

SWAN COASTAL PLAIN WETLANDS POLICY 2000

Grievance

MR MASTERS (Vasse) [9.56 am]: I direct my grievance to the Minister for the Environment on the issue of the “Environmental Protection (Swan Coastal Plain Wetlands) Policy 2000”. The history of the involvement of the Environmental Protection Authority and the Department of Environmental Protection in wetlands protection goes back many years. I commend them for their initiatives over the past 15 to 20 years. Wetlands are an important part of the natural environment. They are repositories of biodiversity. They replenish ground water. They are great places in which people can reflect and undertake passive recreation, and so on.

Problems started to occur in the way in which wetlands were sought to be protected in Western Australia from the mid 1980s. A couple of bulletins were produced which placed excessive and unjustified emphasis on the cultural values of wetlands and ignored the true scientific and environmental values of those wetlands. In 1991, the first environmental policy did not start off too well. Satellite images were used that, instead of showing up wetlands, showed up sewerage farms, playing fields that had just been watered by reticulation, and so on. Also I am told that a number of private landowners had their properties trespassed upon while surveys were carried out by Department of Environmental Protection staff. Even today the current EPP has problems that the authorities are seeking to overcome.

I have both concerns and bouquets to offer to the DEP and the EPA. The latest document, which is the EPP 2000, includes an ability to amend the wetlands register. I applaud the intention to consult with landowners. However, it raises many problems as well. The definition of a wetland is so broad ranging that it can include almost every property on the Swan coastal plain.

I am holding up a map, and the multicoloured band represents wetlands as defined by the WA Water Authority. Rather than tabling this map, members can look at it later. By definition, about 2 000 private properties, or major parts of those properties, are wetlands. The draft EPP gives the power to the DEP, the EPA and the minister to prevent farming and a range of other activities on those wetlands. When the EPP was reviewed, a commitment was given to consult private landowners. Unfortunately, for better or worse, I interpreted that to mean that if landowners did not want their private property to be registered as wetlands, that would be the end of the matter. However, the draft administrative processes state that after making reasonable endeavours to consult with the owners of wetlands, the EPA can seek the minister’s support to register wetlands, and it is up to the minister to make that final decision. That is contrary to the intent of the original draft document that came out towards the end of last year. I understood that owners would be consulted, their views would be taken on board, and if they provided legitimate reasons that wetlands on their property should not be registered, that would be the end of the matter, or so I thought. However, the draft administrative procedures indicate that people’s beliefs or desires for the use of their property can be circumvented, firstly, by the EPA referring a wetland to the minister and then by the minister making the decision.

Another issue in the draft EPP relates to the list of impacting activities. Contrary to what some city-based bureaucrats might think, some of those impacts can be beneficial. For example, putting stock into wetlands that have been overgrown by weeds can reduce the threat of weeds encroaching any further and can reduce the fire hazard. Fire in wetlands, as in any area of vegetation, can be a negative impacting activity. Therefore, there may be some justification for putting sheep, cattle or whatever into wetlands. In addition, part 5 of the draft EPP lists those activities that are unacceptable, and that list is far too prescriptive. It should require the EPA and the DEP to sit down with private landowners to seek mutual agreement between the parties on what should be allowed or encouraged to happen in order to properly manage the wetland.

I need to ask the minister to do two things. The first is to accept the principle that we need a functional analysis of wetlands so that we can understand the values that are being protected. It cannot be someone’s belief that there are values; those values need to be demonstrated. The second is for the minister to advise the DEP and the EPA that she will not accept registrations of private wetlands except with the full acceptance of landowners, otherwise the DEP and the EPA have failed in their efforts to convince the owner of the value of those wetlands.

MRS EDWARDES (Kingsley - Minister for the Environment) [10.00 am]: I thank the member for the grievance. For more than 12 months I have been working on this issue to ensure proper consultation with landowners. The reason for that is clear: The Government wants to ensure that property owners’ natural justice rights are protected. We want to ensure that our wetlands conservation policy and our basic principles and objectives are able to be achieved. I will go through those in a moment for the benefit of the House.

Three to four years ago we looked at the agricultural wetlands environment protection policy and in reviewing that policy it was critical to have agreement before registration. All the wetlands on crown land, in conjunction with the 1992 definition of wetlands, were automatically registered after the State Wetlands Committee had considered them. However, wetlands on private land had to be registered by agreement. The member is right:

When considering the value of a wetland we must work with landowners to ensure that they also understand their value, and my understanding is that most people do. The difference in the draft policy announced at the end of 1999 was an extension beyond the 1992 definition of wetlands. I know the member has difficulty with the description of that definition, which I will take up as a result of his submission to me. However, that definition has been extended further to incorporate damp lands, which has widened the definition more broadly than was anticipated by the community. Again, we must bring the community and landowners with us if we are to protect those wetlands and/or damp lands to ensure they understand the value of those areas and the need for their protection.

I will identify the objectives of this Government's wetlands conservation policy in Western Australia launched by me back in 1997. The four key objectives were: First, to prevent the further loss or degradation of wetlands and wetland types and promote wetland conservation creation and restoration. I know the member disputes the broad statement that most of the wetlands on the Swan coastal plain have been lost. Again, I hope through his submissions we will be able to take up that matter, as I have a great deal of confidence in his scientific knowledge and expertise over mine. I invite him to engage in discussion with departmental officers on the definition and that statement.

The second key objective is to include viable representatives of all wetland types and key wildlife habitats and associated flora and fauna within a statewide network of appropriately located and managed conservation reserves which ensure the continued survival of species, ecosystems and ecological functions. The third objective is to maintain in viable wild populations the species and genetic diversity of wetland-dependent flora and fauna; and the fourth objective is to maintain the abundance of waterbird population, particularly migratory species.

A major concern occurred, even with the 1992 definition of wetlands, when the policy applied to property owners' rights without agreement or knowledge of landowners at the time. Although the policy announced last year for public consultation widens the definition, the premise of how to describe and define a wetland is still of concern to many landowners. Before we incorporate that premise into a final policy, we need to ensure that there will be agreement, and that is one of the reasons I extended the consultation period. Last year the period for the draft EPP in the harvesting season and leading up to Christmas was much too short, and I gave a commitment that no policy would be implemented unless a further opportunity had been given to landowners and others to make representations to me. At that time we considered releasing the administrative guidelines in March. Those guidelines have only just been released; therefore, the public consultation period with me as the minister has been opened up from before Christmas 1999 to 15 December 2000. Again, that is at a critical time seasonally for many landowners and if landowners have an issue in respect of that period, we will obviously ensure that everybody has an opportunity of responding directly to me. We want to sit down with key stakeholders when all the submissions have been received and analysed before we finalise any policy. No policy will be finalised without that further public consultation with key stakeholders, particularly on the two key issues of the definition of wetland and the protection of properties' natural justice rights, bearing in mind a level of consistency with the agricultural EPP on which agreement is required.

The SPEAKER: I compliment the four members and ministers for this morning's grievance session. I found it very interesting and informative. Grievances noted.