

SWAN AND CANNING RIVERS MANAGEMENT BILL 2005

Committee

The Chairman of Committees (Hon George Cash) in the Chair; Hon Ljiljanna Ravlich (Minister for Education and Training) in charge of the bill.

Clause 1: Short title -

Hon PAUL LLEWELLYN: This is a very elaborate and in a sense complex piece of legislation. It attempts to do quite a lot to bring together the management efforts of community groups, private property owners, regulators, government departments and so on. Although we have had excellent briefings on the bill, I give notice that I would like to look at some matters and flesh out some issues. After all, we spend hours debating eggs and other things in this place, and I think this bill deserves to be well paced and discussed so that all the issues are raised. We should give it seriously due regard.

This bill has a long history of institutional development, and I need to get some more insight into how we got to this point. I need a little of the history of the legislative and institutional processes that it went through. We need to do that so that we have a good understanding as we go through the committee stage of how we got here. This bill attempts to do a lot of integration, and it is an adaptive management type of experiment for river catchment management. This is an adaptive management experiment on a much larger scale than we have ever seen in Western Australia, in which we will set targets, aspirations and outcomes and then we will test how we are going and adjust the management in a way that refocuses us, so that over time the legislation will evolve into something that Western Australia can be seriously proud of. In that regard, in a small way we would be emulating some of the more enlightened integrated catchment management and bioregional management systems from other countries and develop that even further as a model for Australia.

The CHAIRMAN: Order! Clause 1, the clause we are dealing with at the moment, gives members an opportunity to signal the clauses to which they may wish to speak during the committee stage. It is certainly not a second reading debate.

Hon PAUL LLEWELLYN: Absolutely. I am signalling a series of -

The CHAIRMAN: If the member would be good enough to be more specific about the particular clauses with which he wants to deal, we will be able to move forward. The short title is not an opportunity to run through the things the member forgot to raise or may have raised during the second reading stage.

Hon PAUL LLEWELLYN: Yes, we have gone well beyond that.

The CHAIRMAN: The member is quite right. Therefore, I will leave him to tell me what he wants to deal with so that we can move forward.

Hon PAUL LLEWELLYN: Okay. I have noted that I will deal with the objectives and principles in clause 5.

The CHAIRMAN: I will call those clauses. We are dealing with clause 1. The member will call the clauses when I indicate. For instance, I am about to move to clause 2 and I will ask if the member wants to speak to clause 2. If he does not want to speak to clause 2, he should call the clause that he wants to speak to, and that is the clause at which the committee will stop.

Hon PAUL LLEWELLYN: Absolutely. To set the scene, Mr Chairman, as I said, in this chamber we can spend hours debating infrastructure laws and other matters that are somewhat trivial. This bill is a very significant bill for the management of the most important river systems in the south west. Mr Chairman, are you asking me to nominate clauses?

The CHAIRMAN: The first clause I am stopping at is clause 3. Does the member wish to speak to clause 2?

Hon PAUL LLEWELLYN: Absolutely not.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Terms used in this Act -

Hon LJILJANNA RAVLICH: Mr Chairman, I have a number of amendments to clause 3. I move -

Page 3, lines 26 and 27 - To delete "*Town Planning and Development Act 1928*" and insert instead -
Planning and Development Act 2005

Page 3, line 33 - To delete "*Metropolitan Scheme Act*" and insert instead -
Planning and Development Act 2005

Page 4, lines 1 and 2 - To delete the lines.

Page 4, line 4 - To delete “Metropolitan Scheme Act” and insert instead -

Planning and Development Act 2005

Page 6, lines 10 and 11 - To delete “*Western Australian Planning Commission Act 1985* section 4” and insert instead -

Planning and Development Act 2005 section 7

I have moved these amendments because the Planning and Development Act 2005 was proclaimed on 9 April 2006, and a number of provisions in this bill relate to planning legislation that is replaced by that act. The bill needs to be amended to ensure accuracy of reference. The clause gives the definition of terms used in the bill. These terms are generally consistent with the same definitions in other legislation.

Amendments put and passed.

Clause, as amended, put and passed.

Clause 4 put and passed.

Clause 5: Objectives and principles -

Hon PAUL LLEWELLYN: I would like some clarification on the source of the principles outlined in the table on page 7, to get some sense of how they will be reported on and measured, given that these are the principles that will be used to guide the legislation. I also have a more general question about who will ensure that environmental flows, for example, are guaranteed.

Hon LJILJANNA RAVLICH: In answering this question, I will go back to the earlier question about how we got to this point, because it might help us. The member will be aware that the sustainability principle and the precautionary principle are derived from Environmental Protection Authority principles. They have been around for a while.

Hon Paul Llewellyn: I am interested in where they have been lifted from.

Hon LJILJANNA RAVLICH: We can try to get that information for the member. There has been extensive consultation with stakeholders and agencies since 2004. I am sure that these definitions would have arisen during that consultation process. In fact, so extensive was the consultation that 122 stakeholder groups were consulted and workshops were held with agencies and local government authorities, with people from the recreation industry, with people who were not in the industry but who used the amenities for recreational purposes and with other interest groups. Consultation also took place with an additional 90 organisations. Public comment was called for in 2004. All the submissions were reviewed prior to the bill being introduced into the Legislative Assembly in 2005. The principles set out in the table are statements of policy and not from any specific act.

Hon PAUL LLEWELLYN: An exhaustive process has been undertaken to arrive at some consensus of what the principles mean. Would the Department for Planning and Infrastructure have been involved in developing it and contributing to it?

Hon LJILJANNA RAVLICH: The member is correct. The Department for Planning and Infrastructure was one of the 90 organisations or stakeholder groups that were involved. The department was also represented on an interdepartmental committee, so the department has been part of the ongoing consultation process and has had probably more opportunity for direct input than perhaps other stakeholder groups or organisations.

Hon PAUL LLEWELLYN: I am dealing with the objectives and principles of the Swan and Canning Rivers Management Bill and the sustainability principles outlined in the first part of the table set out in clause 5. The minister is telling me that the Department for Planning and Infrastructure was intimately involved in the creation, negotiation and laying down of these extraordinarily important principles. If that is the case, why is it that in other bills that have come before this Parliament the Department for Planning and Infrastructure showed absolutely no knowledge of how to define sustainability? If the department has been involved in this extensive and exhaustive process, I presume it must have forgotten the definition of sustainability. Will the minister explain how that could have happened?

Hon LJILJANNA RAVLICH: I cannot provide information on what did or did not happen with other acts. The member is asking me a broad-based question of how a definition of sustainability is included in this legislation when it has perhaps not been included in other legislation. In my representative capacity I am not exactly sure what other acts the member might be referring to in which it may have been omitted. Unless I know what they are, it is very difficult to provide a technically accurate answer. We could go around in circles on this

Hon Paul Llewellyn; Chairman; Hon Ljiljanna Ravlich; Hon Murray Criddle; Hon Bruce Donaldson; Hon Norman Moore; Hon Nigel Hallett

matter. I am happy to take it on notice and provide that information to the member because it is of a fairly specific nature as it relates to other legislation.

The CHAIRMAN: I make the point that we are dealing with the bill that is before us.

Hon PAUL LLEWELLYN: The Department for Planning and Infrastructure is setting out sustainability principles that will be used across agencies so that there is some common language and understanding of the principles we are using. To put it into a statute like this is a watershed for Western Australia. I want it to be clearly noted that finally in a bill in the state of Western Australia somebody has gone about negotiating a very broad consensus community view of what sustainability principles mean, and they have had the intestinal fortitude to put it into a statute. There should be no reason why people who participated in the process of developing this consensus statement should not know about it. We should expect to see these types of principles embedded in each piece of Western Australian legislation given that the government claims in its sustainability principles and in the short title that it is committed to sustainability.

Hon MURRAY CRIDDLE: This is an interesting inclusion. We have had many debates in this chamber about the meaning of words. We will again get into that situation. The fourth principle “Biodiversity and ecological integrity” on page 8 states -

Biodiversity and ecological integrity should be maintained or enhanced as part of the irreplaceable life support systems upon which the earth depends.

I have no idea how on earth we will get anywhere near policing that. I understand where Hon Paul Llewellyn is coming from, but if we are to put that type of statement into a bill, I wonder how it will be policed. I remember having a similar discussion about trying to define whether a 16-year-old had purchased cigarettes. I do not think it can be done. We are passing bills that are very difficult to police or even to be used as guidelines. It is hard to work out where the guideline starts and finishes. The debate on the definition of a “clearing ban” that we had in this chamber month on end has not been resolved to a satisfactory conclusion. That is reflected by these types of clauses being included in bills. I do not know what it will mean in the end. Different people will have different ideas about the definition of the words written in front of them.

Hon BRUCE DONALDSON: The fifth principle, “shared responsibility”, on page 5 of the bill states -

Protection of the environment is a responsibility shared by Government, industry, business, the community and the people of the State.

They are good sentiments that have been mentioned many times. However, the poor landowner foots the bill for looking after the environment and heritage. It is a shared responsibility. I could not have put it better myself. The trouble is that there is no dollar amount attached to that shared responsibility. The government walks away and usually leaves it up to the landowner to pick up the cost. The deposited plans are a real concern for the catchment areas because there is a very interesting clause later in the bill. However, there is no mention of the so-called “shared responsibility” with a dollar amount attached. As a matter of fact, it is the other way around; the landowner must put up a bond. That is very much like the mining industry, where a mining company must put up a bond to ensure it rehabilitates a mine site. No doubt as we go through the bill the minister will be able to indicate to us where the appeal provisions are in this bill. Part 2(1) of the table of principles is headed “Precautionary principle” and states -

- (1) Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
- (2) In the application of the precautionary principle, decision-making should be guided by -
 - (a) a careful evaluation to avoid serious or irreversible damage to the environment wherever possible; and
 - (b) an assessment of the risk-weighted consequences of the options.

Who will make these subjective assessments? People may say that there will be a serious environmental risk, but they may not provide any scientific evidence of it. What we are saying is correct. I have seen an officer go onto a farm in Geraldton and say that there was a rare and endangered plant on the farm. It almost broke the farmer. Then they found that there were thousands of those little flowers everywhere; in fact, people were trampling on them all over the place. However, in the meantime, that farmer almost went bankrupt. Hon Murray Criddle mentioned part 4 of the table, which refers to the irreplaceable life support systems upon which the earth depends. The people who have been slowly eroding the rights of farmers are obviously living on another planet. That might work very well on another planet!

Hon Paul Llewellyn; Chairman; Hon Ljiljanna Ravlich; Hon Murray Criddle; Hon Bruce Donaldson; Hon Norman Moore; Hon Nigel Hallett

Hon Norman Moore: Perhaps people are not included in that definition.

Hon BRUCE DONALDSON: I do not know whether people are included. It concerns me greatly that no reference is made to providing compensation to people who may be affected. I am very nervous, as are a lot of other people, that the owners of land in a catchment area hundreds of kilometres from the Swan and Canning Rivers could one day be prevented from carrying out their normal agricultural practices, with no avenue for compensation, just because some streams in the area flow into those rivers. We can forget all this good motherhood stuff about shared responsibility. There is no shared responsibility at all. The responsibility falls on the owners of land. People who dream up some of these you-beaut ideas can put a dollar figure on things because it will not cost them one cent. The shared responsibility is usually thrust upon one group of people. The state government does not want to put its hands in its pockets, and neither does anybody else. I probably will not get an answer to my question, but there is no provision in the bill for compensation. The bureaucrats can make decisions and governments can bring forward legislation, but if the minister told the bureaucrats that some of that compensation would come from their budgets, the number of you-beaut ideas that are thrust on society as a whole would be halved overnight.

Hon LJILJANNA RAVLICH: I thank members for their contributions to the clause. Clause 5 clearly outlines the objectives and principles of the legislation. There are five clear objectives of the legislation, which I will not go through. Clause 5(2) clearly states -

In pursuing the objectives of this Act regard should be had to the following principles -

The principles are a guide for decision making; they are not to form the basis of a legal challenge. Clause 6(10) clearly states -

The performance of a function by the Trust or a Schedule 5 authority cannot be appealed against, reviewed, quashed, challenged, or called in question, before or by any person acting judicially or a court or tribunal on any account or by any means on the ground that the performance of the function does not comply with subsection (1) or (2).

Quite clearly, the principles are not intended to inadvertently be used as the basis for a legal challenge. However, I understand that there are appeal provisions. It may not relate specifically to this but an appeal provision within the act can be found at clause 20.

Hon PAUL LLEWELLYN: I actually asked how these principles will be reported and measured. I did not want to throw up an open-ended debate. I would like some clarification on what is meant by adaptive management and why it is important that we attempt to put some tangible values to some of these criteria. Hon Murray Criddle asked how we will detect irreplaceable life support systems -

Hon Murray Criddle: I want to know what it means.

Hon PAUL LLEWELLYN: That is okay. To some extent, the reason we have a complex regional management bill aiming to repair and manage a natural asset - that is, the river system - is because of those tangible assets, those irreplaceable life support systems that give the river life and support life, such as prawns. An article in *The West Australian* today said that prawns are no longer found in high density areas because their life support systems have been eroded. We can measure the health of the river by the number of prawns per square inch. That was the question I asked.

I see that these acts will evolve into something more sophisticated. Similarly, we can issue biodiversity credits for people who protect their land, which in turn protects the river. We can issue a biodiversity credit or a river protection credit to a person who does the right thing. The people who are not doing the right thing will need to be penalised. Members should think about that. If people are not doing anything wrong, they have nothing to worry about. I heard that a lot. This is a matter of finding checks and balances to put sustainability principles in place. I did not make this comment in order to make a political point about the planning and development bill, although that was made, or to say how remiss it was of Hon Adele Farina to say that she knew nothing of sustainability principles and how the minister and the government could not have accepted sustainability principles anywhere else. I am merely saying, as a resource economist, that we can measure the health of the river. If we want to measure it by prawns per square inch or square metre, that is a biometric measurement. We can measure it by the dollar value of prawns per square metre. We have not done that yet because we have not become sophisticated about the management of our natural capital. I was talking about that earlier. We have not become sophisticated about the internalisation and the quantification of natural capital. Because we have not put any economic values on it, we tend to degrade the resource. In other words, it has a zero value. By way of becoming more sophisticated in the long term, the Swan and Canning Rivers Management Bill is pathfinding a mechanism to become more sophisticated about managing a very complex resource in the public interest. In due

Hon Paul Llewellyn; Chairman; Hon Ljiljanna Ravlich; Hon Murray Criddle; Hon Bruce Donaldson; Hon Norman Moore; Hon Nigel Hallett

course, we will be putting dollar values, whether it is prawns per square inch or dollars per kilo of prawns, on natural assets.

The purpose of this conversation was to say that it bodes well that we have actually said the words. We now have to get a commitment from agencies. I asked where these principles come from and how they will be reported and measured. I am not talking about whether they will be explicitly measured and people will be able to make legal claims against the department for not taking these things into regard. However, having said that, I believe we are on the right track. We should not lose heart about finding an economic solution to matters of natural capital management.

Hon LJILJANNA RAVLICH: In response to the question about reporting, the trust must report every two years on the state of the rivers and the state of the management arrangements. That report will be tabled in the Parliament. As is often the case with legislation such as this, a management plan will also be produced. The management plan will contain details of what is reported and what is measured. One of the functions of the management plan is to set clear targets. Clear targets need to be set if we are to make an assessment about whether there has been an improvement in the health of the rivers. Whether that will be measured in prawns -

Hon Paul Llewellyn: That is a good measure.

Hon LJILJANNA RAVLICH: I have never heard of measuring anything in prawns, but such is the lateral thinking of the member that perhaps he is just ahead of his time.

Hon Paul Llewellyn: That is normal resource economics.

Hon LJILJANNA RAVLICH: Okay.

Hon MURRAY CRIDDLE: I want to go back to a point that the minister raised. Clause 6(10) reads -

The performance of a function by the Trust or a Schedule 5 authority cannot be appealed against, reviewed, quashed, challenged, or called in question, before or by any person acting judicially . . .

I understand all that. What the minister is actually saying is that a decision of the trust cannot be appealed against. Therefore, we will need to abide by sustainability principles 1 and 2 in the table, without any right to challenge that decision. Is that right?

Hon LJILJANNA RAVLICH: We are not dealing with clause 6, Mr Chairman.

The CHAIRMAN: I realise that. We are dealing with clause 5. I think Hon Murray Criddle was referring to clause 5 but was using clause 6 as an example.

Hon LJILJANNA RAVLICH: The only parts of the bill that create an obligation for landholders are those related to river protection notices, and those related to development controls, which are dealt with in part 5 of the bill. Appeal and review provisions apply to both those parts of the bill.

Hon BRUCE DONALDSON: The minister said a moment ago that it was dealt with in clause 20. Clause 20 states -

Schedule 6 has effect.

That has nothing to do with appeals or compensation. It has to do with the proceedings of the board.

Hon Ljiljanna Ravlich: I said clause 100. I did not mention clause 20.

Hon Norman Moore: You said 20.

The CHAIRMAN: Order, members! The minister said 20, but obviously she was mistaken.

Hon Ljiljanna Ravlich: Yes. I apologise.

Hon BRUCE DONALDSON: That clarifies something about clause 100. I thought I was on another planet!

Hon Ljiljanna Ravlich: I am pleased you are paying so much attention! I think it is fantastic!

The CHAIRMAN: Order, members! I am trying to make some progress. Hon Bruce Donaldson has the call.

Hon BRUCE DONALDSON: That has clarified that matter. I now wait with bated breath for the debate on clause 6.

Clause put and passed.

Clause 6: Relationship to other Acts -

Hon BRUCE DONALDSON: This is the clause that I consider to be very dangerous. Hon Murray Criddle alluded to this when he referred to subclauses (1), (2) and (10) during debate on clause 5. Subclause 10 provides

Hon Paul Llewellyn; Chairman; Hon Ljiljanna Ravlich; Hon Murray Criddle; Hon Bruce Donaldson; Hon Norman Moore; Hon Nigel Hallett

that the performance of a function by the trust or a schedule 5 authority cannot be appealed against, reviewed, quashed, challenged etc. It is all very well to say that a subjective assessment can be made under the new management arrangements. Water might be flowing in from the Beverley part of the catchment area down the Avon River and into the Swan River. A subjective assessment can be made about it by the management board without the need for full scientific evidence. It will amount to a group of people saying that they must stop farmers from farming at Beverley.

Hon Paul Llewellyn: You are getting paranoid. We can measure all these things.

Hon BRUCE DONALDSON: It is part of Hon Paul Llewellyn's doctrine to see the world through rose-coloured glasses. That is fine. As I said the other day, he should stay in the wind farm business; he will be a mile in front.

Hon Paul Llewellyn: I've stopped doing that.

Hon BRUCE DONALDSON: That is a shame. I agree with wind farming - but I have been led down the wrong path.

This bill will remove the rights of people to appeal decisions that they feel are detrimental to them. I do not think there are many situations in our society in which people's rights to appeal decisions have been removed. It scares me that a group of people appointed to a management board, who might have green leanings, will be able to impose notices without any consideration whatsoever for individuals' rights. Not only that, their property could be entered onto a register, which could inhibit their ability to sell their properties. Who will want to buy a property that cannot be used for anything? On top of that, an owner can be required to put up a surety. I will get to that later.

I cannot believe the nonsense that is slowly but surely creeping into our society. I am as keen as anyone to ensure that our environment is safe, as anybody would be. However, many decisions are made without due regard for how they affect people's livelihoods and their lives. If, as a society, we want to protect something, that is fine, but we must ensure that shared responsibility is part of the equation and appropriate compensation is provided. If people are to be denied not only their rights but also their rights of appeal, there is no way in the world that I will support this legislation, unless someone can point out to me clearly where that right of appeal exists. I might be a lone voice but I have some commonsense, which is one of my good traits, surprisingly enough. In this day and age farmers are not vandals. Some of the younger people I know in this catchment who are involved in agricultural practices are far more conscious of the environment and the activities they are undertaking on their properties than we ever were. Full credit to them. However, they could be denied a livelihood on their land even though they are using normal agricultural practices.

Hon NORMAN MOORE: I share the views of Hon Bruce Donaldson about clause 6(10), which basically states -

The performance of a function by the Trust or a Schedule 5 authority -

Schedule 5 contains a long list of government agencies -

cannot be appealed against, reviewed, quashed, challenged, or called in question, before or by any person acting judicially or a court or tribunal on any account or by any means on the ground that the performance of the function does not comply with subsection (1) or (2).

Subclause (1) states -

Persons involved in the administration of this Act, and Schedule 5 authorities, -

That is all the other government agencies involved -

should perform their functions with due regard to the objectives and principles of this Act.

I do not have a problem with that. However, subclause (2) states -

The provisions of any other written law must be construed and applied -

- (a) with due regard to the objectives and principles of this Act; and
- (b) so that those objectives and principles are paramount, . . .

Perhaps the minister will explain why those objectives and principles need to have paramountcy over any other written law. The subclause continues -

unless that construction or application would -

Hon Paul Llewellyn; Chairman; Hon Ljiljanna Ravlich; Hon Murray Criddle; Hon Bruce Donaldson; Hon Norman Moore; Hon Nigel Hallett

(c) be inconsistent with the objects and intentions of that written law;

I would like to hear from the minister an explanation of why the government is so concerned about this bill that it needs subclause (10) included in it. Unless there is a significantly good reason for that subclause being in the bill, I propose to move that clause 6(10) be deleted.

Hon LJILJANNA RAVLICH: I understand that subclauses (1) and (2) deal with the relationship to other acts - therefore, it is about what we want them to strive to do - whereas subclause (10) states that if they cannot achieve what they aspire to do, it is accepted that no further action can be taken, because they have tried and cannot achieve the intent. I am advised that if subclause (10) were removed, it would have the reverse effect. The argument on this seems to be about the impact on landholders. Subclause (10) deals with the relationship to other acts. It does not relate to what landholders do. No part of the bill creates obligations on landholders, except through part 6. Clause 91 sits in part 6, and deals with river protection notices. It is at that point in the bill that obligations are imposed on landowners. This clause deals with the relationship between this legislation and other acts. Some members appear to have misinterpreted this clause. The only other part of the bill that imposes obligations on landholders is part 5, which deals with development controls. Appeal and review provisions are provided for in the bill. Objections can be made under clauses 93 and 91(2), and appeal mechanisms are at clause 100.

Hon NORMAN MOORE: Will the minister explain what clause 6(2) means?

Hon LJILJANNA RAVLICH: Clause 6(2) outlines the provisions under which agencies will operate, with due regard to the principles and objects of the legislation so that they are paramount, unless, obviously, that construction or application is inconsistent with the objects and intentions of that written law or substantially interfere with the operations of the provisions of that written law. There is an intent of what should be achieved, but there is an understanding of what will happen where it cannot be achieved. I am advised that if there is a case of conflict between paragraphs (a) and (b) or (c) and (d), resolution procedures are in place at subclauses (3) to (8), which deal with resolution procedures. I am also advised that these subclauses are about resolving differences between agencies and that the final resolution is dealt with by the Governor if there is a requirement for that to happen.

Clause put and passed.

Clause 7: Native title rights and interests -

Hon NIGEL HALLETT: Will the minister outline in general which areas will be affected by this clause?

Hon LJILJANNA RAVLICH: This is a new provision and the legislation does not affect any native title rights or interests.

Clause put and passed.

Clause 8: Catchment area -

Hon NORMAN MOORE: I will speak to clauses 8, 9 and 10, if I may have the liberty of mentioning the three of them, because the same question applies to all of them. Clause 8 refers to the catchment area, clause 9 to the Swan Canning Riverpark and clause 10 to the development control area. The maps relating to those clauses are referred to in schedules 1, 2 and 3, but there are no maps included in those schedules. Having taken a recent interest in this bill and discovering that I should have taken a significant interest some time ago, I am anxious to see those maps because I need to declare an interest. I own a property that is, in fact, on the Avon River and its boundary is halfway across the river. I think the minister may be mucking around with my property, because it is a very old title. I am keen to know what effect this legislation will have on my property. It would be helpful for me, as a relatively modest property owner, to see whether it is included in any of these schedules. I am discovering as I read through clauses relating to development control areas and other matters that it would be very helpful to members if those maps were provided to us in the chamber. I ask the minister to arrange, bearing in mind the time and that we will not make much more progress tonight, for those maps to be made available when we resume the debate on this legislation tomorrow, if that is what the government intends to do.

Hon LJILJANNA RAVLICH: I understand the maps are large format plans and they are held electronically and in hard copy by the Department of Land Information as registered documents. It is more than likely that the Leader of the Opposition's property lies within the catchment area but is not in the Swan Canning Riverpark or the development control area. We will obtain those maps for him.

Hon Norman Moore: By the time we resume this debate tomorrow?

Hon LJILJANNA RAVLICH: I hope so, yes.

Hon Paul Llewellyn; Chairman; Hon Ljiljanna Ravlich; Hon Murray Criddle; Hon Bruce Donaldson; Hon Norman Moore; Hon Nigel Hallett

The CHAIRMAN: Now that it has been pointed out, I have an obligation to see that members are provided with maps. I assume the minister will at least table the maps so that any member who is interested in this bill can refer to them.

Hon NORMAN MOORE: I thank the minister for arranging for that to happen tomorrow. That refers to the three schedules. I regret that I did not think about this some time ago and raise it with her. It is very important for us to know exactly which piece of land we are talking about. It does not seem to me to be a satisfactory arrangement to have a schedule that says this area of land is "All of the land and waters shown on Deposited Plan 47464". That is all the bill tells us. It is an unsatisfactory state of affairs and I look forward to seeing those three maps tomorrow.

Hon LJILJANNA RAVLICH: I am advised they were not supplied on the advice of parliamentary counsel. That is what my advisers tell me.

Hon Norman Moore: Parliamentary counsel does not have to debate these bills. Perhaps the maps are planted in their minds.

Hon LJILJANNA RAVLICH: Okay. I am answering to the best of my ability.

Hon Norman Moore: I said thank you very much. It is very kind of you.

Hon LJILJANNA RAVLICH: I have given an undertaking they will be provided.

The CHAIRMAN: Thank you.

Clause put and passed.

Clause 9 put and passed.

Clause 10: Development control area -

Hon PAUL LLEWELLYN: Clearly these maps will be complex, and digital form is probably the best way to look at them. However, I want to know what kind of vestings, zonings and so on are included in the development control areas so that we have a sense of the type of land we are talking about.

Hon LJILJANNA RAVLICH: The only information I have relates to land that is not included. The only private land in this area is that which is already included in the metropolitan region scheme parks and recreation area.

Clause put and passed.

Clauses 11 to 18 put and passed.

Clause 19: Membership of board -

Hon LJILJANNA RAVLICH: I move -

Page 19, lines 22 and 23 - To delete "*Western Australian Planning Commission Act 1985*" and insert instead -

Planning and Development Act 2005

I move this amendment for reasons that have been stated already.

Amendment put and passed.

Hon PAUL LLEWELLYN: I refer particularly to subclause (2), which refers to the field of knowledge that is required for membership of the board. There will be six members, and the field of knowledge of those board members must include conservation, natural resource management, recreation, tourism, planning, development, matters of interest to the rural community and matters of interest to the Nyoongah community. Will the board members be required to be specialists or will they be generalists who have a little knowledge about each of those interests? How is a board established with that range of knowledge without having a lot of generalists or a lot of specialists?

Hon LJILJANNA RAVLICH: The membership must comprise persons who between them have that knowledge. The board as a whole needs to have knowledge and experience in those fields of knowledge. It does not specify that every person must have a specific area of specialty. This clause increases the community membership on the board of the Swan River Trust and introduces a range of knowledge and experience required by the board. The board will comprise eight members, seven of whom are appointed by the minister. The

Hon Paul Llewellyn; Chairman; Hon Ljiljanna Ravlich; Hon Murray Criddle; Hon Bruce Donaldson; Hon Norman Moore; Hon Nigel Hallett

existing requirement for the minister to appoint one of the seven from nominees provided by the Western Australian Local Government Association will be retained. The legislation also provides for the eighth member to be the chief executive officer of the Department for Planning and Infrastructure.

The critical point is that the board is taken as a whole, and it is very important that the board as a whole have expertise across the range of areas referred to in subclause (2). However, there does not have to be a representative from each field so long as the board as a whole has that knowledge. I am not sure what would happen if the board did not have a member who had knowledge about recreation but as a whole they had knowledge of all the other areas. No level is defined, but the best effort will be applied to trying to get the mix of those things as specified in subclause (2).

Clause, as amended, put and passed.

Progress reported and leave granted to sit again, pursuant to sessional orders.