

WA Government State Development Bill 2025

This week, The Hon Roger Cook MLA, Premier of Western Australia announced the introduction of the *State Development Bill 2025*, new legislation overhauling the state's development framework, designed to streamline approvals for strategically significant precincts and projects, particularly for clean energy and defence opportunities.

Framed through the lens of economic diversification, the legislation draws on a long history of State Agreements in Western Australia. First used in 1952 to underpin development of the BP refinery in Kwinana, that agreement became the catalyst for significant industrial growth in the area.

State Agreements have been used extensively in iron ore, alumina, forestry, and solar salt projects over the last 70 years, and the mechanism is relatively simple. First, a set of pre-development terms and conditions are agreed to by proponents and the WA Government. They are then ratified by passing associated Acts of Parliament and implemented through a centralised government department.

This process has given certainty to both government and investors, but the inherent complexity of managing a project through legislation, as well as the changing nature of smaller, more diverse projects we see today, has meant that no new State Agreements have been enacted since 2017.

Targeting opportunities in decarbonisation, critical minerals and defence industries, the *State Development Bill* looks to increase the certainty of approval timeframes to assist WA in harnessing investment and maintaining global competitiveness, a key focus of Premier Cook since he has taken up the role.

The bill will allow for the Premier to declare State Development Areas and Priority Projects, which will be supported by the Coordinator General, Chris Clark, who previously served as Director-General of Infrastructure, Economy and the Environment Department. The Coordinator General's role has new delegated statutory powers and will coordinate across agencies to assist in facilitating regulatory processes, with new

tools like joint decision orders, timeframe notices, information notices, due regard notices and modification orders. These new powers will be applied to the state's most significant precincts and opportunities, with the Department of Energy and Economic Diversification continuing to be the lead agency for all other projects.

Despite initial concerns raised by the Greens and environmental groups around potential shortcutting of environmental and cultural heritage processes, the WA Government maintains that there will be no changes to the independence of the EPA and existing Aboriginal heritage protections, with the proposed Bill largely excluding the *Aboriginal Heritage Act 1972* from its powers, and facilitating, not bypassing, environmental assessment pathways.

It is very unlikely that the Liberal or National parties, seeking a return to mainstream relevance in Western Australia, would seek to oppose this legislation as it passes through both houses of State Parliament.

The reforms outlined in the proposed Bill are a key response to discussions at the Western Australian Trade and Economic Resilience Roundtable hosted by Premier Cook in May of this year. At this meeting, there were clear messages delivered by industry around the need for upgrades to energy infrastructure, reforms to the current planning and environmental approvals process, and the identification and refinement of common-use infrastructure for projects.

As the Cook Government gears up into its new term, there appears to be plenty of appetite for economic reform, with the recent commitment to establish a WA Productivity Commission, as well as ongoing planning and environmental approval reforms, and reforms to general approvals, which will be progressed in 2026.

The Federal Government held a similar discussion in August, with the recommendations coming from the Economic Reform Roundtable, similarly focusing on improving regulation, speeding up approvals in national priority areas, and attracting capital and deploying investment.

If these reforms pass through Parliament and are implemented, the transitional period will likely include some short-term hurdles, however if the *State Development Bill* lives up to its promise, then investment confidence may rise through the medium to long term.