

INFRASTRUCTURE WESTERN AUSTRALIA BILL 2019

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 3: Terms used —

Debate was interrupted after the clause had been partly considered.

Dr M.D. NAHAN: I refer to the definition of “major infrastructure proposal”. Will Metronet projects be included in the strategy that will be presented? Is it one of the major infrastructure proposals now being considered under the definition of that term? In other words, how far back do we go? Are existing ones included? Are proposed ones included? Are ones that do not have finalisation included? After the bill is gazetted, after 18 months, John Langouant and his friends will be busy coming up with a grand strategy for infrastructure for Western Australia. Obviously that would include large rail projects. Will Metronet projects be included in that, and will they be costed by Infrastructure WA?

Mr M. McGOWAN: They have largely been through Infrastructure Australia already. As I have said a number of times, if things have gone through Infrastructure Australia, there is no requirement for them to go through Infrastructure WA. The reason we put them through Infrastructure Australia is that they are largely funded by the commonwealth government, and contracts will be signed this year following the approval of Infrastructure Australia. The answer is largely no because this body does not really start the business case process until the completion of the infrastructure strategy. I cannot create it three years ago; it cannot be done. As the member may have seen, the commonwealth government, the Liberal government, is campaigning around Metronet projects in that it is funding them, and it wants them built. They have gone through Infrastructure Australia and contracts are being issued.

Dr M.D. NAHAN: I refer to the strategy. There is the 10 or 20-year strategy and the proposals are costed. I assume that Metronet, as it exists now and is being developed, will be included in that strategy and expansions or deviations to it, or whatever is done, will be built. In other words, there might be a Metronet mark 2. As with commonwealth and New South Wales infrastructure, those projects will be gone through and mapped out, and some kind of time horizon will be put on them. When did this start? Is the government going to go back and say what is being developed is included in the strategy with an augmentation from that or is it going to start afresh from the future, which I do not think makes any sense, and forget what is here now and being built now?

Mr M. McGOWAN: It is a forward-looking strategy, so there are obviously things already built and anything with a contract signed will be built. If there are rail projects, if the opposition wants to take the Metro Area Express light rail to the next election or it wanted to examine the MAX light rail again, it would be a matter for the board to look at. I cannot go back in time and look at the Forrest Highway or the goldfields water pipeline or whatever has already been built. It is a forward-looking strategy, but it is a matter for the board to create the strategy based on what it thinks is required in the long-term future, the 20-year future, of Western Australia.

Mr W.R. MARMION: I think I was halfway through a question when we got cut off and I have just remembered what it was. It relates to part (b) of the definition of “major infrastructure proposal”, which says —

... if —

...

the proposal is nominated by the Premier for the purposes of this definition ...

If a proposal is nominated by the Premier as a major infrastructure proposal, is it captured under division 3, clause 59 under “Premier may give directions”? In other words, if the Premier nominates a particular project as a major infrastructure project, is it captured under clause 59?

Mr M. McGOWAN: No.

Mr D.T. REDMAN: Under the heading “government trading enterprise” on page 3, there is a list of government trading enterprises. I am unsure whether the Western Australia Planning Commission is included. Its role and responsibility is to purchase land, particularly during its forward projecting for new freeways and highways, and it makes land acquisitions using funds from the metropolitan region improvement scheme. In some cases, it transacts with the Housing Authority. Is it included in the assessment of Infrastructure Western Australia?

Mr M. McGOWAN: It is not a government trading enterprise, but it is covered under the term “State agency” on the next page.

Mr D.T. REDMAN: I am sorry, Premier, under “public authority”?

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Mr M. McGOWAN: It is not a government trading enterprise, but I am advised that it is covered on page 4 under “State agency” because it is an agency as defined in the Financial Management Act 2006.

Mr D.T. REDMAN: The Premier has defined what agencies will come under the mix and it is pretty much the GTEs; in fact, the Premier said at the start that he suspects that most of the activity of Infrastructure Western Australia will fall within the activities of GTEs, but there is also the Housing Authority, the Department of Education, Western Australia Police Force, the Department of Health and various royalties for regions programs that might operate outside of those agencies. There is also the WAPC. Am I right in saying that a relatively small group of people will have a very intimate understanding of, and connection with, the activities of government? I am sure that a lot of developers in the state would love to have an insight into the activities of the WAPC. I am interested in the reasons for including the WAPC in Infrastructure Western Australia, because I would have thought that it would sit outside the broad remit of what it is trying to do. We appreciate the direction the Premier is trying to take, but planning is a unique space, particularly the activities that it does in forward planning infrastructure works.

Mr M. McGOWAN: The WAPC does not build infrastructure and although it is part of government and this body is designed to come up with an overarching plan for the entirety of government, the WAPC does not build infrastructure. Although it may seek advice and assistance from Infrastructure Australia and look towards its overarching infrastructure plan for land, it does not build infrastructure. So the member is aware, the expectation is that the head of the planning department will be on the board of Infrastructure Western Australia in any event.

Dr M.D. NAHAN: Paragraph (c) under “major infrastructure proposal” reads —

The project is or the projects are prescribed, or in a class of infrastructure project prescribed, for the purposes of this definition;

What kind of projects will be prescribed and how is that defined?

Mr M. McGOWAN: None are prescribed at this point because obviously it will be what comes along and what might be appropriate at any given point in time, and that would come in the form of a regulation, which would be disallowable.

Dr M.D. NAHAN: We have had individual projects, such as Optus Stadium. In the 2000s, the government of the day asked John Langoulant to review the building of a stadium. Is that the type of major project that the Premier is looking at?

Mr M. McGOWAN: It cost over \$100 million—it cost \$1.82 billion—so obviously it would have been caught, but it cannot be caught because it has already been built.

Dr M.D. NAHAN: I am trying to get an idea of the types of projects that will be prescribed and why they are different from those covered by other departments. Government departments cover virtually every level of activity of infrastructure. The Premier has come up with a different grouping. I asked what types of projects will be prescribed and the Premier said whatever pops up. I am trying to get an example of what they will be.

Mr M. McGOWAN: Obviously, the stadium would have been caught by paragraph (a) under “major infrastructure proposal” because it cost more than \$100 million. Obviously, Infrastructure WA was not in place at that point so it would have been part of the business case process and so forth. I would expect that had this body been in place, we would have made a submission to the commonwealth government and we would have probably received a significant amount of money from the commonwealth government as a consequence of that process, but, unfortunately, that did not occur. Paragraph (c) is for projects that are less than \$100 million, but it will depend on the exigencies at the time. It will be up to future governments to decide what projects they will be. I do not have a list in front of me because that is a matter that future governments will consider.

Mr W.R. MARMION: I refer again to paragraph (b) under “major infrastructure proposal”. If paragraph (b) is not captured by clause 59, which states that the Premier will give a written direction, how does the Premier envisage his instruction to nominate a major infrastructure proposal will be conveyed to Infrastructure Western Australia? Will he make a phone call, will it be done by the chief of staff or will it be in writing? Indeed, it would be a good idea to put it in writing so that the Premier knows the list of projects that might be in the final strategy, the projects chosen by the board and the CEO and those nominated by the government of the day through the Premier.

Mr M. McGOWAN: I expect—I think this is the experience elsewhere—that the Premier may well write to the board to request an assessment of a particular proposal. For any such assessment, a summary of the business case would be tabled so that what occurred is clear.

Mr D.T. REDMAN: One of the bodies listed on page 4 under “government trading enterprise” is the body established by the Western Australian Land Authority Act 1992. It is my understanding that that is LandCorp. LandCorp has had, and I suspect still has, a number of investment projects in which it has a joint venture

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partnership with the private sector. Those relationships are quite sensitive. The person acting for the government must work in the interests of taxpayers because they are making a contribution. Of course, there are the broader benefits that those investments make. If a project is over \$100 million—I do not think it is a big ask to presume that projects will fall into that space—a formal requirement will go before the board of Infrastructure Western Australia and a very small group of people, including people from the business community who sit outside Western Australian government agencies, will dominate with recommendations, input and advisory offerings and will presumably drill down to the financial details of an investment to determine whether its business case stacks up and whether it will make a recommendation. Can the Premier comment on that relationship? It is quite unique compared with what happens now in that there is a unified government position—and, therefore, by extension, the taxpayers—on one side of the debate.

Mr M. McGOWAN: It is a fair point, but it is covered under clauses 44, 64 and 65, which deal with conflicts of interests and confidentiality. I am more than happy to explain it when we reach the relevant provisions.

Clause put and passed.

Clauses 4 to 6 put and passed.

Clause 7: Principal objects —

Dr M.D. NAHAN: This clause lists the objectives of the body. The first objective is to provide advice. How binding is this advice?

Mr M. McGOWAN: It is not binding; it is persuasive. As I said in my second reading speech and my reply, it is a persuasive body of work that I expect governments will take serious account of.

Dr M.D. NAHAN: The government of the day might decide to not adhere to that advice, reject it or do something different. If it overrides the advice of this independent agency, how will it communicate that? Is it required to communicate that decision or otherwise?

Mr M. McGOWAN: Clause 16 contains a range of provisions about how the response is provided. When we get to that clause, we will be able to discuss it, but it is tabled in Parliament.

Dr M.D. NAHAN: How do the objectives of Infrastructure Western Australia align with the strategic development plans of the government trading enterprises? Each of the GTEs are required to put together a strategic development plan, which is essentially a long-term infrastructure planning document for each agency which is submitted to the minister, and presumably to Treasury and government. That is essentially the government's plan for that respective area of infrastructure, which the minister and therefore the government signs off on. Is Infrastructure WA required to adhere to those plans; can its plans differ; and how will a difference in view between the strategic development plans of an agency and Infrastructure WA be resolved?

Mr M. McGOWAN: They would be input into the deliberations of Infrastructure WA. Strategic development plans by definition are quite high level and they are not a capital works plan, which is the arrangement that Infrastructure WA is working upon. They are different things, but, in any event, cabinet makes the final decision.

Dr M.D. NAHAN: I do not have it in front of me but the SDPs did include capital investments, particularly for electricity agencies. They indicated where there was transient growth and demand, and the need for infrastructure investment. I can remember the ones for water included major investments in additional augmentation of water supplies, sewerage facilities and other things. They included operating expenses and other activities and they indicated the demand and location of major infrastructure decisions. It goes back to the point that we discussed earlier. The existing planning process is perhaps in silos, by departments, particularly for the GTEs, which according to the Premier will be a dominant focus of Infrastructure WA. We are trying to resolve how Infrastructure Western Australia will augment or add value to the existing system. The SDPs deal with infrastructure, but not necessarily at a high level. Infrastructure bodies in other states, and the commonwealth, deal at a much higher level than do the SDPs for our state trading enterprises. How will we make sure that consistencies in approach are maintained, particularly given that SDPs are signed out to the minister by the boards of those agencies?

Mr M. McGOWAN: I have a copy of an SDP from the Water Corporation. It has essentially three pages on capital works that are sparsely populated. It is not a very comprehensive plan and it does not allow for the working in of the capital works of the Water Corporation with the other agencies of government. Therein Infrastructure WA provides advice in an overarching sense for water investment and assists the Water Corporation with business planning and the like.

Mr W.R. MARMION: Clause 7(c) states that one of the objectives is to promote the adoption of policies and practices et cetera. Can the Premier advise on the mechanism by which this happens and what sort of things he envisages Infrastructure WA will be promoting in terms of policies?

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Mr M. McGOWAN: Subclause (c) allows for the promotion of best practice when it comes to the development of business cases and the like. Different agencies have different strengths. Infrastructure WA will have considerable knowledge and skills that can support other agencies across government.

Mr W.R. MARMION: Under project management principles sit the well-established principles of needs assessment, project definition and options analysis right through to post-project evaluation. All major agencies already have that in place. I guess it depends on the size and scope of the project as to how well we delve into those project management principles. Will some dollars be sitting in Infrastructure WA that can be used to promote a generic set of good principles to those agencies? All we have to do is find the best practice in one agency and say, “Look at this and follow that.” Will there be advertising or will projects be promoted? Can the Premier explain what “promotion” means in this case?

Mr M. McGOWAN: As I outlined earlier, by the third year the budget will be \$5 million. The board will be able to spend that money on whatever purpose meets the objective. That would be a board decision.

Mr D.T. REDMAN: Clause 7(b) states —

to assist in enhancing the efficiency and effectiveness of infrastructure planning and coordination;

One of the strategies to get some efficiency into government spending is to get the private sector to invest in off-balance sheet items. Will the object of Infrastructure Western Australia extend to recommending or indeed advising government on private sector investment and public-private partnerships and the like as strategies to deliver efficiency and effectiveness in its recommendations, or will this government steer clear of the privatisation possibilities?

Mr M. McGOWAN: The member will see that over the page, under the next clause, there is the opportunity to provide advice on the funding and financing of infrastructure—that opportunity exists. There are various ways in which that can be done, but we want to be very careful with off-balance sheet investments because sometimes they can go very wrong and can lose taxpayers countless millions of dollars.

Dr D.J. HONEY: I refer to subclause (a) which states —

to provide advice and assistance to the Government on matters relating to infrastructure;

I understand that Treasury already carries out a significant part of that role. Will there be some removal of that duplication or what will the interaction of Treasury be in that detailed analysis?

Mr M. McGOWAN: The difference is that this body will be far more transparent. It will provide more information to the public and the Parliament and, therefore, to the opposition. There is no duplication because Treasury is not independent. This body is independent. An independent board will provide that advice to the Premier and then, as I outlined earlier, eight pieces of information will be provided to Parliament.

Dr D.J. HONEY: My concern was whether there was potential for, if you like, some interagency rivalry if Treasury has a different view from that of the agency. Obviously, if there was some coordination between them, it could potentially be avoided.

Mr M. McGOWAN: No; Infrastructure WA will be advisory; but, in any event, the Under Treasurer, Michael Barnes, will sit on the board.

Mr D.T. REDMAN: On the point that one of the principles is efficiency and effectiveness, there have been various asset recycling programs. The sale of a tranche of assets to make investments in other assets may well be linked to a significant asset investment program that triggers the threshold of Infrastructure WA. Will the remit of asset recycling come within the possibilities of consideration?

Mr M. McGOWAN: I think this relates to clause 8(1)(h)(ii), which I am happy to deal with.

Dr M.D. NAHAN: I asked a question about strategic development plans, but all government trading enterprises also have a strategic asset plan that recommends the top priority investment proposals for government consideration. I assume that this will be the starting point for Infrastructure WA. The question then is: how will we ensure consistency between the strategic asset plans of agencies and the views and priorities of Infrastructure WA?

Mr M. McGOWAN: This is one of the issues that this body is designed to fix. The plans do not exist in all agencies. I am advised that they are of very variable quality and they are not publicly available. Infrastructure WA will fix the problem that currently exists.

Dr M.D. NAHAN: I understand that the plans are a requirement of agencies under the strategic asset management framework. I think quite a few agencies have one. If they are of variable quality, why does the Premier not get the agencies to fix them?

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Mr M. McGOWAN: I am advised that they are of very variable quality and whether they exist is very patchy. I suspect that that has been a position within government for a long time, but obviously Infrastructure WA is designed to fix that gap.

Dr D.J. HONEY: Clause 7(c) refers to promoting the adoption and use of the policies, which the member for Nedlands fleshed out a little. Will that promotion—I am talking perhaps more in the literal term of that word—purely be within agencies and government or will it include promotion at some level outside of government? To be clear, I mean publicly.

Mr M. McGOWAN: It will be within government.

Dr M.D. NAHAN: I go back to the strategic asset plan. Agencies will do these strategic asset plans and then use them. The SAP requirements include a mixture of any chronic and capital asset problems, current asset optimisation and refurbishment, asset demand management measures, and new and major investments. Basically, that is what Infrastructure Western Australia is supposed to do. This requires a great deal of specific detailed information by certain departments, whether it is electricity generators such as Synergy and Western Power, the Water Corporation or LandCorp. How will a little department like this, with a total budget of \$5 million, general skills and a board that mainly comprises people from the public sector but not with engineering and capital optimisation, possibly be able to do this for the Water Corporation—I think the Water Corporation has a strategic asset plan, as do Synergy and Western Power—unless the departments do them in the first place?

Mr M. McGOWAN: The expectation is that agencies will provide that information as an input to Infrastructure WA, which will interrogate and examine it. The problem with strategic asset plans is that they have a duration of 10 years, not 20 years, and the Infrastructure WA strategy is a 20-year document. The overarching point is that Infrastructure WA is designed to provide a whole-of-government and overarching plan for Western Australia, not just silo plans as currently exist.

Dr M.D. NAHAN: I accept that the aim is for a whole-of-government plan, but the whole of government is made up of different agencies. They do these strategic asset plans that require a great deal of specialised, skilled information about their agencies. Many of them go beyond 10 years, but if the duration is not long enough, we could just say that SAPs will go for 20 years rather than 10. I think the Premier's point was that Infrastructure WA will go to these agencies and say, "Do a strategic asset plan for 20 years and provide it to us". Is that what the Premier is going to ask them to do? In some cases, the plans exist and they are very thorough. They are not made public—fair enough. In my view, they should be made public; they should be out there for discussion. If Infrastructure WA facilitates those SAPs being made public, that is good, and we will discuss that in a little while. We are trying to find out how a little agency with a budget of \$5 million can do strategic asset plans for all these agencies, which, by the way, in aggregate, would spend probably \$100 million on the planning if we include the electricity and water providers, Main Roads and everything else. We are trying to find out how a new agency can build from and improve what exists and then disseminate it.

Mr M. McGOWAN: The role is not to do a strategic plan for agencies; it is to create a state infrastructure strategy for the entire state. The strategic asset plans would be input into that consideration. If it encourages agencies to do a greater amount of planning, that will be a good outcome of this process. The strategic asset plans will not be made public. I am advised that agencies are very sensitive about ensuring that that does not occur.

Dr M.D. NAHAN: I started this line of questioning when the Premier said that Infrastructure WA would actually do the work because the plans are not done well by departments now. Now I think he is saying that departments will be required to do them and submit them to Infrastructure WA. Which is the case? I cannot see how Infrastructure WA could do it, given the size of its budget and skill base. If Infrastructure WA will force or induce departments to carry out strategic asset plans for the duration and of the quality that is required, that will be great. That is what we want to know. Then Infrastructure WA will use them and put them together. One of the Premier's criticisms of the SAP process is that it is not public, so I took that to mean that Infrastructure WA will do the work or, more importantly in this case, make the issues public. I would like a little bit of clarity here.

Mr M. McGOWAN: Some agencies are not doing their SAPs or they are of very variable quality. Infrastructure New South Wales identified that there were gaps and indicated that some agencies needed to prepare their own strategic asset plans, and there was a net benefit across government from that process. I said that Infrastructure WA is designed to provide a whole-of-government infrastructure plan or strategy, and that some agencies do not have strategic asset plans and it will encourage them to do so.

Mr D.T. REDMAN: Following on from the line of questioning from the Leader of the Opposition, I am interested in the nature of that relationship or that direction from Infrastructure WA to an agency. Does the agency request the input or the advice or the work by Infrastructure WA? Does the Premier or a minister request that to occur? The Premier has just highlighted in his response to the Leader of the Opposition that agencies have variable levels of strategic asset plans that clearly need to change, but who will actually put it on the table? Will someone at Infrastructure WA cast a net over all the agencies saying, "Bring them up, put them on the table, and we'll have

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a look and see how we go”? What is the nature of that relationship and the interaction to achieve the outcomes that the Premier has just put on the table?

Mr M. McGOWAN: That is covered under clauses 8(c) and (d).

Mr W.R. MARMION: The objective at clause 7(b) is quite good and is important. It states —

to assist in enhancing the efficiency and effectiveness of infrastructure planning and coordination;

Concentrating on the planning side, the key starting block in doing any infrastructure planning for Western Australia is the planning information for which the Department of Planning, Lands and Heritage is responsible. We need to be able to predict rates of infill or any sort of land-use planning for the future to work out what sort of infrastructure will be needed around that land-use planning. I am assuming that the Department of Planning, Lands and Heritage will be one of the key agencies as a starting block for future determination of where development might take place. If that is a starting block, will Infrastructure WA gather that information and build on it or will it look at what the department is doing and say, “There are some gaps here. Can you fill those gaps, because we can’t start to develop our strategy? We can’t do a 20-year plan if we don’t have the information.” It is only a \$5 million agency, so it cannot do the planning. It will rely on the Department of Planning, Lands and Heritage to do that. I would like some assistance in determining how the Premier sees Infrastructure WA interacting with the Department of Planning, Lands and Heritage in setting the basis, such as where we will be in population growth in 20 years’ time, which will be the starting block of what infrastructure we will need in 20 years’ time.

Mr M. McGOWAN: I think clauses 8 and 22 deal with that. The CEO of the Department of Planning, Lands and Heritage will be on the board of Infrastructure WA. The role of Infrastructure WA is to gather information, whether it is referred or sought, in order to prepare the state infrastructure strategy.

Dr M.D. NAHAN: The Treasury guidelines for strategic asset plans are very comprehensive. They start out, as the member for Nedlands just indicated, with demand drivers and projections that include federal and state government policy prescriptions, community consultations—that is, the things they undertake with their constituents—demographic and client usage, supply trends and current and emerging legislation and regulation. These are all, in many ways, the reasons we have government departments, agencies or government trading enterprises—to obtain this expert information. Infrastructure Western Australia will, as the Premier implied happened in New South Wales, build on the existing planning process by having agencies produce asset plans that are consistent in the demand drivers, and adequate according to the criteria set by Infrastructure WA and, hopefully, Treasury, and pull those things together. It is largely functioning as a body to improve what exists now, pull them together and have an overarching strategy, rather than doing it itself, duplicating, overriding or having a different approach. Again, we are creating a new body that is not very large, and the starting point, from the Premier’s rhetoric, appears to be that very little overarching planning is being done, and the reality is that a lot is being done. It is very complex, and if we do not build on what we have we will get pretty poor outcomes for Infrastructure WA.

Mr M. McGOWAN: The plan is to create an overarching strategy, interrogate and test the information provided by the agencies, and improve the quality across agencies. Obviously, different agencies often have different and inconsistent planning assumptions contained within them, so it is also designed to get some consistency on that.

As we discussed earlier, its other main function is for infrastructure projects over the \$100 million mark. Although I admit that a \$5 million annual budget is not huge, it allows for that level of assessment in relation to those things.

Dr M.D. NAHAN: Is an objective of Infrastructure WA to look at longer term trends that might affect infrastructure that is not specifically looked at by certain agencies? In the case of both Infrastructure WA and Infrastructure New South Wales, the Premier gave them specific directions to look at certain things that are changing. I mentioned earlier electric vehicle charging systems around Victoria, and in New South Wales I think they looked at transport changes. It is one of the objectives here also to have Infrastructure WA look at longer term trends in the delivery of infrastructure, perhaps even transport or otherwise?

Mr M. McGOWAN: That is correct. That is contained under clause 14(2), and a range of factors could be considered—for instance, the ageing population, demographic change and climate change.

Dr M.D. NAHAN: Before we leave this, we have multiple objectives, which is fair enough, and we have multiple agencies. Infrastructure WA will rely on a lot of agencies providing that information on their asset plans, and, as the Premier indicated, these will be of variable quality. Will Infrastructure WA have, perhaps conjointly with Treasury, responsibility to go and set up a strategy or principles for developing strategic asset plans, and getting ways to enforce quality? First, they are finished and of a quality suitable for the government and for Infrastructure WA. Will it have power to back up and ensure, as the Premier points out, that agencies complete their strategic asset plans?

Mr M. McGOWAN: Clause 8(1)(c) allows the Premier to request Infrastructure WA to provide advice and assistance to agencies in preparing such plans.

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Mr W.R. MARMION: The Leader of the Opposition has raised a very good point about the incredible amount of data involved in managing this agency. If I were the CEO, I would be concerned about how I might capture the data from different agencies and access it quickly if I needed to respond to, say, the Premier's request for some advice on a particular project. I see a need for a very good information technology expert as part of the team and a budget allowance and some thought on how the data might be captured and presented. It might be found that some data that has come from the department is confidential. What sort of controls might there be around that? Infrastructure WA might need to have the data, knowing that there is some sensitivity around that. I know that there are provisions in the bill about sensitive data, nevertheless Infrastructure WA may need some hard data to do its analysis. There are probably multiple questions there, but I would like to hear how the Premier envisages the agency storing and accessing data and the controls around sensitive data?

Mr M. McGOWAN: That is all contained under clauses 22, 63 and 64.

Clause put and passed.

Clause 8: Functions —

Mr D.T. REDMAN: I have a couple of questions on clause (8)(1)(a), which goes to the core of the state infrastructure strategy. Is government, cabinet and/or the Premier required to sign off on what projects Infrastructure Western Australia picks up, or is it a mechanical process as part of the thresholds that apply within the act?

Mr M. McGOWAN: The government is not required to sign off but it is required to respond.

Dr M.D. NAHAN: Infrastructure Western Australia is obviously going to have to be selective in the projects it focuses on, because even in a state like ours there is a large number of projects over \$100 million, particularly if we look over a 20-year period. Infrastructure Western Australia will have to do some kind of rationing of what is in and what is out, otherwise it will not be able to digest them. Will there be some process between the Department of the Premier and Cabinet and Infrastructure Western Australia to give some guidance about what is in and what is out, and its priorities? It may want to focus on transport as opposed to Western Power. What kind of systems will be put in place to choose between where the limited resources will be put to various functions?

Mr M. McGOWAN: That would be a matter for the board and, as I said, the board predominantly comprises those from the private sector, with significant public sector backing. Infrastructure bodies in other states have focused on projects of state and regional significance.

Mr D.T. REDMAN: Earlier, I asked a question about the relationship between the board and government agencies. The Premier referred to clause 8(1)(c) and (d). I wonder whether the Premier could expand on the nature of that relationship. I think a number of things could be triggered and a number of ways could trigger them. If an issue emerges in a strategic asset plan that sits within an agency, the bill suggests that the Premier can trigger it by telling an agency that it would like Infrastructure WA to have a look at it. It also suggests that the agency can seek assistance from Infrastructure WA if it so chooses. Can Infrastructure WA unilaterally ask an agency to put its material on the table so Infrastructure WA can look at it? Can the Premier expand on the nature of those relationships?

Mr M. McGOWAN: The details around how that occurs, I think, are contained in clause 22.

Mr D.T. REDMAN: It comes under one of the functions of the bill. I would have thought this was an appropriate occasion to give some clarity about the nature of that relationship. I think it is an important one. For example, is Infrastructure Western Australia able to direct activity within an agency or direct an agency to put something into its plan, change the plan, have some sort of influence over what we might see as the normal operating activities of the agency, not at an operational level, but at a decision-making level to make asset investment, which is the very nature of this bill?

Mr M. McGOWAN: This is contained in the provisions of clause 22; I am happy to provide answers then.

Mr D.T. REDMAN: Clause 8(1)(g) includes "to monitor and report on progress in implementing the State Infrastructure Strategy". From my memory of the clauses that are coming up, I think the state infrastructure strategy is refreshed every five years and there will come a time—pretty soon we hope—that there is a change of government. That means the new government will have at least a five to 10-year investment plan that Infrastructure Western Australia will be reporting on. What is the nature of that shift? Does it mean the plan is dumped and a new plan is refreshed at the direction of the Premier; or, as I understand it, does the plan stay alive? The relationship between Infrastructure Western Australia and the Premier means that the Premier has a look at the plan but that if he or she does not like it, it is sent back. When it is put up again, they have to take it—it is on the table. Something that this Premier's government produces could be live going into the terms of the next government, which may have limited capacity to bring the influence of a new government into those asset investment strategies.

Mr M. McGOWAN: This is contained under the provisions of clause 24; I am happy to discuss it then. In general terms, the strategy is Infrastructure WA's strategy and obviously the government responds. A new government can respond to the strategy as well, but that is the point—to get some independent, strategic advice on infrastructure across Western Australia.

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Mr D.T. REDMAN: But, Premier, I think it is a really relevant point that all the way through this process, direction is given by the government and that the government agencies that fall under ministers will influence what goes into the strategic asset plan for the state. We will arrive at the point at which there is a transition to a new government and the plan will be live. I am sure the Premier will admit that that is the case and therefore there will be issues with a new government potentially taking on the agenda of the previous government.

Mr M. McGOWAN: The strategy is not binding, so another government can put a response to the strategy at any point it likes, which is contained in the provisions of clause 16.

Mr D.T. REDMAN: The strategy is not binding, nevertheless, it is there. A particular government strategy, which it has had influence on over the course of its term or terms of government, will be in place, so a new government will have the old government's strategy and it will not be able to influence that. I have a very direct question: can the Premier and/or the cabinet of the day direct Infrastructure WA to start again, and get a whole new state infrastructure strategy?

Mr M. McGOWAN: Clause 13 states, "The Premier may direct that a strategy be prepared and submitted within a lesser period" but he cannot direct what is in the strategy.

Dr M.D. NAHAN: I have a couple of questions. Infrastructure New South Wales has a much more extensive range of functions than those proposed here. In his second reading speech, I think the Premier said we will have a more limited range of functions and roles than those in New South Wales or other states. For instance, Infrastructure New South Wales provides expert advice, which Infrastructure WA will probably do as well, and also has a role in providing assurance on project delivery, which is a very important role and one that this body could do. Infrastructure New South Wales also runs projects and, strangely enough, it has what it calls Restart NSW that has a budget and manages projects. It has quite a large fund—billions of dollars—that runs certain projects. It also plays a role in reviewing the delivery of projects by various departments, which I think strategic projects used to do. Infrastructure New South Wales also manages existing projects. Does the Premier envisage, over time, expanding Infrastructure WA to take on other roles, like those of other infrastructure bodies?

Mr M. McGOWAN: I do not think so. The New South Wales budget is in excess of \$35 million a year, seven times ours and it has a project delivery function. It is acknowledged over there—I think I might have been advised when I had my meeting with the CEO—that that was a conflict between its role to provide independent advice versus project delivery.

Dr M.D. NAHAN: What about the assurance? One of the roles of Infrastructure Western Australia will be to ensure the delivery of plans and to improve quality and collate them. In doing so, it also might have pretty good expertise, independent from the agencies, to undertake an assurance program; that is, to see how projects are being delivered, what lessons they can learn from them, if they are going according to plan and whether there are deviations from them. Strategic projects in Treasury used to do this to some extent, mainly for its own projects. It is a useful role. Does the Premier see this coming in; and, if so, who will do it?

Mr M. McGOWAN: I think it is covered in clause 8(1)(i)

(1) Infrastructure WA's functions are —

...

(i) to review and report to the Premier on completed infrastructure projects;

I think that provides a quality assurance function.

Dr M.D. NAHAN: Clause 8(1)(i) states —

to review and report to the Premier on completed infrastructure projects;

I am not necessarily referring to completed projects but projects underway. My experience is that quality assurance does not necessarily apply at the start or during definition of projects, in the cost-benefit ratio or the identification of its priority. It applies to how projects are carried out by agencies. This assurance activity—I am not sure whether it says to review and report on completed projects—would be done during the operation of projects that have been committed to. It also involves reviewing completed projects. If the Premier believes that part of Infrastructure WA's function is to undertake an assurance program, does he see that occurring on a significant level?

Mr M. McGOWAN: The Department of Finance runs the gateway process, which is a project assurance process, during reconstruction for projects over \$100 million. I think that answers the member.

Dr M.D. NAHAN: That role exists and is selective but the Premier sees it remaining with the Department of Finance?

Mr M. McGowan: At this stage, yes, there are no plans to change that.

Mr D.T. REDMAN: The Premier referred me to clause 8(1)(h) when I talked about asset recycling and advice to the Premier on funding and financing. Can the Premier now clarify the extent to which Infrastructure Western Australia can consider matters like asset recycling, which is a broader remit than just the decision around asset investment?

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It is around the nature of turning that over and getting better infrastructure on the back of perhaps sales of the other infrastructure and as it extends to advice on funding and financing such projects.

Mr M. McGOWAN: Infrastructure WA can provide advice on those matters. It will be free to do that. It will be up to the government whether it accepts it.

Mr D.T. REDMAN: I talked about the nature of private sector investment and opportunities to get off the balance sheet. I agree with the point the Premier made that there are examples of how sometimes that does not work. However, there are also lots of examples where it does. In lots of cases the issue is not so much the thought of what is there but the negotiation with the organisations to land the right deal, particularly when discounts have to be applied over time when governments are playing out and how that changes over time. Is Infrastructure WA intended to also extend its remit into the nature of those negotiations as and when they are happening if we are talking about a project that might be a public-private partnership?

Mr M. McGOWAN: I think off-balance sheet transactions are being caught now by the latest accounting standards and brought to book. That will mean that billions of dollars' worth of those transactions that took place over recent years will be brought into the state's finances and taken account of. That is happening in states across Australia and the commonwealth. Obviously, we will have to back-cast that to see what the impact is, so there is no, if you like, budget benefit of having off-balance transactions. As Premier, I would be very, very careful about these arrangements because I think there have been some very, very bad examples of how they have worked in recent years in Western Australia. I would, therefore, be reluctant about it. Infrastructure WA can provide advice but it will be up to the government to decide whether it accepts it.

Mr D.T. REDMAN: I would like to move an amendment to clause 8, which is in my name on the notice paper. I move —

Page 8, after line 25 — To insert —

- (4) When performing its functions in a regional context Infrastructure WA must consult the relevant Regional Development Commission for advice on:
 - (a) capacity for the project to unlock economic potential of the region;
 - (b) service equity to regional communities;
 - (c) cultural considerations where appropriate; and
 - (d) other matters as directed by the Premier.

It falls under "Functions" of Infrastructure Western Australia. I guess the Nationals' view is one of the core issues here. As I highlighted in my second reading contribution, there are issues in regional Western Australia that are quite unique. It is important to add the need to have a local understanding and a local context into the decision-making process around significant investments. In response, the Premier will probably shoot this down and refer to a couple of points under "Functions". One is in clause 8(2)(b), which states —

the economic, social and environmental value of infrastructure.

I am pretty certain the Premier will say it is all captured under the social aspect. However, I want to make a case for why this is important. We carefully worded this amendment in such a way that the government should be able to support it because it is only about consulting. It seeks to mandate a level of consulting with the regional development commissions in our regions in Western Australia, which have a comprehensive level of knowledge. They have their own investment plans and blueprints for growth in their regions and they will provide a lot of value. Indeed, it was highlighted by the government's very own member for Bunbury that we should get value from these commissions. He said we should even be formalising that. This amendment provides a way of formalising that argument; the regional development commissions can bring value to this establishment. They do a lot of work in support of why a particular investment should be made and they fit in to the network that sits out in regional Western Australia and the very fabric of those communities.

There is also what we call "service equity". The Premier said, yes, there may be an argument for catching it under "social" in the broader sense, but I think it goes beyond that. Service equity to regional communities, from health, education and housing services, is an issue we have already established in consideration in detail that is picked up by Infrastructure Western Australia. We are simply asking that Infrastructure WA take the advice of the commissions in assessing the merits of projects. The issue here is that everyone looks through the filter of their own background. There could be a group of 10 people, albeit dominated by six people from outside the public service, from metropolitan Perth. I am pretty certain asset investments, as the Premier has highlighted, will be largely around metropolitan Perth, triggered by Infrastructure Western Australia. We are simply suggesting that one way of providing a viewpoint that captures the unique issues of regional Western Australia is to bring to the table the capacity of the regional development commissions, as situations warrant it, because this captures some of those service issues and, from our perspective, service equity is critically important. The amendment also

includes that the commissions are to give advice on cultural considerations. I do not think it is appropriate for cultural considerations to be captured under a broader social banner. A lot of government policies and documents specifically describe cultural considerations and issues as being a unique component of Western Australia and of how we should apply government services and investment decisions. I have been reading about a current example in the Shire of East Pilbara. It is a Mardu cultural knowledge program called—I will struggle to pronounce the name—Kanyirninpa Jukurrpa. It is a case for investment in the Mardu desert community.

Mr P.J. RUNDLE: I would like to hear a bit more from the member for Warren–Blackwood, if I may.

Mr D.T. REDMAN: I make the point that in this case, a very specific initiative is being put up to say that there are some good reasons to invest in housing, schools and a range of other areas, which could be captured as an investment program. We have already highlighted that investment programs are part of the program here—that investment programs that capture the threshold are to be considered by Infrastructure WA. In this case, having a unique cultural understanding will be critical to making the right decision. Again, this amendment is not asking the board to do anything other than seek the advice of the development commissions, and to ensure that included in that advice are cultural considerations, where appropriate. That is not a big ask.

I have been involved, as have other members on this side of this house, in significant investments, particularly in health infrastructure, to service some of the more remote parts of Western Australia. On the whole, they have been captured under broader government investment programs. We know that the housing program sits under the royalties for regions program. I am sure that will have a threshold that will be triggered by the thresholds in this bill. Again, they are unique investments that need the benefit of advice from people who are close to those areas and, in the case of Aboriginal communities, unique to those particular areas. There are massive differences even within Aboriginal groups in their capacity to access services and to get the benefit of government investment in those services. This is not difficult; this is an addition. It is simply about seeking advice. It would formalise advice from the regional development commissions, which we already have in place.

As I said in my contribution to the second reading debate, the legislative brief of the commissions is to support and promote infrastructure investment to support the growth and development of those regions. It dovetails very nicely. I do not think the bill has enough strength in this area. This amendment simply brings to the table advice from an organisation that the board must consider in making its recommendations. As I have said, even members on the government side argued in their contributions to the second reading debate that this would be a good idea. In fact, it was put up that there is a significant number of Labor members in regional Western Australia. I am sure they would not see an issue with supporting an amendment for the board to seek advice, in a formal sense, from a regional development commission when a piece of infrastructure applies to its region. I do not think that is difficult. It would be great to have the Premier's support. There are sound arguments for it. The National Party has brought this to the table in a very appropriate way. The amendment has not been brought on quickly; the Premier and his agencies have had a chance to look at it. It will hopefully have the Premier's support.

Mr M. McGOWAN: I have a lot of sympathy for consultation with people in the regions about what might be impacting them and what the right decision is for them. The opportunity for consultation exists under clause 13(4) of the bill in relation to the state infrastructure strategy, and under clause 8(3) in the requirement to consult with relevant interested persons. The issue with the member's proposed amendment is that it is very specific to regional development commissions. I could also add in there, which the member alluded to, local governments, chambers of commerce and industry, Indigenous owners, traditional owners, local citizens, landcare groups, non-government organisations, major businesses, hospital boards and P&Cs in those areas. Having said that, how do we pick one of those groups? The member has elevated regional development commissions above the others, but his example involved native title owners. Some regional development commissions may not have great relationships with native title owners, so the member could have easily moved an amendment to the same effect that included native title owners as opposed to regional development commissions.

The other component of the amendment is that it would be difficult to interpret the words “when performing its functions in a regional context”. I do not know whether Infrastructure WA would know exactly what is meant by “a regional context”. Although I have some sympathy with the amendment, there is an opportunity later in the bill, under the regulation-making capacity, for us to potentially do something more specific to deal with the issue the member has raised.

Mr D.T. REDMAN: I do not agree with the Premier that the regional development commissions have been put on a pedestal and other groups have not. The brief of regional development commissions captures infrastructure. It is in their act. Indeed, they have produced and developed blueprints for investment programs to support the unlocking of potential in the regions that have involved a massive level of consultation with all the groups the Premier just described—the chambers of commerce and industry, local governments and native title groups. They have already captured the benefit of that. This amendment is simply saying that this is a very relevant group that would bring a significant capacity and opportunity to the table to assist the group that is making the decision. To me, the issue here is about the filter that one is looking through. Yes, I am sure we could say that parts of the bill

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could take that into consideration. People on both sides of the house might have the same objectives but might come up with different answers because of the filter they are looking through. This amendment is putting on the table and formalising a link to advice from a regional organisation that sits under government and that has very specific objectives. These groups engage in a large amount of consultation with their communities to pull together some direction. To me, it would add massive value to what the government is trying to achieve here. It would be really sad if it were overlooked.

Mr M. McGOWAN: I understand and sympathise with the point. The only thing I would say is that it narrows the consultation. If the amendment is agreed to, the Infrastructure WA board could say that it has consulted with the regional development commission, so that is its regional consultation done. I would prefer broader consultation than with just the regional development commission. I would prefer that all those organisations and bodies—local governments, regional CCIs, Indigenous owners, native title owners, citizens, landcare groups, NGOs, major businesses in the regions, hospital boards, P&Cs or whatever it might be—are properly consulted. I would prefer broader consultation than dealing with just one body as the regional consultation organisation. I want everyone to be consulted, not just one body. As the member knows, some regions are the size of Victoria. Some regional development commissions have huge areas to cover. I think it is better that everyone is consulted, rather than just one body.

Mr P.J. RUNDLE: I have been a chairperson of a regional development commission, and the member for Bunbury was the CEO of the South West Development Commission. He certainly pointed out the value of the development commissions. I hear what the Premier is saying about the different groups—the landcare groups, the chambers of commerce et cetera—but the role of regional development commissions is to actually encompass all those groups. Our role, as a board and an executive of the Great Southern Development Commission, was to bring all those groups together and make sure we were all on the same page. We had many forums, and as the member for Warren–Blackwood has pointed out, the blueprints that covered those nine development commissions cover the whole state from the Kimberley right through to the great southern, the goldfields, Esperance and so forth. Our role was to bring those groups together with good coordination, and I think it fits well with this infrastructure bill. I am very supportive of the amendment from the member for Warren–Blackwood.

Mr M. McGOWAN: I am happy to work with the National Party on an appropriate amendment—perhaps a regulation. I am not making formal commitment to do something, but I bring members back to the central point: if one is put in, the body will say that it has done its consultation in the regions, and that could be counterproductive to what is trying to be achieved here. That is all I am saying. I appreciate that there should be full and proper consideration of regional blueprints and the like, but clause 8(3) says —

When performing its functions Infrastructure WA is, where appropriate and practicable, to consult with relevant interested persons.

That is a broad array of people. Clause 13 states that Infrastructure WA is to undertake public consultation on the proposed strategy. I want everyone consulted, not just a narrowing of who is consulted. That is what I would like to see. As I said, I am happy to continue the discussion, but I do not think it is wise to make an amendment that might be counterproductive to what the member for Warren–Blackwood is trying to achieve.

Dr M.D. NAHAN: Development commissions have been set up in their respective areas to collate the infrastructure needs of that area—across a whole range of areas—and to do something like Infrastructure WA. That is one of their major functions. I would think that the development commissions would be one of the agencies that Infrastructure WA would have to work with and take information from, rather than duplicating their work. That is what I thought would be the case. Therefore, they would be captured in this process, just like Western Power or the Water Corporation. Infrastructure WA would be required to take the data, information and strategic asset development plans of the development commissions and incorporate them into its planning. Therefore, those agencies would, almost by definition because of their function established by government, be the major conduit of information for Infrastructure WA for their respective areas. Yes, it is obvious that dialogue is wanted with everybody, and that is what they do. That is why they were established. The Water Corporation is going to put a whole bunch of strategic asset plans to Infrastructure WA, and the government wants to duplicate the dialogue it has with everybody under the sun involved in its industry, which would be absolutely impossible. I think development commissions are a necessity and would have major input into the strategic asset plans of their respective areas.

Mr M. McGOWAN: When the member said that he thought they would be consulted, yes, they will be consulted; that would clearly occur. I repeat: if one is named, others could potentially be excluded. I would like to see everyone in the regions consulted—local MPs, major businesses, major utilities, Horizon Power, Busselton Water or whatever it might be. I would like to see a broader consultation than with just one body. That is what I am saying. By picking one, it is implied that that it solves the consultation issue. It does not. There should be more than just one.

Mr D.T. REDMAN: There are two areas in this bill the Premier is citing as being sufficient to write off this amendment. One is clause 8(3) on page 8, which says —

When performing its functions Infrastructure WA is, where appropriate and practicable, to consult with relevant interested persons.

Who is sitting around the table making the call of where it is appropriate and practicable? It is a group of four government agency people and six others, presumably like Mr Langoulant, who is now going to be the initial chair, who have a massive interest in what happens in metropolitan Perth. They are going to be making the call on whether we should or should not talk to relevant groups out there. That is the issue. The other point in clause 13 refers to public consultation on what is a proposed strategy. The strategy is already written up and on the table, and we are saying, "Here it is. Give us your comments on that now." It does not talk about elements of cultural consideration around investments, service equity to regional Western Australians or those things that might be nice and neat little triggers that unlock other opportunities that people sitting in Perth might not be aware of. There is nothing here that formally drives the level of influence on the unique understandings that have to happen in regional Western Australia. In our statute book, we have an organisation that captures that beautifully. It has been there for a long, long time and it is part of our fabric of government in Western Australia. The Premier has supported royalties for regions and the maintenance of those commissions and said that he is not going to take them away. Here we have an opportunity to simply seek their advice. That means the decision-making of the handful of people who sit around a table in Perth is not limited to the filter they put over it and the viewpoint they have. That is a viewpoint of those sitting on St Georges Terrace; it is not a viewpoint that will necessarily be shared by those sitting in the Kimberley, the Pilbara, remote regional Western Australia, the south west or the south east. It is not necessarily a viewpoint by those people, yet investments happen in those areas. Why would we not capture the organisation that exists that has done the work? It has captured all those groups. It is also aware of the cultural nuances out there—in the Pilbara in particular. Depending on which groups we talk to, there are varying relationships that exist out there. That is massively difficult to navigate, yet someone could be sitting in Perth and saying that they are going to do something because they think they know best. There is nothing that forces their hand to get advice from someone or a group able to provide the right advice to put the unique aspects of the region on the table. The commissions have that. The point is that it is not about what is written in the bill, but about the viewpoint that the people making the decisions will be seeing things from. There is nothing in the bill that forces their hand to go beyond that viewpoint. We have an opportunity to do it—to get the formal benefit of advice. That is all it is. The Premier has said in response to our questions about Infrastructure Western Australia that it will be advising government, not making decisions. In the same theme, in the same spirit, we are saying that these bodies could advise Infrastructure Western Australia about the nuances that could be out there that could massively impact upon service delivery and cultural considerations, as sensitive as they are in various areas of Western Australia, and investments that dovetail into myriad other activities, particularly in the private sector and parts of our state that are driving our economy. If we do not get the benefit of that, I think we will be missing out. That was the very point made by the government's member for Bunbury when he made his contribution to the second reading debate and it should be supported.

Mr M. McGOWAN: We are not going support the amendment. I sympathise with the sentiment, but I am not going to amend the bill on the run with a subclause that, in my view, will limit the consultation in the regions. We are happy to consult the member about an amendment that might achieve the outcomes he seeks, but not this amendment, because this amendment, as I have now said four times, could limit the consultation in the regions to one group—that is, the development commission. We are not going to support it. But there may be other amendments, and I am happy to work with the member. He can keep talking about the amendment, but I will stop responding now, because I have explained that we will go away and work on something that might meet the sentiment of what he is trying to achieve without the downside of limiting the consultation to one group and ignore local governments, native title holders, regional businesses, regional utilities and the like, and therefore sending a message that all those groups are not important, which is what the member's amendment could potentially do.

Mr W.R. MARMION: I have sat here listening to the Premier and I do not understand his problem. The amendment will not limit consultation at all. All it will do —

Mr D.R. Michael: He's making sense.

Mr W.R. MARMION: I do not really want interjections, Mr Speaker, but the Premier is not making sense at all. The amendment will lock in something that someone as competent as John Langoulant would do anyway. We would actually be telling someone like John Langoulant to do something he is going to do anyway. The Premier's sell is that he does not want a clause that limits consultation. I do not read this amendment as limiting consultation. The amendment states —

When performing its functions in a regional context Infrastructure WA must consult the relevant Regional Development Commission for advice ...

What is wrong with that? He would do it anyway. He would be an absolute idiot to not go to the commissions; they have done all the work. Consulting regional development commissions does not mean that no-one else in the region can be consulted. The amendment does not say that at all. The Premier is a smart and logical man—he is a lawyer. I cannot make any sense of his logic. There is nothing wrong with this amendment.

Extract from *Hansard*

[ASSEMBLY — Thursday, 11 April 2019]

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Dr Mike Nahan; Mr Mark McGowan; Mr Bill Marmion; Mr Terry Redman; Dr David Honey; Mr Peter Rundle

Mr D.T. REDMAN: The last comments the Premier made have gone to the nub of what we are chasing—that is, a legislative amendment. I was not satisfied with a regulatory opportunity to capture the points that we are trying to make. The Premier has offered to negotiate with the Nationals WA to get an appropriate amendment that will capture the theme that we are trying to put into the core of the bill. That is important from our perspective. I recognise that in opposition it is not easy to get the language and wording of amendments right. I am sure that with the benefit of agencies and parliamentary counsel, we will achieve that. Certainly, the Nationals will engage in that process in a very constructive way because it is an important provision to consider.

Debate adjourned, on motion by **Mr D.A. Templeman (Leader of the House)**.