APPROVALS AND RELATED REFORMS (NO. 3) (CROWN LAND) BILL 2009

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Wendy Duncan (Parliamentary Secretary)**, read a first time.

Second Reading

HON WENDY DUNCAN (Mining and Pastoral — Parliamentary Secretary) [10.19 pm]: I move —

> That the bill be now read a second time.

The Approvals and Related Reforms (No. 3) (Crown Land) Bill 2009 will provide efficiencies in the processes for giving notices, applying for approvals and doing various other things under a number of acts that relate to the use and development of, or dealings with, crown land and freehold land held in the name of the state. Western Australia is on the cusp of another period of significant economic activity and growth. The Liberal–National government is committed to ensuring that this is a sustained period of economic development over at least the next 20 years.

It has been clear for some time that the approvals system in Western Australia is in need of reform, as it has become fragmented, which has led to uncertainty, inconsistency and delays in development approvals. The importance of resource development in Western Australia cannot be understated. It is the cornerstone of the Western Australian economy. We have begun to address these issues through the establishment of a high-level task force that is reviewing the approvals system. By reviewing and streamlining approvals, the government is ensuring that resource development in WA occurs in a more efficient and sustainable manner. Our approach is to implement a system that ensures timeliness and certainty, and meets proper environmental, heritage and other legislative requirements. The Liberal–National government pledged to strengthen and streamline the approvals system, and we are delivering on that pledge. The amendments within this bill have four principal objectives.

Authorisation to act in relation to crown land or freehold land in the name of the state: The first objective of the bill is to allow officers of the Department of Regional Development and Lands, and in some cases other persons, to be authorised to act on behalf of the Minister for Lands in relation to applications or certain other actions relating to crown land or freehold land held in the name of the state, arising under acts other than the Land Administration Act 1997. There is currently no power to formally delegate or authorise functions of the Minister for Lands arising under acts, other than under the Land Administration Act 1997. To date, departmental staff have been operating under "alter ego" principles, which allow officers to act on behalf of the minister in routine matters. Formal powers of authorisation or delegation would remove doubts about the right of departmental officers to act on the Minister for Lands' behalf, and to what extent they may do so. In some cases, there may not even be any good administrative or legal reason for the relevant departmental officer to do these things on behalf of the Minister for Lands, such as applying for development approvals. In these cases, it would be most efficient to allow another person, such as a lessee or management body, to make the application without any undue risk to the state's assets or position.

Accordingly, the bill includes a specific authorisation power in each relevant act, with an appropriate limitation as to whom the authorisation can be given, depending on the nature of the power or powers to be exercised. The affected acts are the Aboriginal Heritage Act 1972, Environmental Protection Act 1986, Mining Act 1978, Petroleum Pipelines Act 1969, Planning and Development Act 2005, Transfer of Land Act 1893, and War Service Land Settlement Scheme Act 1954.

Usual provisions relating to legal protection for things done, or not done, in good faith in the performance of statutory functions have also been amended to extend the protection to persons acting under any such authority or delegation. A similar amendment to the Aboriginal Affairs Planning Authority Act 1972 allowing delegation of certain functions of the Aboriginal Lands Trust is included to improve operational efficiencies under that act.

Authorisation to act on behalf of the minister of relevant mining or petroleum act: The second objective of the bill is to enable officers of the Department of Mines and Petroleum to approve the simultaneous existence of licences and profits a prendre granted under section 91 of the Land Administration Act 1997 with mining or petroleum rights over the same area of land. Currently, section 91 of the Land Administration Act 1997 requires agreement to be reached between the Minister for Lands and the minister responsible for the relevant mining or petroleum act.

Under the bill, approval will now be able to be given by a person authorised by the minister of the relevant mining or petroleum act to do so, instead of the relevant minister personally. This will expedite the issue of such licences, which are commonly used in site and other preparatory investigations and geotechnical studies for proposed development projects.

Disclosure of personal details of crown land interest holders: The third objective of the bill is to allow the release of the name and contact details of crown land interest holders, including pastoral and other lessees, where there are good public policy reasons for doing so. The amendment is needed to provide legal certainty that the release of this information does not breach privacy or other confidentiality principles or laws.

The contact details held by the Department of Regional Development and Lands are often the most recent and up-to-date source. This information is often required by commonwealth, state and local government agencies and public utility providers for their normal business, such as for rating and planning purposes, provision of public utility and emergency services, national security and biosecurity, pastoral inspections, lease rent reviews and the like. In addition, the information is also required by mining tenement holders and applicants and others so that they can comply with their obligations under the Mining Act 1978, which requires them to give various notices to crown land interest holders of rights they may have under that act, including a right to claim compensation.

Accordingly, the bill will allow the release of this personal information to a range of specified authorities for these purposes, and in any other cases prescribed in the regulations. Consideration is being given to whether, and, if so, on what conditions, such information may be provided to tourists and other persons travelling in remote pastoral areas for safety reasons.

Improve power to grant petroleum pipeline easements: The fourth objective of the bill is to improve the efficiency with which petroleum pipeline easements can be granted under the Petroleum Pipelines Act 1969. Currently, easements for petroleum pipelines over unallocated crown land are granted by the Governor in Executive Council, and over managed crown land by the relevant body that has the care, control and management of the relevant land.

The bill will allow the Minister for Lands, or an authorised departmental officer, to grant petroleum pipeline easements over any crown land, instead of the Governor and any management body. It will mean that only one such easement, on one set of terms and conditions, needs to be granted to a pipeline operator over the whole length of the pipeline that is on crown land, rather than a number of easements being granted by various management bodies over the different parts of crown land managed by each of them, and possibly on different terms and conditions.

I commend the bill to the house.

Debate adjourned, pursuant to standing orders.