

MAIN ROADS AMENDMENT BILL 2023

Consideration in Detail

Clause 1: Short title —

Mr R.S. LOVE: The short title reads —

This is the *Main Roads Amendment Act 2023*.

We know that the drafting of the bill took instruction, at least in part, from the 2015 bill. The 2015 bill referred to an amendment to the Environmental Protection Act. Why is it no longer necessary to have that provision in the bill before us?

Ms R. SAFFIOTI: Yes, the bill that was proposed in 2015 would have given Main Roads Western Australia its own head of power in relation to clearing permits, but we have not proceeded with that in this bill. We used the 2015 bill as a base but we took only certain proposals forward into the 2023 bill.

Mr R.S. LOVE: Could the minister expand on why the department has not sought to make those changes that were deemed necessary in 2015?

Ms R. SAFFIOTI: Since that time, there have been changes to the Environmental Protection Act, with certain regulations put in place. That has given us, in a sense, an ability to proceed under a broader permit issued through the EPA when there are concerns about safety or other small clearing. It was not seen to be necessary to proceed with those changes in this bill, given that I understand some of the initial issues identified related to safety concerns with small clearing works, when there are accidents and so forth. The provisions under the new EPA legislation and relevant regulations give the agency the ability to clear under the EPA scope. There is also a statewide clearing permit to facilitate very small amounts of clearing for particular reasons.

Mr R.S. LOVE: The reason I am asking is that I know there has been considerable concern in some communities about the level of clearing that is taking place under those permits. Could the minister elaborate on whether there are any checks on the appropriateness or otherwise of the use of that safety criteria for clearing along roadsides?

Ms R. SAFFIOTI: It is quite interesting. When people drive through parts of Western Australia, the only vegetation that exists happens to be in Main Roads reserves. No-one seemed to be concerned about the clearing that happened across the broader landscape. In many parts of WA, the only vegetation that exists is in the Main Roads reserves. On that front, Main Roads has embarked on a program over the past two years to revegetate broad strips along Main Roads reserves, particularly through the wheatbelt. I think we have committed millions of dollars for a new program that is all about revegetating roadsides. There is always a conflict between people's safety and vegetation. The predominant cause of death in regional Western Australia is when cars leave the road and fall down an embankment or hit native vegetation. To be honest, I very much support making sure that we have safe roadsides, but to address any of the concerns out there, we have also embarked on a program through which Main Roads is revegetating many road verges and buying land adjacent to roads to revegetate it and make sure that we continually keep these green corridors. As I said, it is both unfortunate and fortunate that, in many instances, the only trees across a landscape are in a road reserve because everyone else has cleared their land over many years.

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Long title amended —

Mr R.S. LOVE: This is the amendment to the long title of the bill. Clause 4 reads —

In the long title, delete “**the control of access to roads**” and insert:

to provide for the control of access to roads, to confer functions on the Commissioner of Main Roads, including in relation to works unrelated to roads,

That encapsulates some of the key changes in that title. Regarding the conferral of the power to work on areas unrelated to roads, can the minister set out whether the Commissioner of Main Roads has ever carried out works unrelated to roads before?

Ms R. SAFFIOTI: There is a strict definition of “road”, but we have undertaken a number of different activities with things such as airstrips and, more generally, footbridges, cyclepaths and a lot of other associated works that are not strictly roads.

Clause put and passed.

Clause 5: Section 6 amended —

Ms R. SAFFIOTI: I move —

Page 4, line 18 — To delete “workers” and substitute —
users

This is a typographical error that came to light after the bill was introduced into the house on 23 February. The proposed definition of “road service centre” includes, in paragraph (b), the term “road workers”. This should read “road users”. We are aiming to rectify that typographical error.

Amendment put and passed.

Mr R.S. LOVE: Clause 5 contains a number of proposed definitions. I refer to lines 3 to 5 on page 4 of the bill, where the proposed definition of “main roads works” includes —

(e) any other works the Commissioner is empowered to carry out under this Act or any other written law;

It is quite an extensive catch-all phrase. Why is that necessary, given that extensive powers will be granted under the definition of “works” further down the page? Could the minister give me some understanding of why paragraph (e) is required, given the expanded definition of what can be carried out under the proposed definition of “works”?

Ms R. SAFFIOTI: This seeks to capture operations or activities that can be delivered under other road traffic acts, such as heavy vehicle pilots, laws relating to restricted access vehicles and all those types of activities.

Mr R.S. LOVE: I turn again to the proposed definition of “works” at line 25 and beyond on page 4. Why is it necessary to have separate definitions of “main roads works” and “works”? Is that what the minister explained in her last answer? Could the minister again explain why we need two separate definitions?

Ms R. SAFFIOTI: They have to be read together. The definition of “main roads works” talks about works, and the definition of “works” defines what works are. The definitions cannot be substituted for one another; they work together to define, first, what are “main roads works”, which are roadworks, adjoining works and so forth, and then what “works” involves.

Mr R.S. LOVE: Paragraph (h) of the definition of “works”, on page 5 of the bill, states —

the acquisition of land for the purposes of anything referred to in paragraphs (a) to (g);

Will that include the purchase of land remote from any main road, such as land that might be used for environmental offsets?

Ms R. SAFFIOTI: Environmental offsets, which we may be able to purchase under this legislation, may not adjoin a main road.

Mr R.S. LOVE: Could that land be purchased for other purposes, such as commercial activity?

Ms R. SAFFIOTI: There is an ability to do that, but that is not the intention. As I said, the intention is to potentially facilitate commercial operations along the roadside.

Mr R.S. LOVE: If there is no intention to allow that to happen, why is that not explicit in the legislation?

Ms R. SAFFIOTI: We are talking about commercial operations, but there is an intention to potentially have environmental offsets.

Mr R.S. LOVE: Subclause (6), on page 6 of the bill, reads —

In section 6 in the definition of *secondary road* delete “thereof.” and insert:
of the road;

I note that at the bottom of page 7 of the explanatory memorandum it states —

The ... term secondary road is no longer in use.

If that term is no longer in use by Main Roads WA, why is it not simply being deleted?

Ms R. SAFFIOTI: The advice from the parliamentary drafting office was that we would keep the concept of “secondary road” and not go through and delete it from the rest of the bill. The idea was to not disturb the use of “secondary road”.

Clause, as amended, put and passed.

Clauses 6 and 7 put and passed.

Clause 8: Section 9AA inserted —

Mr R.S. LOVE: Clause 8 seeks to insert new section 9AA, “Status of Commissioner”, which states —

The Commissioner is an agent of the State and has the status, immunities and privileges of the State. Why, after operating for 93-odd years, is it necessary to include this?

Ms R. SAFFIOTI: There is no express provision in the current act that provides that the commissioner is an agent of the Crown. This new section will put beyond doubt the intention that the commissioner is an instrumentality of the state and therefore enjoys the privileges and immunities of the state. As I understand it, this will modernise the legislation to reflect provisions in other legislation.

Mr R.S. LOVE: It is not because of the increased powers and functions that will be granted to the commissioner under various new sections in this legislation. Is it something that the minister feels would be included regardless of that?

Ms R. SAFFIOTI: Yes.

Mr R.S. LOVE: What will be the effect of what the minister has just outlined in terms of the carriage of the commissioner's duties?

Ms R. SAFFIOTI: It is just legal drafting. There will be no real change to anything. If things were ever challenged, this would put the situation beyond any doubt.

Clause put and passed.

Clause 9 put and passed.

Clause 10: Sections 10A and 10B replaced —

Mr R.S. LOVE: I am referring to the heading "Delegation by Minister" at line 26 on page 9 of the bill. Why is it necessary for this to be inserted? Will the delegations made by the minister be publicly available?

Ms R. SAFFIOTI: Again, the advice is that this is about modernising the legislation. Similar to other legislation, there is not a provision for automatically making it public. As I understand it, it will just modernise the legislation to reflect other pieces of legislation and similar instruments.

Mr R.S. LOVE: It is not the intention to delegate powers that have not in the past been delegated by the minister. Is there an intention for the minister to divest some of the day-to-day roles that might exist under the legislation as it now stands?

Ms R. SAFFIOTI: No.

Mr R.S. LOVE: Line 18 on page 10 of the bill refers to the delegation by the commissioner. I note that at page 11 of the explanatory memorandum, the final sentence of the paragraph on proposed section 10C says —

The power to delegate functions is related to the power to recover the cost of the Commissioner providing services that arise under such other legislation (as covered in proposed section 33 (1)(f) section below) requesting a regulation power to cover such costs or charges.

Can the minister outline how that will operate and what that will mean in practice?

Ms R. SAFFIOTI: This will give us the power to recover costs for escorting oversized loads. Currently, a lot of things are done by agreement and there is no explicit head of power. This will facilitate what we believe will be a more consistent framework for recovering costs across the state. One of the issues has been that a lot of things have been done by agreement between companies and Main Roads. This will create, in a sense, a power and then power will be delegated to particular officers to recover those costs.

Clause put and passed.

Clauses 11 and 12 put and passed.

Clause 13: Section 13 amended —

Mr R.S. LOVE: I want to talk about the insertion of proposed section 13(2)(f). It reads —

where part of the road is a related path for cyclists, pedestrians or both, whether the path is or will be the principal route for cyclist or pedestrian traffic following the general direction of the road.

Was there an opportunity to expand that definition to include some of the more modern versions of transport, such as e-scooters et cetera, so that there might be opportunities for Main Roads to consider the role of that type of transport in the future?

Ms R. SAFFIOTI: The key point is that all paths used by cyclists can also be used by eRideables. In a sense, they are interchangeable in that definition. We are not at the stage of having paths just for eRideables. I do not think we will get to that point anytime soon. We think that provision will be in place for many years to come.

Mr R.S. LOVE: I thank the minister for that explanation. I think it might come more quickly than people anticipate. There might be more diversity of choice for transport in the future. I urge Main Roads to consider thinking about that type of transport in the future.

Clause put and passed.

Clause 14 put and passed.

Clause 15: Section 15A amended —

Mr R.S. LOVE: This clause includes some provisions relating to fines. I refer to lines 15 to 17 on page 14 of the bill. Clause 15(2) states —

(2) At the end of section 15A(1) insert:

Penalty for this subsection: a fine of \$10 000.

From memory, that fine was a couple of hundred dollars. That is a very big increase. What was the determinant for setting that maximum level? Is that a set level or will fines less than \$10 000 be imposed?

Ms R. SAFFIOTI: Again, this provision is based on the 2015 bill. This figure was set on advice from the Parliamentary Counsel's Office. There are varying forms of penalty. That maximum fine would be imposed when people dump major unwanted goods on the side of a road, which could be a safety concern or hazardous. That fine was set to deter people dumping major goods on the side of a road which could become a safety concern for users of that road.

Mr R.S. LOVE: Just to be clear, would there be no variation? Would the fine always be \$10 000 or would some consideration be given to the seriousness of the offence?

Ms R. SAFFIOTI: The fine is for an amount up to \$10 000; someone would not automatically be fined \$10 000. Discretion will be made by the court.

Clause put and passed.

Clause 16 put and passed.

Clause 17: Section 15B inserted —

Mr R.S. LOVE: This clause relates to the general functions of the commissioner. Again, I make the point about e-scooters, referring to proposed section 15B(1)(a) —

to construct and manage the State's network of highways and main roads, including shared paths, cycle paths and similar paths that form part of that network;

Proposed section 15B(1)(c) states —

to carry out works connected with roads, including to construct or manage infrastructure associated with roads and traffic;

Has it not always been part of the commissioner's functions to undertake those works? Why is it specifically laid out in this provision?

Ms R. SAFFIOTI: The proposed section seeks to completely put beyond doubt the ability to undertake those works. For example, noise walls are very popular and there is a massive demand for them. It will explicitly provide the commissioner with the power to carry out associated works with roads, and noise walls are an example.

Mr R.S. LOVE: The second paragraph on page 13 of the explanatory memorandum relating to clause 17 states —

Many functions can be inferred from the fact that under section 15 the Commissioner has the care, control and management of main roads and highways. However, some functions currently performed by the Commissioner are not as readily inferred.

Can the minister outline what those functions may be?

Ms R. SAFFIOTI: For example, there is currently no explicit power to build noise walls but, as I said, most people want noise walls and they are built by agreement. This provision gives us the power to install noise walls and to clarify any ambiguity about the power to do that.

Mr R.S. LOVE: When reading further down to the last proposed subsection 15B(1)(e)(ii), I see it refers to functions that include —

(e) to control or regulate traffic —

...

(ii) on other roads in conjunction with local governments and other road authorities;

What process takes place now to enable that to happen? If the government is now seeking for it to be explicitly laid out, has Main Roads not had the authority before now? What does “in conjunction” mean? Does it mean “with the agreement of”, and how would that be achieved?

Ms R. SAFFIOTI: “In conjunction” means “in consultation with”. Examples would include traffic counters on local roads. Sometimes we need to be able to undertake those functions to get a true assessment of traffic volumes to undertake works on major roads.

Mr R.S. LOVE: Still referring to proposed section 15B(1)(e), the explanatory memorandum states —

These provisions will support works such as those recently undertaken in relation to the Smart Freeways project and ensure that any such similar works could be carried out in the future, including in connection with the Commissioner’s proposed commercial contracting powers this Bill provides.

Was the Smart Freeway project outside the current ambit of the commissioner’s powers? It was specifically referred to in that passage of the explanatory memorandum.

Ms R. SAFFIOTI: No. I think everything undertaken with smart freeways would have been under a power in the legislation and with the agreement of local governments. This provision acknowledges that the smart freeways look at not only what is happening on the freeway, but also the on-ramps and the off-ramps. That monitoring and control is important to get traffic on the freeway flowing smoothly. One of the key success stories with the Kwinana Freeway is that a lot of work was done by agreement on adjoining roads controlled by local governments to make sure that traffic flows were very strong.

Mr R.S. LOVE: I turn to page 16 and proposed paragraph (f), which states —

to undertake civil construction and other works for public purposes on behalf of government agencies or government owned entities, local governments or other authorities;

I think the minister mentioned airstrips in an earlier discussion. Could the minister outline whether Main Roads has carried out other activities and whether it was somehow outside its ability to actually perform those functions?

Ms R. SAFFIOTI: The issue of airstrips is interesting. Currently, we mobilise Main Roads teams for the upgrade and management of airstrips in regional WA, particularly in remote WA—for example, Aboriginal community airstrips. We then go through of a process of talking to and granting money to local governments. The local governments then go to another party for upgrades. In many instances, Main Roads has people on the ground who can deliver. This provision, in a sense, will provide certainty on our ability to undertake other works. Airstrips would be one example. I do not think we want to touch the maritime space, but there might be some landside stuff in maritime—you never know—such as car parks and associated infrastructure. I think one of those prospective areas is—we have asked for some work to be done on this—how much more cost-effective it would be to have mobilised Main Roads teams out there upgrading airstrips when they are upgrading roads, particularly in the more remote Aboriginal communities, many of which have substandard airstrips. The recent floods around the Fitzroy River showed us the need to assess airstrips, and an assessment program on the quality of airstrips in remote Aboriginal communities is being undertaken.

Mr R.S. LOVE: I refer to proposed paragraph (g). I think this is probably one of the more, shall we say, important new sections of the legislation. It moves on to the Commissioner of Main Roads’ different activities. Proposed paragraph (g) states —

without adversely affecting its other functions —

- (i) to use the Commissioner’s assets for public purposes that are not necessarily connected with the construction or maintenance of roads;

The minister mentioned the situation with airstrips in remote areas. Will this potentially limit competition with private industry? What will Main Roads do to make sure, when it prices its work for other public agencies that is not necessarily connected to road maintenance, that it is not seen as anti-competitive behaviour, because it would already have the equipment on the spot et cetera? Could the minister explain how she will ensure that this does not become a catch-all provision for the commissioner to become a contractor of choice to various public agencies without ensuring that it is cost-effective?

Ms R. SAFFIOTI: First of all, we use a lot of subcontractors anyway to deliver our works. We will establish policy and guidelines, but we are not in this role to crowd out the private sector.

Mr R.S. LOVE: Therefore, will mechanisms be put in place and will the minister undertake to ensure that there is some measurement of that to ensure that there is no anti-competitive behaviour?

Ms R. SAFFIOTI: Yes.

Mr R.S. LOVE: I move to the next proposed subparagraph, which states —

- (ii) to undertake activities that may use or exploit the Commissioner's assets or services, including to use the Commissioner's assets for purposes that may be commercial in nature;

I wonder how that relates to proposed section 18F. Is there a point at which Main Roads with its commercial activity may potentially become a trading organisation? What regulations will there be to ensure that that activity is carried out appropriately? When we debated the Government Trading Enterprises Bill in the house, we talked about the need for standard models for business undertaken by government agencies. How far does the minister expect that this will develop into the future?

Ms R. SAFFIOTI: Not at all. It will not become a corporatised GTE. I do not think it would ever recover revenue to provide to government. It will not become a GTE.

Mr R.S. LOVE: It certainly looks like it is moving into commercial activity because the next proposed subparagraph says —

- (iii) to undertake other activities that may be commercial in nature, including to enter into agreements, leases or licences, to earn revenue or to make a profit;

At the briefings with Main Roads—it is going back a while now so I am struggling to remember some of the stuff—I remember asking what will be put in place to moderate Main Roads becoming too commercially engaged. The answer we got back from the briefing team was that commercial activities by Main Roads under proposed subsection 15B(1)(g) will qualify that activities must not adversely affect Main Roads' other functions—fair enough. The other functions are set out in proposed section 15B(1) and the purposes of the act as set out in the long title. Essentially, the commercial activities would need to link back in some way or benefit the road network. I am asking what specifically in the bill will mean that those commercial activities need to link back in some way or be a benefit for the road network because I cannot see where that is laid out in the bill.

Ms R. SAFFIOTI: Proposed paragraph (g) states “without adversely affecting its other functions”. For example, a road service centre would be good. A Ferris wheel on the side of the road probably would not get up because it would adversely affect the operation of the road. There are some constraints on the types of activities in the legislation because they cannot be activities that would adversely affect the road or people's ability to drive on the road.

Mr R.S. LOVE: Because it is not a government trading enterprise and it is not bound by some of the strictures that are put in place, like a statement of corporate intent et cetera, how will the minister keep oversight of this to ensure that some of these activities are not adversely affecting the activities of Main Roads?

Ms R. SAFFIOTI: Just like for everything else, I get regular briefings from my agencies to make sure that what we are doing is in the public interest. I drive along a number of roads and see new service stations, and one issue with our road network in the state is that there is always debate about where the service stations should be, who owns them and who profits from them. As part of building major new roads, we need to initially identify areas of those service stations and road service centres. If they are on government-owned land, the off-ramps and on-ramps could be included in the project, and the state could collect an ongoing revenue, which would help support the maintenance of the road. The aim is to be smarter about how we use our road network for the benefit of taxpayers. Main Roads does not sit on the money; it spends it on road maintenance. This is all about supporting road maintenance and road safety in the future.

Also, we need the approval of the Treasurer, who in this case is the same person.

Mr R.S. LOVE: I look forward to the conversation between the Minister for Transport and the Treasurer in the future.

Ms R. Saffioti: It will be a good one.

Mr R.S. LOVE: The minister raised this, so I will talk about it here, although I am sure there are probably more appropriate places in the bill for us to specifically talk about planning. How will the interaction between what Main Roads sees as an appropriate place for a service centre and what other agencies, such as the Department of Planning, Lands and Heritage, see as appropriate be judged?

I know that the minister has seen the example of Indian Ocean Drive, which has a fulsome Department of Planning, Lands and Heritage and Western Australian Planning Commission document. I think this is only a bit of it; it contains lots of maps as well. It basically outlines that no service stations can be put on certain sections of Indian Ocean Drive, even though Main Roads had that intention when it built the road and worked with one of the landowners to put in place a sealed area with the appropriate off-ramps from the highway. Main Roads used the area as a camp, and it was intended to be used as a service station. How will that be judged in the future? Will the normal departmental planning rules apply or will Main Roads make up its own mind about where a service station might be required?

Ms R. SAFFIOTI: As I see it, first, there is the initial identification of a location for a service centre. I would like Main Roads and the Department of Planning, Lands and Heritage to have some early engagement on that so there will be no surprises when a development application is put forward later.

Often, Main Roads blocks the service stations because of the interaction with the roads and the need for on-roads and off-ramps. Indian Ocean Drive prompts an interesting little question because my understanding, which may be incorrect, was that the local communities up and down Indian Ocean Drive wanted people to leave Indian Ocean Drive to go into their communities to buy petrol and support small businesses. I am happy to have clarification on that because I think a rest stop along Indian Ocean Drive could potentially be a good thing. As I understand it, and I could be incorrect, it was the local communities along the coast that opposed a number of proposals in the past. The issue, of course, is that when a service centre is set up on the main road, people will not go into the local community to get petrol and small supplies. As I said, it is an interesting question. I know Forrest Highway was not in that discussion, but Forrest Highway was originally opposed by Main Roads for people entering and leaving Forrest Highway.

We need to be clear up-front where a service centre will be located and incorporate that in the initial planning, as opposed to retrofitting lanes and then creating, in a sense, a big windfall gain for whomever gets the project up first. We have seen that on Forrest Highway. I cannot remember how much those petrol stations were sold for recently, but it was quite a bit of money. It would be good to have a fairer and more transparent system. Of course, the land might be owned by the state, but it could be leased by the private sector to run the service centres.

I am happy to hear feedback on Indian Ocean Drive from the member for Moore as the local member. If he thinks we need a service centre on Indian Ocean Drive, I am happy to do further investigation. I know there once was a proposal, but there was some contention. As I understand it, the scheme amendment put forward was heavily opposed by the local communities, but I could stand to be corrected. That is what I understand to be the case.

Mr R.S. LOVE: Thank you. I think a number of sites will be approved but not in that particular section. As the then local shire president, I know the history of that pretty well.

It is instructive in the sense of how the balance would be reached in the future under the new increased powers that Main Roads will have. Will local planning arrangements and the views of the Planning Commission itself be dominant, or will Main Roads simply make up its own mind about what is required?

Coming up in the future with the Dongara–Northampton bypass, there is also the Minnenooka store. Further back is a long stretch of probably well over 100 kilometres between Eneabba and Minnenooka, where there will not be any service centre, and as far as I can see Main Roads has not thought about where there might be a service centre. There is a bit of a rest bay on the Brand Highway but nothing else. That will be an interesting discussion because we can see how critical the correct placement of that will be for the community of Dongara, for instance. I would be very concerned if the location of the service centre is just a decision of the road maker rather than a discussion, through a more fulsome planning network, to ensure that it fits in with the local community's wishes and is in the long-term interests of the community.

I also question how, in some planning matters, we have seen proposals, for instance, for fast-food outlets to be located in fairly close proximity to schools et cetera. If that was part of a proposal for a service station complex on Main Roads land in a more populated area, I would want an assurance that local planning would still be involved in making decisions about the placement of some of these matters.

Ms R. SAFFIOTI: Yes; typical planning considerations would be included in these decisions.

Clause put and passed.

Clause 18: Section 16 amended —

Mr R.S. LOVE: I have only the one question. Subclause (4) states —

Delete section 16(1c) and insert:

- (1C) The Commissioner is taken to have always been authorised to erect, establish or display traffic or road signs, road markings, traffic control signals and similar devices.

I cannot locate it at the moment, but the explanatory memorandum mentioned a change to the Road Traffic Act some time ago; it might have been 2015. Since that change, has there been or is there a doubt whether Main Roads had the power for traffic and road signs, signals et cetera?

Ms R. SAFFIOTI: This will simplify the clause. I have that before and after and it will basically simplify the existing clause.

Mr R.S. LOVE: The explanatory memorandum relating to clause 18(4) states —

This amendment is necessary as a consequence of the amendment to the *Road Traffic Legislation Amendment Act 2012* clause 32...

This will amend various provisions —

This amendment is necessary to remove any restriction on those powers conferred on the Commissioner.

What restrictions might have been put on the commissioner's powers?

Ms R. SAFFIOTI: It is updating the legislation. It puts this issue beyond doubt. It noted some of the consequences of that 2012 bill, but this is clarifying and putting beyond any doubt the commissioner's powers for these functions.

Clause put and passed.

Clauses 19 to 21 put and passed.

Clause 22: Section 18A amended —

Mr R.S. LOVE: On page 22, clause 22(1) says —

The Commissioner has, and is taken to have always had, the power to enter into an agreement that is relevant to the Commissioner's functions under this Act or any other written law.

I note that it restates and alters the previous provision in the act now. Does there always need to be a nexus to roads in the functions of this power?

Ms R. SAFFIOTI: This reflects the expanded functions of the commissioner that this legislation will provide.

Clause put and passed.

Clause 23: Section 18AA inserted —

Mr R.S. LOVE: This refers to agreements for contributions towards the commissioner's expenditure. I recall from the briefing discussion on a scheme called the bulk concessional loading scheme, which is a voluntary collection of money in return for some concessional loading arrangements. This is being included in proposed section 18AA, "Agreements for contributions towards Commissioner's expenditure". The fact it included in proposed subsection (1) refers to those voluntary contributions because it is an agreement that is entered into, not a fee or anything else. What was the legal position regarding the bulk concessional loading scheme? Was there some doubt over Main Roads Western Australia's ability to enter into those agreements that lead to some impact on the road network? I am going back to "does not adversely affect the road network". We know if we look at the roads, for instance, heading out from Geraldton where those quads are running on Mount Magnet Road, there are obvious impacts on the road system by those heavy vehicles. Could the minister expand on whether there was any doubt on the ability of Main Roads to enter into those agreements?

Ms R. SAFFIOTI: We could always undertake those sorts of activities and agreements by agreement, but this provides more certainty about the process. It will allow us to deal more directly with the mining companies, particularly the resources companies, and making sure there is some consistency across the state.

Visitors — Carine Senior High School

The ACTING SPEAKER (Ms M.M. Quirk): Before I give the call, I welcome students from Carine Senior High School who are upstairs. The school is in the member for Carine's electorate.

Debate Resumed

Mr R.S. LOVE: When the minister says "consistency", will there be some published guidelines? How will consistency be observed? Will all the agreements reached be made public or are they considered to be commercial-in-confidence? What is the situation there? Also, will this in some ways affect the agricultural industry going forward?

Ms R. SAFFIOTI: We do not see any change to the bulk concessional loading scheme for the agricultural sector. As for individual agreements being made public, there may be a process by which we put forward the guidelines and the policy out there, so that everyone can understand the policy and guidelines. I will need to seek further advice on the commercial nature of those agreements and whether they would all be explicit.

Mr R.S. LOVE: Proposed section 18AA(2) says —

Without limiting subsection (1), the agreement may relate to any of the following —

...

(d) works associated with activities that are commercial in nature.

The question is: has the commissioner been engaged before in these activities that are commercial in nature? Is this, in effect, to validate activities that have occurred in the past?

Ms R. SAFFIOTI: No, we have not entered those types of commercial agreements before. This is not validating past practice. This is giving power to future action.

Debate interrupted, pursuant to standing orders.

[Continued on page 2814.]