and Dongara in the member for Moore's electorate. Then, of course, we go on to Ravensthorpe in my electorate. I mentioned those fires down there, but it is recognised as probably one of the most unreliable power scenarios in the whole of Western Australia. Lake Grace, Wickepin, Dumbleyung, Gnowangerup—the list goes on. That is a concern. Obviously, energy security certainly relates to this in our electorate, but energy security is a real issue for the whole state.

The other element I am very concerned about is land being used for greenwashing, I guess you could say, with carbon credits. The Labor Party introduced a Carbon for Conservation initiative that went nowhere. Now we are seeing prime agricultural and pastoral land being eaten up by mining companies to offset their emissions.

I recently had a scenario, not from a mining company, that is a real concern from a community of mine in Darken in the south west. We have the forestry scenario and the previous minister's announcements about a $350 million land purchase due to the forestry industry being closed down. We now have a real issue with our farming sector and people in that community worrying about the purchase of this land. They are worried that no-one will actually reside on that land and they will lose the community continuity, if you like. These land grabs are causing people to worry about these sorts of issues. Another concern is the government failing to facilitate fair compensation for landowners. Those are a couple of points I wanted to make. Certainly, when we look at it —

Mr J.N. Carey: Excuse me, sorry, member, can I just put a point?

Mr P.J. RUNDLE: Yes, certainly.

Mr J.N. Carey: But if they're purchasing it, that's freehold land.

Mr P.J. RUNDLE: That is right.

Mr J.N. Carey: What role does the state have? I mean that is a commercial transaction. I'm not having a go at you, but someone is making a decision to sell that land for commercial gain, and if the mining company buys it to do carbon offsets, why would the state then get involved in that?

Mr P.J. RUNDLE: I think the minister makes a good point. I am just trying to point out some of the concerns that are flowing through our communities. The minister is right—that is freehold land—but I think the minister needs to be aware of the feeling out there in our communities given the scenario that has played out recently, whereby the former forestry minister basically closed down that industry, and just some of the flow-on effects from this

particular package that is coming along. Obviously, that does not really relate to this, because we are talking about leasehold and crown land.

I refer to an article from Peter de Kruijff from 20 November 2021, when some of the initial announcements were made. There are a couple of good paragraphs in here that certainly point out some of the changes. It reads —

> Under the changes, proponents would be able to apply to the state for a 'diversification' lease over unallocated Crown land but would still need an Indigenous Land Use agreement if there was native title over the area.
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> Similarly, pastoralists could apply to undertake a more diverse range of activities outside of livestock on their leaseholds. Pastoralists would have to agree to surrender the area they were not running cattle, however, and negotiate an ILUA for any new diversification leases.

The question is: how will that work, and how will it work if they get, say, four different uses within that one lease?

The next paragraph here, which the minister might want to take note of, reads —

> There would also be non-exclusive tenure options for conservation organisations and native titleholders wanting to undertake economic development activities like cultural tourism.

At some stage, I would like an explanation of how that will work. How does a non-exclusive tenure option work? I will talk about the challenges a bit later.

Mr J.N. Carey: Member, remembering there are also diversification permits, which are an alternative choice for pastoral leases. We are not forcing anyone to do a diversification lease.

Mr P.J. RUNDLE: Absolutely. I understand that, minister.

There are a couple of other interesting comments in this article. Conservation Council WA policy and legal director, Piers Verstegen, said —

> "Currently, pastoral leases have to maintain a certain stocking rate and are not easily able to pursue other opportunities like renewable energy, carbon farming or conservation, even though they may be more sustainable and more profitable," he said.

He went on to say —

> "WA also has great potential for large-scale renewable energy projects, however potential conflicts between these projects and environment and conservation will have to be closely managed."

I think we would all agree with that.

I will not make my contribution too long today because I know other speakers want to make a contribution, but I have some questions resulting from the minister's second reading speech. The minister talked about some of the acts that will have to be modernised and altered, such as the Public Works Act, the Mining Act 1978 and the Petroleum and Geothermal Energy Resources Act 1967. It would be nice to have an explanation of the minister's program and how he sees the modernisation of those various acts under this legislation playing out. Also, in his second reading speech, the minister pointed out that voluntary land management accreditation systems would be created jointly between industry and government. The bill will also introduce an ability for the Minister for Lands to approve such systems under which individual pastoral lessees may choose to obtain certification in order to better demonstrate the environmental sustainability of their business. I would like an explanation of how that would work in practical terms. What will be the voluntary land management accreditation system?

As the minister said, a very good element of the Land and Public Works Legislation Amendment Bill 2022 is that it will include an ability for the Pastoral Lands Board to renew an expiring permit that has been previously issued and transfer an existing permit to an incoming pastoral lessee upon the transfer of the underlying pastoral lease. That is a sensible inclusion. Also, the bill will allow for specific regulations to protect the confidentiality of information disclosed under these new arrangements. That is also certainly a good element. I applaud those.

One of the questions I will bring up in consideration in detail is: what kinds of operations will now be allowed on pastoral lands and crown land that would otherwise not have been possible? That is one I am interested in. Another question from my perspective is about local governments; they need to be consulted. How does the minister plan to consult with them? Will the local Aboriginal cultural heritage services be consulted by the minister or the Pastoral Lands Board, or will it be up to the local government to consult them? There are always concerns about local government. This government seems to have an ability at different times to override and bypass local government et cetera. Given that the Minister for Lands also has the role of Minister for Local Government, I am curious about how he plans to interact with local government and how much notice he will take of local governments, because we are seeing a pattern develop in which local governments are being bypassed.

Another concern from pastoralists' and my perspective is about when it is judged that a pastoral lease might be unviable. In a scenario in which a pastoralist has a particular stocking rate and there is a diversification lease with three or four other uses, will the pastoralist still be required to maintain the property, limit fire risks and all those things, even if the pastoralist is covering only a certain percentage of the land leased? Where will the liability fall for fire control and other elements? Will it be spread between the three or four different sublessees on the diversification lease or will it all fall back on the head leaseholder or lessee? Will pastoral lessees be notified and given the chance to rectify any failure to meet any environmental or conservation requirements?

One other element I will ask about in consideration in detail is: how much of a bill shock will pastoral lessees receive when the CPI determination comes into effect? That has been discussed as an element of this bill.

They are some of the questions from my perspective. As I pointed out, local governments have concerns about management orders. Local governments expressed concerns about that in the various stakeholder submissions and so forth. The Aboriginal land councils have concerns about land grabs. The Pastoralists and Graziers Association is not opposed to changes, although there is disquiet in the pastoral industry.

I will be running through this much more closely in consideration in detail, but, in closing, the biggest thing that concerns me is the complexity. For someone running a cattle station on a normal pastoral lease, it will be great to have the opportunity to take up a diversification lease, but my question is: how will the government support that pastoralist? The complexity of Indigenous land use agreements and sublease agreements means that there will be so many different angles to cover that I expect a pastoral leaseholder would have to hire a lawyer for the next five to 10 years to grind their way through all those complexities. That is probably my biggest concern. Where will the support be? Will the government supply something like the Small Business Development Corporation or something of that configuration to assist our pastoral industry, because some of the expenses in negotiation will be quite heavy? Obviously, there will be an opportunity to make more income from a lease, but there will be expenses involved. The other night, I was talking to the president of the Pastoralists and Graziers Association at the CBH Group AGM, and he was expressing some of these concerns to me. How will these commercial negotiations take place? Where will the support from the government be? Will it be too expensive and force pastoralists to continue on their merry way as they do now? These are some of the questions that I will be asking.

I am also curious about what the budget will be for the administration and staff to cover 93 per cent of the state, which is what we are really talking about. I am curious about whether the minister will put in any more resources. Will he talk to the Premier; Treasurer about putting more resources into the department to help? What does the minister perceive the time frames will be for these diversification leases, after the legislation goes through? How does the minister see it playing out in a practical, hands-on sense?

I will wrap it up there, Deputy Speaker, but they are some of the questions that I will raise during consideration in detail. I expect that will probably be tomorrow. I take into account the contributions of previous speakers. My contribution was focused on the pastoral industry and how we help it. It is an opportunity, for sure, but how will we give the pastoral industry backup and support, and make sure that it is not hung out to dry, I suppose one could say? Let us make the most of the opportunity and, certainly, the opposition will not be opposing the bill.

DR D.J. HONEY (Cottesloe) [3.18 pm]: I also rise to make a contribution to this debate. It is interesting to hear members on the other side talk about the Land and Public Works Legislation Amendment Bill 2022. We have heard the member for Kingsley and other members talk about the area of renewables and how important renewables are to the state. I have no doubt whatsoever that that is true; renewables will be an important part of our economy going forward. I might say that, as someone who is a supporter of that transition, there is undue optimism—I think that is the correct phrase—about the pace at which the significant percentage changes can be made in transferring directly to renewables. Nevertheless, it is a laudable cause, and some of the changes in this bill will go towards helping that transition.

One concern I have with the Land and Public Works Legislation Amendment Bill 2022 is its sheer complexity. We are progressively seeing more of these omnibus bills from this government. This bill covers six different acts. As a member of an opposition with limited resources, I can say that giving this bill the scrutiny it requires in the time we have available is difficult. I know that my colleagues in the other place will certainly be taking some extra time to go through and try to flesh out the various areas of this bill.

One area that causes me great concern—it was reinforced in spades today by the Premier's announcement—is the potential for the Minister for Lands to have arbitrary decision-making powers over managed reserves. Why do I say that? It is interesting. I talk to the development community, which, I might say, by and large does not want any government involvement in its planning decisions. Many in the development community would prefer to do whatever they want to do, make their profit and leave. There are good developers who have more genuine concerns about their communities, but there are too many developers who are concerned only about their profits. One of the reasons we have checks and balances through acts of Parliament and regulations is so that we can make sure that the concerns of communities about planning changes are taken into account.

This will be the third piece of legislation that, I believe, will substantially contribute to removing communities' ability to have input into planning decisions. We had the changes to the Planning and Development Act and then the so-called COVID changes. What did we hear from the Premier today? He was out there boasting that the government is going to completely gut our ordered planning framework by setting up three state development assessment units to deal with planning matters across the whole state. Just imagine that, members. We hear that these are important developments, but, basically, it means that any high-rise development in the state or any reasonably sized development in the regions will go to the SDAUs, and the communities will be completely bypassed. The Premier boasted about these changes today. This legislation will concentrate powers relating to that in the hands of the minister.

We also had changes to the Swan and Canning Rivers Management Act 2006. I genuinely believe that the majority of government members sitting in this place do not understand anything about the bills that their caucus is agreeing to. I do not believe that the great majority of them have any understanding of what these bills actually contain. Do members know what the changes to the Swan and Canning Rivers Management Act mean? It means for members who have electorates that border the Swan or Canning Rivers that the Minister for Lands, of his own volition, will be able to excise portions that fall under the Swan and Canning development control areas. He can simply excise an area and say, "That's not part of that now."

We have a fair idea about what this relates to; it likely relates to the Tawarri Hot Springs decision in Nedlands. That could happen to the any of the river electorates. Members opposite might be sitting back and feeling satisfied that the western suburbs is getting hammered with utterly disgraceful, inappropriate development in residential areas. Some members think that is funny and that it is a bit of a joke, but it will apply to all members; they will all have these changes applied. The McGowan Labor government has effectively dismantled ordered planning in this state. It has completely removed the ability of local communities to have an impact on planning decisions on developments of any significance in their areas.

Mr S.A. Millman interjected.

Dr D.J. HONEY: I might say that the people of Mount Lawley are not very happy about this either, member.

Mr S.A. Millman: You wouldn't have any idea! Your opposition has no idea about the legislation that is being brought before the Parliament, which is exactly why —

The DEPUTY SPEAKER: Order!

Mr S.A. Millman: He invited the interjection, Mr Deputy Speaker.

Point of Order

Mr P.J. RUNDLE: I was just enjoying listening to the member for Cottesloe in peace and quiet. Can the Deputy Speaker bring the member for Mount Lawley back under control, please?

The DEPUTY SPEAKER: Thank you, member. There is no point of order. Yes, the member for Cottesloe did seek the interjection and responded to it. If you want to avoid it, direct your comments through the chair.

Debate Resumed

Dr D.J. HONEY: Thank you very much, Deputy Speaker. Can I say, I did not expect that vitriolic attack. It is clearly a sore point.

Mr S.A. Millman interjected.

The DEPUTY SPEAKER: Member for Mount Lawley!

Dr D.J. HONEY: They have no idea. I would say that the majority of members here have no idea what has happened with the planning changes in the state of Western Australia. Their local councils have now been effectively removed from major planning decisions—completely removed.

Mr S.A. Millman interjected.

The DEPUTY SPEAKER: Member for Mount Lawley!

Dr D.J. HONEY: They have been completely removed from those planning decisions. It is an absolute disgrace and members opposite will pay the price because they will increasingly see that any areas on a waterway and any areas that have a view or are situated across from a park, a school or any open area will be subject to completely inappropriate developments going ahead. As I said, local planning schemes will be thrown out the window; they do not matter anymore. In my electorate of Cottesloe there is a local planning scheme that is current and was approved by the government, but we are now having decisions being made about Marine Parade that go completely outside the framework of that local planning scheme. That is this government's doing.

Members, mark my words: we are going to see this happening in every electorate. Every area that has a view or is situated by the river or the ocean will now come under this disgraceful destruction of —

Mr P.J. Rundle: Mandurah's gone!

Dr D.J. HONEY: Well, that will apply there. Anyone who has a bright idea that they can make a quick buck by ruining the amenity of an area —

Mr J.N. Carey: Member for Cottesloe, this is a genuine interjection. As you will be aware, for A-class reserves, that will have to go before Parliament. I note that the Tawarri Hot Springs issue you raised was a case in point.

Dr D.J. HONEY: Thanks very much, minister; I appreciate that. I know the minister actually has a genuine passion for good planning, so it must break his heart to see what is happening to the City of Perth at the moment.

The topic I was warming to earlier is that I hear from some developers that Labor "gets" business. I will tell members what Labor gets: it gets developer donations; boy, does it get developer donations! In parallel, the government has progressively gutted ordered planning and completely removed communities from planning decisions in their areas. I am sure that the member for Nedlands must get some solicitations in relation to this. As this progressively affects members' electorates, they should reflect on what I have said, because they have sat back and let this happen.

I return to the Land and Public Works Legislation Amendment Bill 2022. As I pointed out earlier, members opposite have made much of the issue of diversification leases as opposed to diversification permits. A while ago, before this came about, we went through an unseemly process in which section 91 was being used. Hon Alannah MacTiernan, in whatever guise she was working under at the time—Minister for Hydrogen Industry, or whatever it was—had a completely non-transparent process occurring with land being allocated to renewable energy projects. It was really just a land grab. I am a keen supporter of renewables, and I appreciate that any renewables project is going to require some acreage of land. There has to be an ordered process for allocating that land, but that is not what we saw.

My major concern with what was occurring was that people were being allocated land. It was very unclear to me that the people who were being allocated land had the capacity to develop renewables projects. If a proponent has capacity and means and a proven record, the government will assess that, but it will not pick a winner every time. However, if land speculators are allowed to come in and take these leases and then bank that land and sell it to the highest bidder, that will undermine the renewables strategy of the state government—a strategy that all of us in this place support. I support that transition, even if there is far too much optimism about the pace that it can occur at. That is valuable.

There are some issues with the bill, particularly the concentration of powers in ministerial hands. Why is it a problem? A government might sit back and think, "We just want to get on and get things done; we're sick of people who hold things up. We want to get things done quickly." That is a natural motivation or emotion in government, and that is why we have checks and balances. That is why ministers have checks and balances. That is why we formalise that if something is going to affect the environment, the minister has to consult and get feedback from another minister in a relevant area. That is why we involve local councils and others in decisions. It is to give a check and balance. It is to slow things down. The first decision that is made is often not the best decision. Getting thinking time allows ideas to be tested. The other thing is that if there is too much power in an individual minister's hands—I make no reflection on current ministers in relation to this—an environment can be built in which corruption can occur, because a developer would simply have to curry favour with an individual minister to get their project fast-tracked and approved or to get access to land. That is always a risk. As I say, I make no reflection on the minister in charge of this bill or other current ministers, but we know that that has been a problem in the past. It will make it a greater risk in the future if we take the checks and balances out of this system.

The current law requires the minister to obtain the consent of a relevant management body in order to exercise power over a managed reserve. I would appreciate the minister's feedback on some examples of managed reserves, because in the time that I had, I could not get a clear answer on this. I will ask the minister a specific question: is the Indiana site at Cottesloe a managed reserve? Other reserves are allocated and managed by councils, so I would like some clarity from the minister on what are managed reserves. There are some other issues with the bill, but that is the part that concerns me the most. I will go through this in a little bit of detail in the time that I have because there will be a significant change in relation to that. It would also be good to know why that needs to be the case. I have not heard a substantive argument. I am concerned that we will end up with individual ministers being pressured to make decisions. Despite the best intentions of a minister, if they are getting pressure from a number of areas, they may make decisions when there has not been proper involvement or, if you like, a proper veto by the local community. Proposed section 46A, "Consultation with management body", goes through that. Clause 23 will amend section 50 of the act, which provides that any interest in or caveat existing on land will continue even if a management order is revoked by the minister. Section 50(2) of the act will be amended so that it states —

> In the absence of agreement or non-compliance referred to in subsection (1), the Minister may by order revoke a management order if the Minister considers that the revocation is —
>
> (a) in the public interest …

Effectively, it means that the minister could do that for any reason, although it is couched in other words. It refers to the public interest. "Public interest" is a very broad term. We have heard in this place that the public interest is apparently building high-rise units in the western suburbs for millionaires or their kids. I struggle with that one.

Section 50 will also be amended to make it simpler to get rid of interests in or caveats on land. It will state —

> (3) Despite the revocation of a management order under subsection (1) or (2), an interest in, or caveat in respect of, the reserve to which the management order applied continues, subject to this Act, if the order revoking the management order specifies that the interest or caveat continues.
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> (4) An interest in, or caveat in respect of, a reserve that is not continued under subsection (3) is extinguished on registration of the order revoking the management order.

It appears that this will be a significant change to the law; that is, existing caveats or interests that are registered on a piece of land will be able to be extinguished by the minister's decision. That concerns me.

[Member's time extended.]

Dr D.J. HONEY: We know that in a lot of cases, those caveats or registered interests are designed to protect a concern in the local community. It may be an impact on a neighbour or it may be an impact on an industry. We can see that that will be a significant change. Why is it necessary? What is the problem that will be solved, because it seems that it will put a significant power in the hands of the minister?

I can only do parts of this. Part 6A of the bill, which is the general part on diversification leases, seeks to insert proposed section 92A. A couple of members have spoken about renewables. A diversification lease could be for any purpose. I would be intrigued to know whether there will be a limit to that purpose, because a diversification purpose could be completely inconsistent with an ongoing pastoral lease. For example, other than road access and the like, windmills are very compatible with a pastoral operation on an existing lease. However, any members who are familiar with solar panels will know that their performance is very susceptible to dust. If cattle mill around solar panels, that will have a high risk of putting dust on them and reducing their capacity. I suspect that people who have solar panels will not want cattle going near them. I do not know whether it will be a consequence of this, but my great concern with the push to get renewables on these leases is that the people who will be installing these facilities will not want concurrent use of the land; they will want to use the land for another purpose, so they will buy the land themselves. There are about two million cattle in the state. I could not find the figure quickly, but I suspect that probably half the cattle are on pastoral leases in the north of the state. I know that Yougawalla station has 130 000 cattle. If I multiply that, if it is not half the cattle in the state, it must be close to half the cattle in the state, that are there. If we are not careful in this whole transition, there is a very high risk that we will completely eliminate the cattle industry on pastoral leases in the north of the state, particularly those leases in areas that have good wind and good catchment.

It is not just about renewables; it is about any particular use. I think reasonable thought has gone into this provision on the non-exclusive possession of land. Perhaps the minister could outline the transparency of that process. I am very concerned with what has been happening to date. It has been a great concern to me that people have been obtaining a modification of a diversification permit, but it has not been clear that the people obtaining those permits were going to develop a project; it was more that they were going to be intermediaries. Why am I concerned about that? Renewables projects are not enormously profitable, and if an intermediary comes in and then effectively sells an interest that it has gained in land to a proponent, it will make those renewable projects less viable—less profitable. As I have said a couple of times, I applaud the government for encouraging the industry, but we need to make sure that projects can be done at reasonable cost. Otherwise, we will have intermediaries that do nothing reaping the profits and potentially making projects unviable. It is a good development but I would like to know the extent of those activities.

I imagine some activities could be incompatible. The explanatory memorandum mentions structures built in buffer zones around mines under a diversification lease. Members who know my history would know I am pretty interested in buffer zones around industrial and mining operations. I presume there will be some capacity to make sure that we do not have activity in those buffer zones that compromise the ability of the mine to operate. I do not mean by physically excluding the mines—I know that the changes in this bill will make sure that mining activity can occur—but sometimes activities may be sensitive to noise, vibration, dust and the like and then, all of a sudden, a conflict is set up between a new business, or a new activity, and the existing mining activity. I think all members of this place know that the considerably good and privileged lifestyle that most people in this state enjoy is largely underpinned by having a mining industry that can get on with its work.

I am interested for the minister to explain why the nomination of members for Pastoral Lands Board membership will be given to other ministers. For example, members will be effectively nominated, or recommended, by the Minister for Environment and the Aboriginal member will be nominated by the Minister for Aboriginal Affairs. In the second case, I do not share this concern. But I am concerned that nomination of a member by the Minister for

Environment runs the risk that we end up with Pastoral Lands Board members who are on the board for other reasons. Previously, at least three members had to have pastoral experience. Why? It was because they could provide an experienced view on the decisions being made. All of a sudden, at the risk of sounding pejorative, we could have members on that board who are green warriors or against live meat export or animal husbandry practices and the like, and we could end up with conflict. I think the existing arrangement whereby the minister choses those positions is sensible. It might not be a fatal flaw in the bill as long as the people coming into those roles recognise that the pastoral industry is very important to our state because it feeds people not only in Western Australia, but across Australia, and, as members would know, products from cattle in that region are exported all over the world.

There are some changes to the duties of Pastoral Lands Board members in relation to matters of confidentiality. Section 99 of the act states —

> (3) A member must not disclose any information acquired by virtue of the exercise or performance of any function under this Act unless the disclosure is made in connection with the carrying out of this Act or under a legal duty.
>
> (4) A member must not make use of any information acquired by virtue of the exercise or performance of his or her functions to gain, directly or indirectly, an improper advantage for himself or herself or to cause detriment to any person.

The explanatory memorandum says that that will be dealt with by other changes. But the act does not appear to be anywhere near as explicit in what it excludes members from being able to disclose. That is a concern because, obviously, the confidentiality of board matters is very important.

I will note a couple of other details. Pastoral leases were allocated for 99 years during the early part of the twentieth century. The previous Liberal–National government brought in some changes. I know some of my colleagues in retrospect think that they were very unfortunate changes. There was a concern in the department that most leases would fall due at the same time. To somehow even out the renewal of leases, what was effectively a lottery was used to allocate shorter periods of time—whether it was 10, 20 or 30 years or whatever. Some of the pastoral leaseholders suddenly had very short leases, which meant they did not, or could not, make investments in the land because they were not certain the lease would be continued. I welcome the government increasing that time period. It is worthwhile. The 50-year time line is an improvement for some stations, but a longer period might be more appropriate.

Proposed section 112A, "Effect on rent if reduction in stock numbers", on page 50 of the bill goes to the point that effectively decisions will be made to enforce maximum stock numbers. In relation to that, if there is a determination—I assume because of the way the land responds to stocking numbers—that a reduction in stock numbers is needed, will there be a process for compensation? I note that there will be a reduction in the lease, but, otherwise, pastoralists might need to get rid of a large number of cattle. Will the pastoralist be compensated in any other way if that happens? Again, this is not a major or fatal issue with the bill, but surely the focus should be, as it has been in the past, on whether the land is being managed properly. If there was overstocking and the fauna and flora was being irreparably damaged, the stock numbers could be reduced in any case. That is a minor detail.

I think there will have to be significant review of the bill in the other place. This is a complex bill and it will make changes. As indicated by the opposition not opposing the bill, there are some positive aspects of this bill, but I am concerned that if my worst fears about managed reserves are realised, we could see ad hoc planning decisions made whereby public reserve land is developed for the benefit of developers but will harm the interests of communities.

DR K. STRATTON (Nedlands) [3.48 pm]: I rise to speak in support of the Land and Public Works Legislation Amendment Bill 2022. I wish to focus my comments on a particular aspect of the bill; namely, that this bill will clarify that consent is not required for a reserve management body in certain circumstances, particularly when it is not appropriate that a management body veto a development that is required for a public work or a public interest. When actions are subject to parliamentary scrutiny, it is unnecessary to have a significant additional process in place for the management body to consent to a proposal when it will be laid before both houses of Parliament regardless.

The requirement for management body consent will be removed by this amendment bill and replaced with a consultation process. This will ensure that the reserve amendment can proceed and the management body cannot override that process, while the consultation process will ensure that concerns and interests can also be heard and considered.

The new powers to be created by this amendment will prevent management bodies from denying critical state infrastructure projects when they already have been or will be subject to parliamentary scrutiny. Further, the Public Works Act 1902 will be updated to reflect more modern terms and delete outdated concepts. The definition of "public work" as outlined in the original act has been falling behind modern practice and contains works that are no longer relevant to today's modern society—for example, removing terms such as "mechanics' or miners' institutes" and updating terms such as "agricultural halls" to "community facilities", and "places for bathing" to "recreational or sporting grounds or facilities". This is a great opportunity to update old legislation and provide

more clarity for businesses, pastoralists and the broader society on how we prioritise the use of our valuable land assets. New terms include cultural, sporting, tourism and community facilities, such as theatres, stadiums and interpretive centres; community residential facilities, such as aged-care facilities and refuges; and healthcare facilities, including hospices.

It is this last example of a hospice that demonstrates both the need for the changes in the terms used in the Public Works Act and the amendment regarding consent from reserve management bodies. This regards a development happening in my local community—a development that has already shown the compassion and inclusivity of the great majority of residents in Nedlands. The Perth children's hospice, which will be the first of its kind in Western Australia, is essential for not just my local community but also the entire state of Western Australia. The Perth children's hospice is a critical piece of state infrastructure that will support children at the end of their life journey. The hospice will provide services in four key areas. Firstly, the hospice will care for children who have a life-limiting diagnosis with little prospect of being well and who require 24/7 care. The hospice will assume care of these children for a period of time, allowing their families much-needed respite. Secondly, the hospice will provide end-of-life care for children, with the safety net of clinical care in the comfort of a highly respectful and supported homelike environment. Thirdly, the hospice will provide support to the families of these children. Lastly, it will provide statewide bereavement services for families following the death of a child. The location of the hospice in Swanbourne is important and based on best practice models of care that have been well researched and are evidence-based. The planned site for the hospice is surrounded by nature, close to the ocean and near enough to Perth Children's Hospital. Design principles will ensure that there is an abundance of natural light to provide a sense of connection to nature and outdoor spaces. This location will mean that families have access to nature for their own wellbeing and respite.

I want to be clear that my local community is in full support of the hospice, and I want to share what some of them have said about it. It is a hospice that we will welcome. We will also welcome the families who will go through what we can only imagine must be the very worst of times. As I have said before, I invited the residents of Nedlands to sign an open letter in support of the hospice. One resident wrote —

> As a resident of Nedlands and a health consumer representative I know how important supportive care and the natural environment is. Through my own cancer treatment it the Ocean that proved the best medicine no money could buy. Access to living in proximity to the ocean must be shared with those who need it most. We are privileged to live where we do let's share it with those children and their families at their time of need. Exclusion is a cancer that will corrode our community and environment not preserve it. Let the Hospice go ahead.

Another resident wrote —

> I have donated to the PCH foundation and agree that this is an excellent site for the hospice … the site is currently a wasteland and I am looking forward to it being revived and used for such a worthwhile purpose.

Another comment was —

> Such a beautiful proposed location for sick children in their final days, weeks and months. Why would anyone deny terminally ill children & their families this location? … I support the proposed location.

Josh also wrote in support of the location, noting —

> I myself discovered the exact site where the Hospice is proposed to be built during the Covid lockdowns— I was looking for somewhere close and uncrowded to take my young children for exercise. As soon as I saw this proposal I knew the site was perfect! Natural, secluded, with fresh air and greenery. It won't bother anyone … once its there. The incredibly unfortunate children and their families who will reside there will be lucky in this small way to have such a beautiful place to spend precious moments together.
>
> We are a wealthy community in so many ways and this site is just one of the many treasures we have. Let us share it with those who are suffering, it is such a small thing to ask of our community.

In a similar vein, a resident wrote —

> Nobody ever wants to be in the position of having to saying goodbye to a child with a terminal diagnosis. The least we can do as a community is to provide a place of comfort, beauty and care so the families can make this saddest of times a special time.

Steven, who had lost a child to cancer a decade earlier, wrote —

> Fantastic project. Long overdue for those children and their families facing the hardest of challenges. The unused and unremediated old bowling club site in Swanbourne is the perfect spot to create this fantastic new facility. Shame on the unrepresentative minority who oppose it.

Finally, Grant said —

> While the individual and collective issues of some are important … the needs of the children and families that will use the hospice are far greater.

This comment, to me, gets to the heart of the need for this amendment. There are times when an understanding of the bigger context and bigger plan is required, when an understanding of developments of state significance are required, and when compassionate leadership is required.

I want to turn for a moment to the public good of the children's hospice. There are approximately 2 000 children with life-limiting conditions in Western Australia, and for each of those children, there are numerous family members, including parents, siblings and extended family members, whose own lives will be affected. The important public good of this piece of land is again demonstrated by some of the stories that people have shared with me of their own experiences of illness.

One of those stories is that of my own family—a story that shows the impact of a family's experience of a child with a life-limiting illness, and that the end of a child's life can reverberate across generations. I never had the opportunity to meet my Aunty Gwen; she died of cancer when she was 16 years old. She died on my dad's fourteenth birthday. She was his big sister. They grew up in the wheatbelt, and my grandmother and Gwen would frequently travel to Perth for treatment, including towards the end of her life. Ultimately, the family decided that she would die at home. This frequent travel meant long periods of separation for my grandmother from her other three children, at a time when they needed her, too, as they had their own grief and fear from what was happening to their sister. My dad, who is also a Nedlands resident, has said to me how much this hospice would have benefited his family. It would have meant that they could have been together instead of separated. It would have allowed Grandma a rest and a break among all the travelling. Coming from a farm, being surrounded by nature would have meant that they felt at home.

Another parent wrote to me —

> As a family who unfortunately has lost a child to cancer we believe this facility is decades late. Our experience was unimaginable. It would have been a much easier experience for us and in particular —

Their beloved child —

> … to have had a place of comfort rather than a hospital. I hope this facility gets the support it deserves.

Mark has also had a lived experience. He wrote —

> As a parent who has a young daughter in remission from leukemia and has spent a lot of time at PCH. This is a beautiful thing for parents and their children. The kids spend enough time in a hospital environment, looking out the window of their room to see other hospital buildings. Let them not see this in their last moments.

Of course, one does not need personal experience to understand why a children's hospice is an important public use of land and amenities. It takes compassion and empathy to understand this. As Arash said —

> I cannot honestly think of a purpose more worthy of our support than that which has been propsed. Shame on those who for their own selfish reasons stand in the way of those needing our support.

As a local resident myself, having grown up in Nedlands and now raising my children there, I echo another resident's sentiments —

> I would be proud to have the hospice in my 'backyard'—providing a sanctuary for children and families during a terrible time in their lives.

I will finish with a comment from Felicity —

> I can't even begin to understand what it must be like to be lose a child. I stand with you as I also want parents, children and staff to know that we welcome them with kindness and compassion.

The amendments before us are about much more than land administration. Through these changes, we will be able to address public need; create land uses that will allow us to achieve goals and visions related to climate action, as my colleagues have outlined; create fairer systems of land use; and, as in the case of a hospice, demonstrate that we are, indeed, a caring and compassionate community. I am pleased to commend the bill to the house.

Debate adjourned, pursuant to standing orders.