

INFRASTRUCTURE WESTERN AUSTRALIA BILL 2019

Second Reading

Resumed from an earlier stage of the sitting.

HON MICHAEL MISCHIN (North Metropolitan — Deputy Leader of the Opposition) [5.12 pm]: Before the break, I was about to turn to the second reading speech. By way of preliminary, I will say that, looking back at second reading speeches not so long ago—let us take 100 years ago as an example—they were models of precision and careful language. They dealt with the mischief that was being addressed or the reform that was being proposed, they summarised the rationale for the bill that was being introduced by the government, and explained how it was going to operate. There has been a trend, on which we have made comment here from time to time, of those standards slipping towards the abysmal. In reading the second reading speech of this bill, one gets a sense of how, under a McGowan government, the standards have slipped below the abysmal, if that is at all possible. This overlong second reading speech is full of rhetoric and populist slogans. It is desperate rhetoric, akin to someone trying to sell timeshares in Bali, or trying to sell some product, or some company that is going bankrupt and shareholders being told how the management is reconfiguring and looking at how it will advance into the future, looking forward, and the like.

We get suspicious of the government's motives, the content of the bill and how the entity will operate when we read a second reading speech, which is supposed to explain the bill, that is riddled with slogans and platitudes. I will give a few examples of the juvenile and childish method in which this legislation has been presented. The second reading speech refers to "a pipeline of secure jobs". What on earth is a pipeline of secure jobs? Sewage and water are carried in pipelines. What is a pipeline of secure jobs?

Hon Sue Ellery: I don't know.

Hon MICHAEL MISCHIN: The Leader of the House should explain that because she read out the speech in this house.

Hon Sue Ellery: That's irony. I know *Hansard* can't get it, but I was actually being ironic.

Hon MICHAEL MISCHIN: All right. The second reading speech says, "Today we take one big step forward" and continues, "Infrastructure investment has long been held hostage". Why can the government not express itself in words other than juvenile teenage language? "We are not sitting on our hands", says the minister. That is a relief; it could be uncomfortable. Then we get to "a more strategic, evidenced-based and bipartisan approach". I look forward to how a government like this one wants to achieve a bipartisan approach with something that will be set up as a board to govern for 20 years what any state government ought to do. A bipartisan approach—I am looking forward to an explanation of how that will work.

"That ends now" is a powerful statement for a second reading speech. It goes on to state, "Infrastructure Western Australia should not be distracted from this task" and that it is something that business and industry have called for. The government cannot actually tell us in as few words as is necessary what it wants to deal with; instead, we get this kindergarten stuff referring to big steps forward, being open for business and pipelines for stakeholders. Here we go —

Collectively, this information will provide a long-called-for investment pipeline for stakeholders ...

...

The bill is more than ticking a box ...

No. It is a bill for a law; it is not ticking a box. This is the level that we have been reduced to. When we get through all that rhetoric, snake oil salesman's talk and marketing, we get to the real nub of the problem and a major concern with this bill. The second reading speech states —

The bill is more than ticking a box and delivering an election commitment. This is about creating a new institution that will live beyond the life of this government and work for Western Australians for many administrations to come.

That is what this legislation is all about; it will be the dead hand of the McGowan government and the people that it appoints to this board—public servants and members of the business community—that will govern how this state will be built for the next 20 years. That is what this legislation is all about. Will Infrastructure WA assess Metronet? I think not. It will be dismissed as an election commitment and the government will say that it does not need to abide by those rules.

Hon Sue Ellery interjected.

Hon MICHAEL MISCHIN: I am sorry; I cannot hear myself speak. The minister will have a chance.

Hon Sue Ellery interjected.

The ACTING PRESIDENT (Hon Martin Aldridge): Order, members! Hon Michael Mischin is not entertaining interjections and I think I have been tolerant to this point, but I would like to hear the remainder of Hon Michael Mischin's contribution in silence.

Hon MICHAEL MISCHIN: Thank you very much, Mr Acting President. We can tell we are hitting a nerve—that we are getting to the truth and exposing some of the problems with this—when the Leader of the House wants to continually object and interject. As for Hon Simon O'Brien's comments, yes, we had to dismantle the brilliant Office of Shared Services!

Hon Sue Ellery: Are you going to dismantle this?

Hon MICHAEL MISCHIN: When it is proved not to work, we will have to; that is, if the Leader of the House does not ignore it beforehand. It will be ignored by this government, because many of the long-term commitments that we think would be submitted to Infrastructure Western Australia will not be. I challenge the minister to explain whether Metronet will be included as part of the Infrastructure Western Australia board's brief, and whether the outer harbour will be submitted with an open brief rather than a restricted one. I do not think so, because all those things will be dismissed as election commitments, so the normal rules of business cases and the like do not apply! We heard that repeatedly. It was one of the great defects in the Langoullant exercise that this government's proposals sit outside his recommendations. The government has repeatedly refused go through the process that he insisted was appropriate for government to deal with those matters. That is the hypocrisy of this. However, this is about this government appointing the public servants and the business people who are set to make 20-year prognostications about what the infrastructure for Western Australia ought to be, where the development ought to take place and what the priorities ought to be, and to prepare plans that will live beyond this government for 20 years.

Hon Sue Ellery: Do you support it?

Hon MICHAEL MISCHIN: There is talk of a bipartisan approach. We will see just how that works. Let us go to some of the matters that justify this Infrastructure Western Australia Bill.

Hon Sue Ellery: You need bipartisanship to pass it.

Hon MICHAEL MISCHIN: Will the minister stifle herself! It is like an illness with her, is it not? She cannot help herself. Mr Acting President, please protect me.

The ACTING PRESIDENT: Order, members! I have asked that the member be heard in silence. I have asked once nicely and I will ask again. Hon Michael Mischin is not seeking or tolerating interjections. I think I have been tolerant to this point in time. I would like to hear the remainder of Hon Michael Mischin's contribution in silence.

Hon MICHAEL MISCHIN: Thank you, Mr Acting President; and thank you for protecting me against the bullying attitude of this government.

Let us look at what the rationale is meant to be. The government says that it has been committed for the last two years to building a stronger, more diverse and more resilient economy. That is a laudable objective for a government. Well done, if that is the objective, but that is the job of government. It has been committed to creating a pipeline of secure jobs for Western Australians. I do not know quite what a pipeline of secure jobs is supposed to indicate, but that will no doubt be explained. Presumably, they are fed through a hopper at one end and they come out the other end and they are secure jobs, because they are held in a pipeline. The second reading speech of the Leader of the House also states —

We must also provide business and industry the long-term certainty they need to invest.

That is a beauty. Contracts for Roe 8 were “torn up”—so much for a government that is providing business and industry with the long-term certainty it needs. It has taken a “big step forward”.

The speech of the Leader of the House continues —

It is clear that infrastructure decision-making in this state has at times been based on inadequate planning or information, resulting in poor outcomes and costly project delays or cancellations.

Yes, Roe 8 is an example of a cancellation. As for costly project delays, yes, there is a facility called Perth Arena, which took about four years longer than was intended and cost about three times as much under a Labor government. The speech continues —

Infrastructure investment has long been held hostage to political cycles.

Yes; this government is living proof of that. I have mentioned already the claim to a bipartisan approach. I am not sure how that will work out. Either it is misleading and another bit of salesmanship or it actually means something—that the opposition and other parties in this place will have an opportunity to have a say about infrastructure, rather than the government simply saying, “This is what we're going to do; what do you think about

it? Thanks very much; we're not interested and we're going to do it anyway." How is this independent board, appointed by the government and consisting of its favourites, going to deal with issues in a bipartisan fashion? The minister will no doubt be able to enlighten and assure us.

Will the 20-year state infrastructure strategy involve things like maintaining infrastructure? One of the things the previous Liberal government was faced with, and which was not included in the Langouant inquiry into "where the money went", was the necessity of spending \$660 million on upgrading and making safe Western Power's infrastructure in regional areas. That was because it had been neglected for so long by the then Minister for Energy, one Fran Logan, following the split up of the Western Australian electricity providers, and not budgeted for. Will Infrastructure Western Australia take into account the maintenance of this infrastructure into the future? What will its influence be on budgets and governments?

The second reading speech continues —

Our state is forecast to continue to experience population growth and change into the future.

Well, yes. That takes an insight. Guess what, folks? The state is going to change in the future, and apparently we are going to experience population growth. One would expect that, but we also have had a decline in population over the last few years. Once again, to what extent is this body going to be able to predict future infrastructure needs that will be a priority of government, and lock future administrations into it for five, 10 or 20 years? It is a big call, because we are told that Infrastructure Western Australia's state infrastructure strategy will identify the state's infrastructure needs and priorities over the next 20 years for a broad range of infrastructure sectors. That is the job of government. That is the job of administrations that are required to not only assess what the community feels is necessary, but also propose election commitments about what it plans to do. Long-term planning is currently taking place; government departments do that. Of course it means that infrastructure will be required from time to time, but I challenge Infrastructure Western Australia to work out how many courthouses we are going to need, and where, in 20 years' time; how many prisons we are going to need in 20 years' time; or how many roads we are going to need in particular places in 20 years' time. It will in fact be setting out a plan that will be the dead hand of the McGowan government beyond its administration, and that is the whole idea of this. It is so that the McGowan government or the Labor Party can continue to govern when it is no longer in office.

The government will ignore whatever it chooses to ignore, as it has done to date. It will set the rules, as it did with the Langouant report, for everyone else, but it will be the first to ignore what Infrastructure Western Australia comes up with, if it does not like it. It will also be the first to insist that everyone else be bound by Infrastructure Western Australia if that suits its political purposes. That is, I would suggest, the real worry about the Infrastructure Western Australia Bill 2019.

It is the responsibility of governments to plan into the future. Yes, from time to time infrastructure is abandoned or cancelled or goes beyond time because of a change of government. Those decisions need to be dealt with on their merits at that time. There has been no self-criticism from the government for having cancelled the Roe 8 project; the Labor Party was quite proud of the fact that it cancelled, at cost to the state, that piece of infrastructure, which had been long planned and was actually already underway, the moment it got into government. Now the government is self-righteously telling us that projects are held hostage to political cycles! I would like to hear in due course how the government reconciles its actual hypocrisy with what it is proposing for future governments.

The second reading speech states that Infrastructure WA will also look at how other options, such as policy and regulatory reform, can help us meet our future infrastructure needs. I thought that was the job of government, not some set of bureaucrats, no matter how highly paid, who are being established at arm's length by a government to do its job for it. What is going to be the role of government when it has this board that will decide on what policy the state ought to follow for years, binding future administrations? Seriously! Is this government voting itself out of office by making itself redundant? We do not need a Parliament. We do not need a government. We will just have Infrastructure WA decide on everything that governments are meant and paid to do. Either this is simply rhetoric or this has been encapsulated in legislation and will bind this government, theoretically, but certainly whichever elected government the people of Western Australia choose into the future, and that is a danger. We are told —

A long-term strategy is not only something business and industry have called for, —

That is fair enough —

but also something they have demanded.

Okay; if business and industry want it, the McGowan government is going to deliver what they want. Never mind about any other consideration: "They want it; therefore, we are going to make sure that everyone else, no matter which government there is in the future, is going to do what business and industry want."

Then we get to the second problem—the appointment of the board. We had an announcement—it is a precursor to how irrelevant Parliament is, folks, in case you were wondering—on 21 May this year headed “Experts sought for Infrastructure WA board positions”. It states —

The McGowan Government is calling for expressions of interest to join the Infrastructure WA board, to provide independent advice to Government on the State’s long-term, job-creating infrastructure priorities.

We are already into hiring mode. What we have not been told is what the terms and conditions of these appointments will be, but I can imagine the attraction for someone in the business community of a position on a board that decides five-year programs, 10-year plans and strategic plans that cover 20 years. I am not suggesting for a moment that whoever would get on this board would be corrupt per se, but I can see the potential for it. I suppose this government regrets only that some of the great luminaries of the past in its heyday of the Burke government, such as Laurie Connell, Alan Bond, Robert Holmes à Court, Dallas Dempster and Kevin Parry, are not around to provide their expert advice on how the state and its people ought to invest money in infrastructure for the next 20 years in order to assist and to provide what business and industry have called for and demanded—a say in how this state is developed. Of course, when they go into these meetings, they will declare an interest, and when they leave, knowing that they have presented a plan that requires a road between here and somewhere on the Nullarbor and that there will be a great investment opportunity for those that provide bitumen and all the rest that is needed for that exercise, it will be totally irrelevant to them that they or those who are involved in it might profit from it. This is not the Infrastructure Western Australia Bill 2019; this is the WA Inc bill in a different form. I can imagine the eagerness of people wanting to get on this board.

As for the public servants, public servants once were apolitical, but we have seen a transition in the past two years to hiring public servants to provide services and also to getting rid of an awful lot of public servants with corporate knowledge because they are not fellow travellers with this government. We will potentially have public servants who are political animals. Once again, it must be a great sadness for this government that it does not have Tony Lloyd around or a Kevin Edwards or a Len Brush to fill the positions on Infrastructure Western Australia to assist the captains of industry to determine what this government is not prepared to do, which is to plan into the future and announce its plans. There is nothing wrong with an organisation that provides advice, suggestions and direction, and assesses and costs projects independently and the like. But there is a problem with setting an agenda, almost a generation into the future, as to how governments ought to invest in their state. Governments are elected by the people not to serve the interests of industry and business, but to provide for the needs of the time and into the future as a government assesses. The purpose of this bill is to lock the dead hand of the McGowan Labor government and the Australian Labor Party onto deciding into the future how this state is to be developed. I can tell members that the moment a future opposition says that it thinks that the people need, say, a stadium, it will be hailed down: “That’s not part of Infrastructure WA’s plans—ridiculous; can’t do that.” But when it comes to a “Perth Arena” or some other pet project: “Yes, that’ll be a good idea”, and Labor will do it if it thinks it will win a vote, and it will do it from government.

We now get to the board. The board will comprise up to 10 members combining the expertise of both the public and private sectors. Why can that not be done without the formal structure of a board? Is the government so bereft of ability to coordinate its operations and to decide what the needs may be that it has to hire people from outside government to sit on a board and make these decisions? What are the conditions and the remuneration for these public servants and these captains of industry with expertise who are going to be on the board? In a bipartisan manner, are the members of this place going to have the opportunity to vet those people and to give their opinions, since it is going to bind the next Liberal government? Are we going to have a say on whether X or Y, whom Mr Langoulant recommends as being worthy of being on this board or given a position, should be on this board? Are we going to have a say on who the public servants are going to be? That would be bipartisan. Perhaps the minister will be able to help us in due course as to whether the government is going to go that far. I would be interested to know what the remuneration and conditions will be. Back in the WA Inc days, one John Horgan was, I think, the chair of the Western Australian Development Corporation—a wonderful vehicle for corruption under the Labor government and Premier Burke, the mentor of our current Premier. John Horgan was being paid \$800 000 a year—a lot of money even now! That is more than the salary of our ex-Chief Justice, who is working one day a week and getting half a million dollars not to do legal work, and more than the former Chief Justice’s salary or the salary of the Chief Justice now. But back then in the 1980s, this millionaire was being paid \$800 000 a year to sit on the board of WADC. What is the equivalent now? Are we looking at something like that for these businesspeople who are going to sit on this board and decide the fate of the state of Western Australia 20 years into the future? I think we are entitled to know in a bipartisan way and in the spirit of bipartisanship. Will we be told? I look forward to it, because I am not sure what the criteria are. All that is being sought are expressions of interest.

Part of Infrastructure WA’s remit will be to ensure maximum value from every dollar spent by government agencies on major proposals. I will be interested to know how it will do that. I thought its remit would be to look

into the future and provide a plan rather than audit what the government is doing. That is the Auditor General's job and the job of government departments and their ministers. Will ministers have anything to do once this body is set up or will they just draw their salary and car allowance, and a little bit extra for their car allowance, and leave it to someone else to do all the thinking?

Hon Tjorn Sibma: They'll be there to cut the ribbons.

Hon MICHAEL MISCHIN: Of course, that is the important bit! They will put their name on the plaque and take credit for it, similar to what happened with Optus Stadium.

I would like to know the job criteria and descriptions for these people, how much they will be remunerated, their other terms and conditions, what benefits they will gain and how this government plans to ensure that the knowledge they gain will not be used for personal benefit or for the benefit of others in their industry at the expense of Western Australians and in a way that distorts the development of this state into the future and how governments provide for the state's needs. I predict a scandal in due course. Hon Simon O'Brien was right when he suggested that it will turn into a disaster and that it will not work in the way the government plans for it to work. It will be quite happy to pursue it for as long as it can, but, ultimately, it will abandon it when it does not suit it or a responsible government, in due course, faced with the scandal of its operation and the bureaucracy around it, dismantles it, as was done with the Office of Shared Services.

As has been indicated, we will support the legislation. The government will have to wear this. The government will have to wear any scandal, such as the WA Inc scandal, and scandal and suspicion there will be. It may not happen immediately but the platitudes expressed in the second reading speech of bipartisanship, long-term planning and a more efficient use of resources will come secondary to the interests of expediency and the benefit of certain groups in the community. It will turn into a disaster, and an expensive one at that. The only good thing that will come of it is that people will throw out Labor and keep it out of government for as long as they did when they threw out the Burke government. Certain ministers will be brought back during an inquiry to explain their part in the scandal—an inquiry at least the equivalent of the Langoulant inquiry—to expose how this thing worked. One of the important things is the degree of oversight of this body, which will wield an enormous amount of power for not only this government, but also, when it leaves office, future governments elected by the people of Western Australia. On that note, I look forward to a more detailed examination of the legislation to determine how it will operate and expose some of its problems.

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.43 pm] — in reply: I thank members for their support for and contributions to the debate on the Infrastructure Western Australia Bill 2019. I will do my best in this reply to respond to the issues raised, and for those to which I am not able to provide a response, we will discuss them in the Committee of the Whole stage. Individual members raised specific issues but there were a number of consistent and similar themes, and that is how I will provide the house with a reply.

The bill refers to major infrastructure proposals that might be nominated by the Premier. One question related to what sorts of proposals might be considered. The Premier may nominate any infrastructure proposal of a state agency, a single project or a program of multiple projects for assessment by Infrastructure WA. This includes major infrastructure proposals with a capital cost of less than the \$100 million threshold but may be one the Premier wishes to be assessed by Infrastructure WA or major infrastructure proposals that are considered high risk.

There was also a question about what other sorts of projects and classes of infrastructure are intended to be prescribed under clause 3(c) of the bill. This will be considered at the time that Infrastructure WA regulations are drafted, and of course any regulation becomes a disallowable instrument.

On clause 8, Hon Alison Xamon asked for specific confirmation about whether it is within the scope of IWA to identify the nature of the training and the workforce needed for that infrastructure to be built, and to recommend where and when new schools, or upgrades to existing schools, are needed. That issue was also raised by Hon Peter Collier. Those examples are within the scope of Infrastructure WA's functions listed under clause 8—that is, major infrastructure proposals captured by the \$100 million tag or referred for assessment by the Premier.

I will refer specifically to schools as an example. The bill's definition of "major infrastructure proposal" is single projects or programs of multiple projects with an estimated capital cost of \$100 million or more that will be assessed by IWA before the final investment decision can be made, or a different dollar value or other criteria that is set by regulations. For example, think about a primary school costing \$20 million and a secondary school costing upwards of \$60 million. If primary schools are packaged together or there is a request from the Premier that they be assessed, they may be assessed. If they are packaged together to get to \$100 million, they may well be assessed. A secondary school is more likely to be captured by the \$100 million price tag. It is possible for those schools to be captured.

A couple of comments were made about politicking relating to decisions about schools. I hate to bust the myth, but it is primarily driven by projected demographics —

Hon Michael Mischin: Not like City Beach!

Hon SUE ELLERY: This is the building of new schools.

Hon Michael Mischin: You abandoned that one and you are building a Perth college.

Hon SUE ELLERY: The honourable member asked me not to interject on him.

Hon Michael Mischin: It did not stop you.

Hon SUE ELLERY: And I did stop, after I was requested by the Acting President.

Hon Michael Mischin: I haven't been requested yet.

Hon SUE ELLERY: Take a big, deep breath, honourable member.

The ACTING PRESIDENT: Members!

Hon Michael Mischin: Is Hawkey college going to become part of this?

Hon SUE ELLERY: Take a big breath.

The ACTING PRESIDENT: Order! The Leader of the House has the call.

Hon SUE ELLERY: I was responding to the issue about schools. The driver for building schools is primarily projections of demographics and developments. It is possible, depending on whether primary schools are bundled, that they might be captured by this or the Premier might refer them for assessment. It is more likely that secondary schools will be captured by this because they come with a higher price tag.

Hon Alison Xamon also asked for confirmation that the intention behind clause 8(1)(l) is that if an infrastructure project is going off the rails, IWA might be asked to audit the project and provide advice and recommendations with a view to correcting it. I can confirm that this provides an example of a situation in which clause 8(1)(l) may be applied. Clause 8(1)(l) provides an intentionally broad power to account for instances in which Infrastructure WA is tasked with performing additional functions. This may include project assurance and reporting, provision of advice to non-state government entities, or any other function related to infrastructure. Hon Alison Xamon also asked for confirmation that clause 8(1)(l) will not empower IWA to deliver projects or take over projects. I can confirm that this is not about IWA taking over the delivery of projects. Agencies are already well placed to deliver infrastructure projects. This function provides the ability for Infrastructure WA to step in when requested—for example, to advise on governance arrangements for a major infrastructure project that may not be progressing smoothly. It does not go to the actual delivery of projects.

Hon Alison Xamon also asked for confirmation that the term “environmental forecasts” in clause 8(2)(a)(i) will include, for example, climate change and greenhouse gas emissions forecasts. I can confirm that this may include, but is not limited to, forecasts such as those referred to by the honourable member. The honourable member asked whether the term “environmental value” in clause 8(2)(b) will include negative environmental value—in other words, environmental costs. I can confirm that this relates to both positive and negative value—that is, both costs and benefits.

Hon Alison Xamon also asked for confirmation that in relation to clauses 13 and 15, both the draft state infrastructure strategy and the Premier's written feedback will be accessible by freedom of information laws. I can confirm that the operation of the Freedom of Information Act 1992 will not be altered by this bill. Applications under freedom of information will operate as normal. Under clause 13(4) of the bill, Infrastructure WA is required to make the draft state infrastructure strategy publicly available. The honourable member also asked for confirmation on the record that the intended meaning of clause 23 is that the usual state and commonwealth government approvals processes, and the triggers for those processes, will continue to apply. I can confirm that the existing commonwealth and state government approvals processes—for example, requirements for environmental or planning approvals—will continue to apply as normal. Clause 23(3) will operate only if the inconsistency or conflict arises from the act under which a particular body is established or continued. It will not override inconsistent legal obligations arising from another act, such as the requirement for environmental approval under the Environmental Protection Act 1986. Hon Alison Xamon also asked for confirmation that clause 23 will not override the EPA's statutory functions. I can confirm that clause 23 will not override the EPA's statutory functions. Again, clause 23(3) will operate only if the inconsistency or conflict arises from the act under which a particular body is established or continued—in other words, an act other than the EPA act, because section 5 of the EPA act is the provision that establishes the overriding head of power. Hon Alison Xamon also asked for confirmation that section 5 of the Environmental Protection Act 1986 will prevail over clause 23. I can confirm that section 5 of the Environmental Protection Act 1986 will prevail over clause 23 of the bill. She also asked for confirmation that clause 23 will not compel state agency proponents to implement strategic proposals that are or must be referred to the EPA or in relation to which the EPA has issued a notice of intended assessment, because this will put the state agency in contravention of the Environmental Protection Act 1986. I can confirm that clause 23 does not compel state agency proponents to implement strategic proposals that are or must be referred to the Environmental Protection Authority.

Hon Alison Xamon also asked for confirmation that the content of the state infrastructure strategy, the government response and the state infrastructure program to which state agencies must align and which they must implement

may be broad enough to leave room for state agencies' usual strategies, plans and policies to continue to operate in relation to the detail. The state infrastructure strategy is a high-level document setting out priorities and recommendations for significant projects or programs or other recommendations to meet the state's infrastructure needs. It is not expected that the strategy's recommendations would address detailed elements—for example, detailed implementation matters of a major infrastructure project such as the exact alignment of a road or railway. IWA strategy is advice to government; it is not binding on government. In its response to the strategy, the government is required to respond to each of the strategy's recommendations. State agencies are obligated to align their strategies, plans and policies with, and implement the relevant recommendations in, the strategy to the extent that they are supported by the government, as well as the relevant aspects of the state infrastructure program. Given the likely high-level nature of the strategy recommendations or the state infrastructure program, the strategies, plans and policies of state agencies that deal with detailed matters would therefore be unlikely to be impacted.

The honourable member also asked about a number of specific policies and existing documents that are applied across a range of agencies. With respect to clause 23, she asked about the impact on nature conservation strategies, management plans that apply to reserves, regional blueprints of the regional development commissions, state planning policies like policy 2.8, the bushland policy for the Perth metropolitan region, or the policies about protecting groundwater and public drinking water sources, the rural planning ones, the ones about planning in bushfire-prone areas or the ones about road and rail noise, and about the Western Australian Planning Commission's regional and subregional strategies. Clause 23 is not intended to affect those identified policies and strategies. Clause 23(3) operates only when, as I said before, the inconsistency or conflict arises from the act under which a particular body is established or continued. It does not override inconsistent legal obligations arising under another act. Therefore, nature conservation strategies, reserve management plans, regional blueprints, state planning policies and regional and subregional strategies would continue to operate unaltered. In addition, clause 8(2) of the bill requires IWA to consider a range of matters when undertaking its functions, including relevant government strategies, plans, priorities, environmental policies, environmental forecasts and environmental values. IWA is an advisory body. It is at the discretion of the government of the day as to whether it will agree with IWA's recommendations.

Hon Alison Xamon asked another specific clause-related question, this time relating to clause 44. She sought confirmation that, as stated in the explanatory memorandum, and in the absence of any relevant regulation, "material personal interest" includes non-financial interests, not only financial interests. I can confirm that financial interests are a subset of material personal interests.

A question was also asked about whether meeting minutes would be accessible via freedom of information laws. I can confirm that the operation of the Freedom of Information Act is not altered by this bill. Applications under freedom of information will operate as normal. There was also a question about whether any resolution by the board pursuant to clauses 46 or 53 or any approval pursuant to clause 55 would be minuted and accessible via freedom of information laws. I can confirm that clause 42 of the bill requires the board to keep minutes of its proceedings. Where these matters are being considered at a meeting, the resolution, authorisation or approval would, therefore, be recorded in the minutes. Yes, I can confirm that the operation of the Freedom of Information Act 1992 is not altered by this bill. Applications under freedom of information will operate as normal.

The honourable member also asked for confirmation for the record that clause 65(1)(c) authorises the use or disclosure of information in all these circumstances—responding to a freedom of information application; providing information to Parliament, including to the Standing Committee on Estimates and Financial Operations and the Standing Committee on Procedure and Privileges; and providing information to the Auditor General under section 82 of the Financial Management Act 2006. Yes, I can confirm that clause 65(1)(c) clarifies the intent that the operation of other laws is not affected, including the Financial Management Act 2006, Freedom of Information Act 1992, Parliamentary Papers Act 1891 or Parliamentary Privileges Act 1891, and simply means that the information otherwise protected under this act may be authorised to be disclosed under another law. Clause 61 of the bill states that the Financial Management Act 2006 and the Auditor General Act 2006 will apply to Infrastructure WA and its operations.

[Leave granted for the member's speech to be continued at a later sitting.]

Debate adjourned, on motion by **Hon Pierre Yang**.