

Mr Paul Omodei; Ms Alannah MacTiernan; Deputy Speaker; Mr Jeremy Edwards; Mr Bill McNee; Mr Terry Waldron; Mr Bernie Masters; Dr Judy Edwards; Mr Monty House; Mr Fran Logan; The Acting Speaker (mr A.J. Dean); Mr Max Trenorden; Acting Speaker; Mr John Kobelke

LAND CLEARING, REMOVAL OF RIGHTS OF PRIVATE PROPERTY OWNERS

Motion

MR P.D. OMODEI (Warren-Blackwood) [4.07 pm]: I move -

That this House condemns the Gallop Labor Government for its blatant actions in removing the rights of private property owners to manage their own land through the Environmental Protection Act 1986 and Environmental Protection (Clearing of Native Vegetation) Regulations 2003 and in particular its failure to -

- (a) give all farmers and pastoralists representation on the working group discussions from 27 February 2004 to 26 March 2004;
- (b) provide workable regulations so that farming and pastoralists' ownership and incomes are protected;
- (c) allow landholders to clear one hectare or less per year per property around buildings, sheds, storage areas, farm water supply, dams and other infrastructure;
- (d) give landholders the right to clear for new fencelines, access tracks, walkways, firewood, craftwood, paddock trees, construction sites and fence posts;
- (e) provide automatic exemption to allow landholders to graze riparian zones to control fire hazards should the landholder deem it necessary;
- (f) allow automatic exemption to allow clearing of regrowth;
- (g) let farmers manage their own native vegetation as a commercial activity without any government interference;
- (h) protect farmers' rights by compelling them to negotiate with a working group loaded with bureaucrats, the Conservation Council and the Environmental Defender's Office,

and calls on the Government to recognise private property ownership rights and acknowledge its failure to understand normal farming practice in its attempts to usurp private property ownership with this extreme, green, city-centric legislation.

I move the motion with some reluctance because I do believe that the Government would like to have workable legislation in this State. Certainly Her Majesty's Opposition is of that view. It appears to me that the regulations that are being proposed in draft form and advanced for finalisation are draconian by any measure. The Government has failed to consult with those parties who are most affected. The first part of the motion refers to pastoralists' and farmers' representation on the working group.

The working group on the Environmental Protection (Clearing of Native Vegetation) Regulations was set up by the minister after a meeting in Mt Barker, at which the minister was roundly criticised by the 300 or 400 people who attended about the way in which the Government had gone about drafting these clearing regulations. The passing of the main Bill - the Environmental Protection Bill 2002 - allowed the regulations to be put in place. That discussion took place between 27 February and 26 March and, in the end, everybody just agreed to disagree. It should not have come to that. As far as farmer representation across the State is concerned, the Pastoralists and Graziers Association of WA is a major organisation and so is the Western Australian Farmers Federation. They represent farmers in Western Australia very well, but they do not represent all farmers. I must ask the question: how are other farmers who are not members of those two organisations represented, and why are the Environmental Defender's Office and the Conservation Council of Western Australia involved in a discussion group with farmers and pastoralists about what happens on private property - I emphasise private property - because the Environmental Defender's Office has nothing to do with what happens on my property. If we were talking about regulations for the clearing of public land, I would have no problem with any group being involved in an advisory capacity or taking part in some discussions, but that committee, which was chaired by Hon Ken Travers from the Legislative Council, floundered towards the end. I will quote from a letter written to Mr Travers from Craig Underwood, the Chairman of the Private Property Rights Committee of the Pastoralists and Graziers Association. It states -

That position slipped away considerably at the last meeting . . . and it should be noted the PGA flatly rejects negotiating away any day to day farm practices or the right to farm with the Conservation Council W.A. or Environmental Defenders Office representatives.

Mr Paul Omodei; Ms Alannah MacTiernan; Deputy Speaker; Mr Jeremy Edwards; Mr Bill McNee; Mr Terry Waldron; Mr Bernie Masters; Dr Judy Edwards; Mr Monty House; Mr Fran Logan; The Acting Speaker (mr A.J. Dean); Mr Max Trenorden; Acting Speaker; Mr John Kobelke

That is a legitimate argument. This is an attempt to resolve these regulations - unworkable regulations, I might say - with a group of people who are anti-farmer, anyway. What were they doing on the committee? They should not have been there. If the Government wanted cooperation from farmers and wanted to get some kind of resolution of this matter, those people should not have been on that committee. The joint response from Craig Underwood and Trevor De Landgraft, the new President of the Western Australian Farmers Federation, said exactly the same things. The joint letter states -

In February 2004, WAFarmers provided a submission in response to an invitation to comment on the regulations. The February submission addressed broader impacts of the proposed regulations, including "right to farm" issues. Whilst this current submission is focussed on the draft working group report in relation to the regulations, comments made in the February submission remain pertinent and should be read in conjunction with those contained in this document.

The Western Australian Farmers Federation further states -

WAFarmers has participated, in good faith, in the Ministerial Working Group chaired by Hon. Ken Travers, charged with providing the Minister with advice in regard to the regulations. Regrettably, the working group has been unable to find common ground on many issues contained within the regulations.

One of the critical issues is this -

The State Government has consistently maintained that the regulations will not impact on normal farming practices. WAFarmers has consistently rejected this statement.

The major sticking point in the Working Group's debate is the "one hectare provision".

The one hectare provision exists under the Soil and Land Conservation Act. The proposal was that if farmers were allowed a clearance of up to one hectare per annum per farm property for normal farm management practices, a lot of these regulations would not be necessary. The advice given by the soil and land section of the Department of Agriculture was that that one hectare provision has not been abused in any way. It could be argued that a farmer will clear one hectare this year and one the year after, but it really concerns only the areas around sheds, dams, stockyards and so on. It is a very good proposition that the minister should take up. I think it would resolve a lot of these issues.

I will now move to some of the regulations themselves. The regulations refer to a whole range of things. I have read the debates that occurred in the other place - which is not really my wont; I do not think there is a lot that this House can learn from the "House of Lords" - and I refer to a statement made by Hon Robyn McSweeney. She has championed the cause of farmers in relation to these draconian regulations by attending a number of meetings around Western Australia. She has picked up a number of technical points - things that even members on our own side of politics overlooked - and has been proved to be correct. I am sure the Minister for Agriculture also overlooked many of these issues. It is incumbent upon the Government to ensure that when regulations or legislation is brought in that will impact on landholders and their property rights, the Government must get it right. It must ensure that when the legislation comes before the Cabinet, that not just one or two people have the charge of that legislation. I know the current Minister for the Environment is quite passionate about a number of things, but I do not think she was on the ball when these matters came before Cabinet, and they will have a major impact. Hon Robyn McSweeney said -

The minister even told me that he could not see anything wrong with these regulations. They are terrible regulations.

The response from Hon Kim Chance was -

I thought the draft 14 regulations were reasonable.

The regulations that came into my possession were draft No 13. I put the motion on the notice paper a few weeks ago and did not want to come into this House and make an absolute fool of myself - I am pretty good at it usually - but I noted that my copy was draft No 13. In order to do the right thing, I rang the Department of the Environment and asked if I could have a copy of draft No 14 of the regulations, just in case changes had taken place following the meetings chaired by Hon Ken Travers and attended by the Western Australian Farmers Federation and the Pastoralists and Graziers Association. I was told there was no draft regulations No 14, which means that the minister did not know what he was doing. Perhaps this minister can respond by way of interjection and advise whether there is a draft No 14 of these regulations?

Dr J.M. Edwards: I do not know.

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Mr P.D. OMODEI: Obviously the Minister for Agriculture thought there was, and obviously this minister does not know. I will go through some of the matters in the regulations to highlight my concerns. Regulation 6, which is the main bone of contention, refers to prescribed clearing and section 51C, and states -

Clearing is of a kind prescribed for the purposes of section 51C(c) if -

Then there is a whole table of what happens in relation to the description of clearing: clearing to construct a building and clearing of a site for construction of a building. These are exemptions, by the way. First of all, it refers to whether the construction is lawful and the clearing is no more than 2 000 square metres and so on. Then it tells us who the responsible person is in relation to that issue. Clause 6(3) states -

Clearing to reduce the risk of injury to persons if -

- (a) The vegetation to be cleared exceeds 2 m in height; and
- (b) It is not practicable to reduce the risk other than by clearing.

That is all sensible stuff. Then we get to clearing for firewood -

Clearing to provide firewood use by the owner or occupier of the land on which the vegetation is located for domestic heating or cooking if -

- (a) in the case of living vegetation - the clearing does not kill the vegetation and does not prevent regrowth of the vegetation; and
- (b) the vegetation is not riparian vegetation.

I will also refer to the explanatory notes. People are allowed to clear for firewood, but only for their own use. Farmers who have had dead jarrah trees on their farms for many years will be able to watch for the limbs that drop every year and to pick up only the sticks. The trailer load of wood that they used to take to their mums will no longer be allowed. That goes to show that whoever drafted the legislation did not understand normal farming practice. Draft regulation 6.6, headed "Clearing to provide fence posts", is the daddy of them all, and states -

Clearing to provide fence posts for use by the owner or occupier of the land on which the vegetation is located for constructing and maintaining fencing on land in the possession of the owner or occupier if -

- (a) in the case of living vegetation other than jarrah (*Eucalyptus marginata*) - the clearing does not kill the vegetation and does not prevent regrowth of the vegetation; and
- (b) the vegetation is not riparian vegetation.

This has changed from the early drafts, when a person could not even cut down a jarrah tree. If someone wanted to use a tree for fence posts, he could not cut down the tree if that would kill the tree. How someone can cut down a tree without killing it has me lost. I have spent my lifetime on a farm. Is there some other tree species that people can cut down without killing it? The minister would have been concerned about this. The exemption is *Eucalyptus marginata*, which is jarrah. What other vegetation can people cut down to use for fence posts that would not kill the tree? Does the minister know of any other species?

Dr J.M. Edwards: The Lazarus tree, I would think.

Mr P.D. OMODEI: I thought it might be jamwood. I bounced that idea off some of my colleagues. Jamwood trees are a couple of inches or 50 millimetres thick - I am still a bit old-fashioned. That wood is well known for its durability, hardness and so on. That indicates that the people who drafted the regulations do not have much idea about practical, commonsense farming. Again, why would anyone want to interfere with what a farmer does on his own property? If a large area of forest is involved, the farmer must get a permit under the Soil and Land Conservation Act and through the Department of Environment. We are talking only about traditional things that farmers have done for generations. As I said during the debate on the original legislation, no farmer would deliberately destroy the asset that provides him with a living. We can go back through the history of Western Australia and the history of the clearing of land in Western Australia. There was a rabbit plague in the 1930s and the million acres a year clearing program occurred in the 1960s. No farmer went out to clear land to deliberately damage his livelihood, his long-term future or the very asset into which he had put his blood, sweat and tears. The clearing of this fantastic land of ours has destroyed many a body. For some jumped-up bureaucrat to come along and tell a person what he can do on his property after he has been farming for three generations is just a bloody insult, if I can put it in the country vernacular.

Point of Order

Ms A.J. MacTIERNAN: I think there should be a level of decorum. I think the member's language is transgressing that.

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The DEPUTY SPEAKER: That is an interesting remark. The minister has a point that it is language that is best avoided. I ask the member for Warren-Blackwood to continue and to be mindful of that.

Debate Resumed

Mr P.D. OMODEI: I will say three “Hail Marys” and a couple of “Our Fathers” to ensure that I am contrite enough. I have heard far worse language used in this place. It is something that farmers say. I am sure that the member for Collie was raised on words such as that. It has not hurt him.

Ms A.J. MacTiernan: Us urbanites are very sensitive. We are not used to it.

Mr P.D. OMODEI: I am not very sensitive about it at all. I am trying to describe something in a graphic way so that people like the Minister for Planning and Infrastructure can understand. I do not think she would be too averse to using the odd word or two from the same category. The minister is being very delicate about this. I will reiterate what I am trying to say: if I can find someone who can explain how a tree can be cut down for use as fence posts without the tree being killed, it will be a revelation to me. It is really an insult to the people who are having these impositions placed on them.

The other issue concerns clearing along fence lines. In the old days, owners of conditional-purchase land were required to clear a certain proportion of that land. The member for Bunbury is an old Nannup boy and will know that down in the Scott River-Lake Jasper area when conditional-purchase land was released in the late 1960s, people were required to clear a certain proportion of that land, fence it within four years and clear five feet outside the boundary, otherwise the block would be taken off them. People right around Western Australia now look at this kind of legislation and ask where we are going with it. The new legislation provides a width of 2.5 metres on either side of a fence. If someone wants to put a fence line through bush on his property, he is allowed to clear only 2.5 metres either side. That is a pretty tight squeeze for any modern-day machinery that would be used to keep the fence line clear.

Mr F.M. Logan: That is five metres.

Mr P.D. OMODEI: It is 2.5 metres either side of the fence.

Mr F.M. Logan: Five metres is a fair bit.

Mr P.D. OMODEI: We do not yet have tractors that can run over the top of a fence. When the scrub grows it will probably do a lot of damage to the tractors. A greater insult occurs with land that is adjacent to crown land. People can clear 2.5 metres on their side of the fence, but can clear only one metre on the other side of the fence. That means that access to that one-metre clearing would be only by foot. No-one could get machinery into such a narrow area to keep it clear. That is in great contrast to the permits that farmers have received in the past from the Department of Conservation and Land Management, which allowed four metres to be cleared outside the fence. That happened at my property.

Dr J.M. Edwards: What is to stop you from getting a permit under this?

Mr P.D. OMODEI: In my case it was state forest. I presume that this applies also to other types of land tenure. Otherwise, the legislation would again be flawed. When CALM officers came to burn around my place in December last year, they arrived with a bulldozer and grader and knocked down about 50 trees. They put in a magnificent break that is about 15 metres wide in places. I will make sure that it stays 15 metres wide, if I can. I will encourage the CALM people to maintain their firebreak. However, under this legislation, that break would be only one metre outside the fence. Bush invariably burns sooner or later. If it is not control-burned, it burns on its own or as a result of a lightning strike or whatever. If there is only a one-metre break, the wires on the fence will burn, even if it is a galvanised steel fence and even if the wind is blowing away from the fence. The practical side of this matter is just nonsense. There needs to be a decent firebreak outside the farmer's fence. In the end, what are we trying to protect? An extra two metres of bush? Some of these properties are large and have steep terrain and overhanging trees. What happens when trees fall from state forest or crown land onto a farmer's property? Who clears it up? It is certainly not the Government. I will give an example of how ridiculous our laws are. If a farmer's land is bounded by national park and his cows get into the bush because a CALM or government tree has fallen across his fence, he is not allowed to use his dog to get his cows back onto his property because dogs are not allowed in national parks. A ranger recently told a farmer's wife who was at the boat landing area at Donnelly River with a little black poodle that he hoped she would not let the dog get into the national park, because he would have to shoot it. How he was never shot for that kind of behaviour has me absolutely staggered! That happened only two months ago, yet people wonder why farmers get angry with the bureaucracy.

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There is the issue of clearing along fence lines. There is also the ability to clear eight metre wide fire access tracks, provided there is no other cleared land nearby. The same applies to woodwork. There is a section on clearing for woodwork. Clearing can be carried out to provide timber for use by the owner or occupier of the land on which the vegetation is located for non-commercial woodwork in the nature of furniture making, wood turning or carving, but not of building or construction if, in the case of living vegetation, the clearing does not kill the vegetation and does not prevent the regrowth of the vegetation. Again, this is just nonsense. These are quite comprehensive regulations that were considered by that working group. Members can imagine the frustration of the rural people who discussed these issues. Changes were made to the amount of firewood that can be taken away. At one stage it was limited to only six cubic metres. On and on it goes. This motion is saying that the Government needs to take stock of itself and ensure that it brings in regulations that are sensible.

Paragraph (3) of regulation 4 of the Soil and Land Conservation Regulations 1992, "Notice of clearing", states that subregulation (1) does not apply to the proposed clearing of land that is an area of one hectare or less. That would solve a lot of the issues with these regulations that people are talking about. There is no native vegetation left on my property, apart from that which is below the dam bank. I like to keep it fairly clean because vermin and blackberries on the property need to be controlled. The regulations also refer to wetlands. I could go through this ad infinitum. Different sections of the legislation refer to wetlands that had been identified in various Water and Rivers Commission studies of the Busselton to Walpole areas. Most of those wetlands have been cleared. Under these regulations, farmers would be prevented from maintaining their grazing lands and so on. People need only take a drive down the coast road towards Mandurah to see the hills and landscapes that have been dramatically altered in the name of progress and residential subdivision. Most of the city of Perth sits on a series of wetlands. A range of issues has arisen out of the subsidence of land when subdivisions have been built on wetlands. It seems as though there is one law for the city slickers and a totally different law for the cockies in Western Australia.

Ms A.J. MacTiernan: That's right!

Mr P.D. OMODEI: Members opposite say that that is right and that is the way it should be. I put it to them that a number of people believe that the Labor Party in Western Australia thinks that Western Australia finishes at the escarpment and south of Armadale. That is why the Minister for Planning and Infrastructure spends money on railway lines instead of fixing up a few country roads.

Only last week a letter was written to the editor of the *Countryman* by a Mr Ferguson and a Mr Kenneison. The letter states -

The concern of this Government finishes at the top of Greenmount, with everything to the east being irrelevant. To heed the call to arms outlined in the article, a united front, by those whose property rights are affected, must be presented. This will assist in the defeat of this Government at the next election.

It goes on.

Ms A.J. MacTiernan interjected.

Mr P.D. OMODEI: I can hear somebody yelling in the background.

Mr W.J. McNee interjected.

Mr P.D. OMODEI: I have a letter to Phil Shearer, the secretary of the Avon sub-branch of the ALP.

Mr W.J. McNee: Does he belong to country Labor?

Mr P.D. OMODEI: I am not sure whether he is country Labor. He might be part of the 60 per cent of members of the Labor Party who belong to the union movement. He might be a member of one of those sub-branches that do not exist!

Mr W.J. McNee: I think he stood for them once.

Mr P.D. OMODEI: He did. As a matter of fact, the letter I have in my hand is from the fearless Leader of the Opposition in 2000, Hon Geoff Gallop, MLA. The letter is dated 15 December and refers to land clearing policy. Obviously he is responding to Mr Phil Shearer. The letter states -

Your specific request was that I make a public statement to the effect that Labor, in government, will not consider any amending legislation in relation to land use or land clearing prior to publication of the final report on land clearing by the Legislative Council Standing Committee on Public Administration. Further, the sub-branch has asked that any future legislation of this type should be referred to a Ministerial advisory committee with the involvement of Primary Industries and other appropriate portfolios.

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Obviously that sub-branch has a bit of commonsense, even though it is a sub-branch of the Labor Party, and consists of practical people, because they come from Avon. The letter goes on -

I am aware of the significance of the issues that the Standing Committee is scrutinising and I believe that it would be appropriate for a Labor government to carefully consider the committee's findings before proposing any legislative action. To do otherwise would be to pre-empt the committee's final report on the matter.

It then states -

Similarly, such legislation would require thorough scrutiny and consultation by Cabinet, within the appropriate agencies, and by industry and the public, before it was introduced. No legislation of this nature is currently under consideration by Labor in any case.

There we have it - straight from the current Premier's mouth. No such legislation will be considered. Where is the consultation with the appropriate agencies, industry and the public? Where is the thorough scrutiny of the Cabinet? Have we been led to believe that the Cabinet allowed the regulations and the legislation to go through, not realising that if a tree is cut down, it will die?

I want the Parliament to know that this matter is very important to farmers. Some farmers are distraught over this matter at the moment. Even though this legislation encourages people to cut down fewer trees, paddock trees in rural Western Australia are going down like ninepins at the moment. The talk about this legislation is out there and farmers are taking matters into their own hands. I hope that, under the environmental protection legislation that has been passed, the minister will not send out her environmental police to prosecute farmers. What is the difference between a paddock tree that is 50 metres from the boundary or a patch of bush and one that is 45, 48 or 49 metres from the boundary or a patch of bush? If it is a paddock tree that needs to be removed to enhance the efficient running of a property, it should be allowed to be removed; farmers should not need permission from any bureaucrat for that to occur. That is the sort of thing that is in the legislation. Talk about using a sledgehammer to crack a nut! When we debated the original legislation, I said that it was giant overkill. In the old days the Soil and Land Conservation Act controlled clearing, and it still does to some extent. Soil conservation officers, many of whom were long-term, experienced men within the Department of Agriculture, came out to the farmer's property and said that he was not allowed to do this under the legislation, but that if he did it another way, he would get a similar result. They were very good people. Can members guess what happened to them? They got a call one Friday night and got the DCM - "Don't come Monday." In the Swan coastal plain area, 15 land conservation officers were removed from their jobs. Guess who took over? It was the Department of Environmental Protection based in Perth. A land conservation officer, or equivalent environmental officer, who probably was just out of university and had no farming background, came down from the city to tell farmers what they could do with their properties. I recently had cause to ring the Department of Environmental Protection. The officers were very polite. It was the first time I had been in touch with the officer in charge of clearing, and I was told there was a 20-week wait for approval for clearance for a dam construction and a 22-week wait to clear trees. The people involved with that matter wanted to clear six or eight trees to extend their vineyard. They were told to wait 20 weeks. The best time to build a dam is when the sun is out, which is usually between November and about May. If an application has a 20-week wait, the dam cannot be built that year. Therefore, the farmer cannot do what he wants with his land, and cannot bring in the much-needed income to make ends meet on that property. It is a 20-week wait. Farmers are putting up with such things right now.

The second time I had cause to ring the department, its officers were again very polite. I must commend the people in the Bunbury office as they were very accommodating. I was told that I could not talk to the officer I had spoken to before. Since I called the last time, I was to be transferred to a person who takes all calls from members of Parliament. Members of Parliament do not have two heads. I have been around the south west all my life. I know hundreds of very good bureaucrats who do a very good job, and I have never have had cause to have a fight or argument with any of them. To be referred to a special officer because I might have some sinister plot to cut down some trees or allow someone to cut down trees is overkill.

I implore the Government at the very least to listen to the Farmers Federation and the Pastoralists and Graziers Association. Listen to what they have to say. Look at what farmers do to protect their asset to ensure their water is not polluted, to ensure they have cut-off drains to stop phosphorous and fertiliser and other chemicals entering the water supply, and to ensure they have water for their cattle and wind protection for their crops. They do it anyway. This kind of legislation is an absolute insult to such people.

A letter from the Premier stated that no such legislation was currently under consideration by Labor. With the greatest respect to you, Madam Deputy Speaker, and the position you hold in the Labor Party, I do not think

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anything stated can be believed. I tell the Parliamentary Secretary to the Minister for Agriculture, Forestry and Fisheries that his minister has been absent without leave on this issue. He obviously did not look at this legislation. If the Labor Party is putting through such legislation to ensure it gets support from the Greens (WA) at the next election, it is a disgrace. It appears to be the case. I do not like to be too critical of the Minister for Agriculture. I have good dialogue with the minister and we have worked together on a number of things. He has been AWOL on this issue. The minister has been absent, full stop. Apart from fronting up at Mt Barker, and the bloke with the red beard giving you the rounds of the kitchen, Madam Deputy Speaker, the minister has been absent. This Government is completely out of touch on this issue. I implore the Government to sit down again and to start from scratch. Sit down with farmer groups and the land conservation district committees to discuss the matter. If the Government wants a summit, hold a summit, but please do not impose such legislation onto farmers in Western Australia.

MR J.P.D. EDWARDS (Greenough) [4.44 pm]: I support the motion. I start by paraphrasing part of a speech made by the then Leader of the Opposition, the current Premier, to a conference of the Western Australian Farmers Federation in 1999. He stated -

Australian farmers (and by farmers I mean all those men and women who make their living from the land) are among the most successful and independent in the world.

No-one would disagree with that statement. He continued -

Your industry used to preoccupy Australians and their governments. Much of our literature, distinctive vocabulary and traditional cultural values derive from rural Australia. In the 60s, that changed. Our mining and petroleum industries became the focus of government and business investment. Now we are told, information technology and financial services are the way ahead for Australia. Whatever priority we give to these new developments, we shouldn't overlook our most efficient and enduring industry, farming and the people who work in it and how governments can better work with it.

I emphasise that point. The then Leader of the Opposition further stated -

... in States as large as Western Australia, there must be a prominent role for government in the provision of essential community services. It is all about fairness. It is all about equal opportunity.

He went on to say that these matters are the responsibility of State Governments, and that country people are being marginalised and portrayed as a drain rather than a resource. The Leader of the Opposition at that time undertook a regional audit taking him to 30 towns and communities from one end of the State to the other over 12 months. He stated in his address to the conference -

... it is of concern that some Australian governments are not in touch. Fairness is not achieved by making it harder for rural families to get access to education, health and other essential services.

He outlined that from the Kimberley to the south, he had seen small communities affected by the privatisation of Main Roads Western Australia and cutbacks to health services etc. He outlined that small businesses that serve farming communities had suffered from increased electricity charges. This referred to 1999. The current Premier then stated -

What we gained from the regional audit we conducted over the last 18 months, and from the unique opportunity to stop and listen for a while that a spell in opposition provides, is that farmers and country people generally have been taken for granted for far too long.

It is interesting that today's Premier, the then opposition leader, made those comments. What has changed under a Labor Government? As the member for Warren-Blackwood rightly indicated, farming communities do not believe they are getting the support of the Labor Government. The Environmental Protection Amendment Bill 2002 was probably the most draconian piece of legislation ever to affect farming communities. I have not heard a farmer yet have a good word for it.

It would be true to say that some of the amendments, particularly the changes to the requirement for clearing of agricultural land, passed through this place with perhaps not enough scrutiny from some of us from rural areas. Perhaps we did not understand exactly its ramifications on the farming community. I commend Hon Robyn McSweeney in the upper House for her role in drawing the ramifications to the attention of not only the Legislative Council, but also the farming community and others. She delved a little deeper. Consequently, the Minister for the Environment and the Minister for Agriculture have had to amend some of their thinking and views on the matter. I suggest that a failing seems to have occurred in the coordination and communication between the two departments. Certainly, when it came to representation of the farming community, that communication was almost non-existent. Perhaps I will get back to that matter later.

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I refer now to a matter that prompted me more than anything else to be aware of this situation. A group of farmers in the northern wheatbelt in the Binnu area have cleared land. In the first instance, it was illegally cleared. About three years ago, there was a very grey area in terms of application. The Department of Agriculture handled the applications for the Soil and Land Conservation Council, but it did not really understand, certainly not in the Geraldton region, to what those applications referred. I believe there was a misunderstanding between the department and the farming community. The farming community was frustrated and needed to get on with farming, and to be able to do what they have always done to crop and feed their animals, and to use their land as they saw fit. Consequently, they went ahead and cleared. I think some four families were involved. Two farmers were prosecuted subsequently. Having cleared the land, one farmer decided to not crop it. The prosecutions against the two farmers have now been withdrawn. They have had two years of crops from their land. Consequently, they have probably made a reasonable profit in those two years. The one who did not crop his land has suffered some financial loss in those two years. He is now looking at a third year in which he will probably suffer another financial loss. The 200 hectares that he wishes to crop could probably make the difference between a profit or a loss from his property. Until last year there had been a drought. Therefore, he cut back his number of sheep and other animals and had been relying on cropping. Of course, the increased cost of machinery, fertilisers and other overheads has had an effect on his profit.

There certainly was not enough consultation with the farming community. Those farmers feel threatened by these regulations. They do not understand them; they have not been made clear enough to them. As the member for Warren-Blackwood has already commented, Hon Ken Travers chaired the committee that reviewed these regulations. I believe there was also a representative from the Western Australian Local Government Association, two members of the Pastoralists and Graziers Association and a representative from the Western Australian Farmers Federation. I believe there was a representative of the Environmental Defender's Office (WA) - I question why somebody like that would be needed on a committee dealing with a farming issue - and two representatives from the Conservation Council of Western Australia. PGA and WAFF do not represent all farmers. Therefore, it is questionable whether the farming community was adequately represented.

There is no flexibility at this stage, or there does not seem to be any negotiated flexibility for the farming community to have the freedom to work their land for productive economic use under these regulations. The member for Warren-Blackwood went into a fair amount of detail about the distance and width of fence lines. I believe my colleague the member for Moore mentioned just now that a fence line is 2.5 metres. That is seven feet or something like that. Today, most tractors are probably eight to 10 feet wide. Therefore, a farmer would not get a tractor down one of those fence lines anyway. The blade on the front of the tractor that is clearing the area would probably be 15 feet wide. It seems to me that there has been no forethought and that no direction is being given by the people who put these regulations together. I suggest that they probably come from a university background and have never sat on a tractor or talked to a farmer, let alone tried to understand what rural pursuits are about.

I am being general in my comments because the member for Warren-Blackwood was specific in some of his comments, and I understand other people wish to speak to this motion. The farming community sees the development on the coastal plain around Perth - from Perth to Mandurah, back up to Guilderton and beyond. They see sand dunes being knocked over and wetlands being filled in, all for development. They feel - I believe justifiably so - that their right to farm to make their living is being jeopardised by people who come out of the grey mist somewhere and make rules and regulations, without any consultation with them and without giving any thought to the end result of their decision making.

As a passing comment, I indicate that one farmer in Binnu cleared his land and has not farmed it. He cleared about 500 acres early in the piece and grew trees and shrubs on it. He is now alley farming that land. For those who do not know what alley farming is, it is an avenue of trees that are spaced every so often. Farmers usually alley farm on the low ground. That is the sort of commitment farmers have to their land. They will not jeopardise that. As with any businessman, they want to get the best out of their property and out of the business they run.

I very much support this motion. I have covered most of the general points I wanted to cover. I come back to the fact that I believe there has been a real lack of discussion between the departments. From an environmental point of view and from an agricultural point of view, I would be interested to know what discussions there have been between Minister Chance and the Minister for the Environment. It seems that currently the right hand does not know what the left hand is doing. Some of the questions that have been asked in the other place and the answers that have been given do not seem to marry up with what has been put into the regulations. Much of this has been done on the run.

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As I said earlier, Hon Robyn McSweeney has asked some pertinent questions and has constantly had the writers of the regulations running back to make changes to them. Those changes were not suitable, and they did not have answers to some of the questions. They had to do it again. It even reached the point that Hon Robyn McSweeney sent some 1 400 letters to the farming community. She was perhaps doing the Government's job for it by consulting with the farming community and advising it about what was happening.

The Government needs to get its act together and resolve this issue as soon as possible. Quite frankly, farmers are now becoming stressed. It is impinging on their personal life. I am aware that some of the farmers about whom I have been talking are suffering not only financial stress but also family stress. This is affecting the way they operate their business. The minister should take cognisance of that and address the issue as quickly as possible.

I will comment on the prosecutions. There does not seem to have been much consistency with the prosecutions. They dragged on for far too long anyway. Even now, I do not believe that those two farmers who had prosecutions brought against them have been given an assurance that they will not be prosecuted again. There are many grey areas that do not seem to have been cleared up. Many people have been left hanging on decisions for far too long. This Government has been too indecisive. Again using the words of the member for Warren-Blackwood, I implore the minister to do something about it and to work and consult with the farmers and with local government, because local government has a role to play in this as well. The minister was at a meeting that I attended the other day. I know that local government has some real concerns as well. The minister needs to address those concerns as soon as she possibly can and at least have some people on the ground who understand farming and what the farmers are looking for. She should consult with them and bring them on board so that they can work with her and not against her. Hopefully, the minister will find a solution.

MR W.J. McNEE (Moore) [4.59 pm]: Country Labor is absent again. That is par for the course. I was not going to talk about it, but country Labor members keep sticking their nose in. However, they are absent. Anyway, the voters are going to be absent on polling day, so do not worry. Clean out your desks, boys!

I think it has already been mentioned by the member for Warren-Blackwood, in the excellent speech that he made, that many years ago farmers had to clear every acre of their land to get a title, because they had to get rid of the vermin. That is one of the things that happened. I suppose that if we were clearing Australia today, we would not do it in that way. Imagine the huge task it would have been to try to crank up Australia in those days had the conditions that apply today applied back then. As I drive around rural Western Australia I see a wonderful, vibrant country that is threatened only by the rotten Government that we happen to have in this State - just temporarily, I must say; it will not last long. If I were to do it all again, I would do it in the same way, because the risk was worth taking. When we get back a Government that is willing to deal properly with issues such as salinity, we will get on top of these problems. When we get back a Government that is willing to work with the farmers, that will happen. That will not happen while members opposite are in government, because they are so keen on regulation and binding people up in red tape and tying the place up in knots, that they are running the State as though they are driving a car with the handbrake on. That is what they are really like.

Mr P.D. Omodei: And driving in reverse.

Mr W.J. McNEE: Yes - stuck in reverse, and driving at great speed.

In the late 1950s and early 1960s we had a competent Government called the Brand-Nalder Government. We were still clearing land in those days. The Government, through the then Department of Agriculture, encouraged all landowners, certainly in farming areas and in the wheatbelt where I was, to leave a two-chain strip of vegetation around the perimeter of their property. There was no compulsion. There were no bureaucrats running around with, as someone has said here today, the big stick. That did not need to happen, because the landowners in those days were responsible, hardworking people, just like the landowners of today, who are working on ever-declining profit margins, much of it caused by this Government. Make no mistake about it.

Mr F.M. Logan interjected.

Mr W.J. McNEE: The member for Cockburn can get up in a moment and defend, on behalf of Country Labor, his position. I would be happy for him to do it. I would be happy if all the members of Country Labor were to get up and defend their position. The socialists used to say that they want to own our land. We now have the modern-day socialist, with a few Greens chucked in. They are pretty close, are they not? They are paid-up members. However, they have come to realise that they do not want to own the land any more. They want to keep us working, and they will tax the guts out of us while we are doing it. They will direct us on what we can do with our land, because what they really want to do is have control over what people are doing on their land. They want to control people's lives. That is the socialist philosophy. That is important to the socialists. For as

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long as I have been in this place while this Government has been in office, and in previous times before we managed to get rid of the other bunch, the one thing they have always talked about is getting control. They want to control us even more particularly if we are self-employed or have a business or whatever. They do not like that.

Mr M.P. Murray: If you get back into government, will you remove all the clearing bans?

Mr W.J. McNEE: The member for Collie should get up and say what he is going to do. I will not be here, so there is no sense in my making empty promises. I will say yes, of course I will, because my promise, if I were to make one, would be as good as the Premier's promise on salinity and on no new taxes - as good as. Make no mistake about it. That is all right. The member for Collie, not me, is the bloke who will have to defend his Government on election day. I will be relaxing somewhere and having a good time. I will not have to answer to the people. The member for Collie is the one who is going to have to explain his Government's attitude to rural people. I am glad I do not have his job, because he will be battling to do it. If I were the member for Collie I would be cleaning out my desk. I would not be leaving my desk too untidy.

I turn now to a decision by the High Court that dealt with landowners' rights on fee simple. I will quote from some notes that I have been given. The notes state -

In the High Court of Australia decision between the Commonwealth-v-New South Wales Justice Isaacs describes Fee Simple or Freehold:

"In the language of the English law, the word fee signifies an estate of inheritance as distinguished from a less estate" -

"A Fee Simple is the most extensive in quantum, and the most absolute in respect to the rights it confers".

*"It confers, and always has conferred, the lawful right to exercise over, upon, and in respect to, the land, every act of ownership which can enter into the imagination, **including the right to commit unlimited waste, and, for all practical purposes of ownership, it differs from the absolute dominion of chattel, in nothing except the physical indestructibility of its subject.** Besides these rights of ownership, a fee simple at present day confers an absolute right, both of alienation inter vivos and of devise by will"*

That is what Justice Isaacs said. However, that is not what this Government is saying. This Government wants to interfere with my inalienable rights, and the inalienable rights of the people in my electorate. Who can remember the Community Drug Summit? That was a typical Labor show. All those people were brought into this Chamber, and they had all the answers before they even got here. Labor did that also with the salinity committee. It loaded it up with people who have no idea about farming, much less about owning a piece of land and what the heck to do with it once they have it. They would have no idea. Labor loaded up that committee, and now it is wondering why farmers are complaining because the committee came up with the wrong answer! The committee was so loaded that one could not get any reasonable argument out of it at all if one was a Pastoralists and Graziers Association of Western Australia representative or a WA Farmers Federation representative. It was hopeless. People in this place who are better informed than I am said precisely what would happen with the drug summit, and that is precisely what did happen. The salinity committee was a re-run of it. We need only to look at some of the dopey answers it came up with. It certainly did not provide workable solutions. That is the problem. We are proposing in the motion to allow landholders to clear one hectare or less per year per property around buildings, sheds etc. Of course we should. Why would we not allow that? It is part of management. It is not something farmers just go out and do.

Mr A.D. McRae: So you are agreeing with it?

Mr W.J. McNEE: I am agreeing with what the member for Warren-Blackwood has put up.

They are merely management issues, yet the Government wants to interfere with them in its socialist way. That is precisely what its regulations would be doing. That is fine, because everybody is talking about them, they are all scared of them and they will all be marching to the polling booth on election day and they will not be voting for the mob opposite.

I was on a farmer's property the other day. He showed me a fence that he must replace within the next few months. I reckon that the fence is probably 70 years old. It is a rabbit-netting fence that passes through some timber that has never been cleared. I did not realise that there was a fence there until we came across it. It was completely overgrown. If he is to put a new fence there, he will have to clear that land. There is no way he will be able to deal with the wire other than by pushing it up with a bulldozer. There is no way that he can pull it out.

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If the Government intends to restrict his ability to clear to seven feet either side of the fence, it had better do the job for him because government members' experience is obviously greater than his. I do not know what machine could work in that limited space. As the member for Greenough said, a bulldozer can have a 12 to 15-foot blade on it. People cannot hook up only one part of the blade. Those are the sorts of dopey, impractical ideas that are put forward by people who do not know what they are talking about. They have some fixed idea about what is good for my industry. They seem to think that they might save something.

The Government is setting that farmer an impossible task. He asked me, as a person who had farmed for a day or two, what I thought. The only thing I could say was that he would have to push what he had to push and that he would have to take up a bit of room. He asked whether the little inspector would be along. I said that I did not know but that what I had suggested was a practical and reasonable thing for him to do. That fence is 70 years old and has probably been overgrown by vegetation for 25 or 30 years, maybe longer. He said to me that it was his biodiversity patch. I said that he should use the expression more frequently because government members like that and most of them understand it, or pretend that they do. That is the sort of problem that stupid legislation creates.

I have not had much experience with swamps because, as members would understand, people in the wheatbelt do not suffer a lot of problems with swamps. A chap was saying to me that on his property he had a swamp. He said that as the weather had been dry for some years the swamp had become slimy mud. He said that he would like to get a machine into the swamp and push the mud out to clean the swamp so that the water could come back. I have no idea whether the water would come back, but he told me that it would and so I accept it because he has been there for a long while. He told me that the wildlife that had vacated the swamp would come back. He said that he could achieve two things: he could get the wildlife to return and he could water his cattle. I would have thought that if the farmer did that, it would be a good thing. However, I have no doubt that if he spoke to the bureaucrats, they would tell him not to do it. He does not farm in the wheatbelt, but he might be in a constituency that one of the government members represents. If I were a government member, I would be urging the Government to look at those practical things. What socialists do not understand in their absolute desire to control things is the simple things that they stuff up when they make dopey regulations.

Mr R.F. Johnson: Tell them what you mean, Bill.

Mr W.J. McNEE: I am working hard. As the member for Warren-Blackwood has said, farmers should be allowed to manage without government interference. That is what I have been talking about. We do not want government interference. It is an odd thing, but many years ago the skeleton weed levy was introduced. The member for Stirling will correct me if I am wrong, but I think when the levy was introduced farmers paid a certain amount of money on the first load of grain. It was all over, red rover.

Mr A.D. McRae: Did everybody pay it?

Mr W.J. McNEE: Every farmer who delivered a load of grain, whatever it was, paid the levy on his first delivery. If government members had enough brains, they would realise how government affects farmers. The levy has been gradually increased and farmers are now being asked for 65c a ton.

Mr D.A. Templeman: A ton or a tonne?

Mr W.J. McNEE: Members can please themselves. I have never bothered to convert it and I will not waste my time doing a conversion.

Mr B.K. Masters: Ask them the difference between a joule and a calorie.

Mr W.J. McNEE: All I know is that it comes off the bottom line. People now talk about the triple bottom line, whatever that means. God save me from it. I know it is bad news. I am saying to government members that when they light a fire they do not really know where it will end. They are quite happy to sit down without a care and impose regulations on farmers, and that is the end result. Of course, right will reign because, come election day, people will have the right to say that they have had enough of it. I urge the Government to talk to people like Craig Underwood who have a desire to get the right answer. They are farming people; they are not there to damage things but to ensure that their children and grandchildren can farm a piece of ground.

Mr A.D. McRae interjected.

Mr W.J. McNEE: The member can have his say in a minute. Country Labor members are not here but the member can have a go as soon as he likes. He can defend his position if he wants to. He need not worry, I am quite capable of defending mine. He should look after his own.

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The point I keep making is that this Government is so keen on regulation and control that it is out of control and, what is more, it is creating a bureaucracy that is out of control.

Mr R.F. Johnson: Tell them again, Bill. I do not think they are listening. Have an extension!

Mr W.J. McNEE: They will listen on polling day, and they will be sorry that they did not listen to me. I urge the Government to have a look at this matter and support the motion of the member for Warren-Blackwood. It is an excellent motion, and I fully support it.

MR T.K. WALDRON (Wagin) [5.19 pm]: I support the motion. I have some real concern about what is happening to the rights of landowners across Western Australia. I know that many landowners have real concerns as well. Over the past 12 to 18 months it has been one of the major issues that have been raised at my electorate office in Narrogin. Many landowners have come to see me because they are confused about what is happening with the Environmental Protection Act and the regulations. I will come back to that in a moment. One thing that really brought it home to me was when we talked about farmers. Having come from a farming family, having been a farmer myself in my early years, and having been involved in the farming industry as a real estate person and as a member of the community, I have got to know farmers very well because I have dealt with them a lot over the years. As in every other industry, there are good farmers, there are great farmers, there are average farmers and there are some poor farmers; but, when it comes to the environment, I find that 99 per cent of farmers are real practising environmentalists. Things happened in the early days, but farmers were doing what they thought was best. I know that with conditional purpose land etc farmers had to clear and do things to develop their land. They were forced to do things and maybe some mistakes were made, but this is about going forward. Modern day farmers realise that some damage was done earlier, and they are about going forward.

About a year ago there was an environmental problem with a road south of Kojonup that was cleared before it should have been. It went through a process, and I was present at a meeting attended by a well-known farmer called Arnold Bilney, who was a great community leader, a highly respected bloke in his own right and very much an environmental farmer. One only has to look at his properties to see that. There was a person at this meeting who was very green, an environmentalist, and who may have been very well intentioned, but she demonstrated that sometimes people go over the top and get so carried away on their high moral ground that they forget about the practicalities and the realities. After this lady spoke, Arnold Bilney said to her that he felt she had shown him no respect. She was virtually saying that farmers and landowners just did not care and that they should not be doing anything; they should just stop and shut up shop. I acknowledge that sometimes a small percentage of farmers cause problems, and I think those in the farming industry would be the first to jump on them. Arnold Bilney said that farmers are the best practising environmentalists because their future and the future of their families rely on it. In future it will become more and more important. As we discuss these rights, we need to keep that in mind. Farmers used to say that they wanted to be able to do anything they wanted. Modern farmers are not like that. They realise that there have to be regulations, and that environmental issues need to be addressed. Salinity is the biggest environmental disaster we face today, and we must acknowledge the great work that farmers are doing.

One of the main concerns of farmers is the over-regulation proposed in the environmental Bill. A lot of farmers are quite scared. I know that the minister has been to Mt Barker and that there is a lot of misinformation and emotion about, but some real issues need to be addressed. We have not yet seen the final regulations and people are still confused. There were so many amendments to the Bill. Consultation was mentioned. There needs to be a better plan for that consultation, and more people should be directly involved to help construct the Bill. That would help prevent the utter confusion, fear and misinformation.

People are very worried when they see the cases that were highlighted with the Department of Conservation and Land Management and Mr Carmody and Alan Yandle etc. Those sorts of issues have really put fear into rural landowners. That is understandable, when good, well-intentioned people, who are actually environmentalists, are being penalised because they are trying to do the right thing. If people deliberately transgress the law they must cop it. The problem is there is so much confusion that people do not know where they stand. Whatever happens from here on, people need to know where they stand.

I want to comment about some of the issues that were raised by the member for Warren-Blackwood and member for Moore. They have covered matters such as fence lines and the clearing of timber in paddocks etc. We need to make sure that whatever regulations are put in place, they allow practical and commonsense decisions to be made. I want to talk about fire, because I have a real fear, after going around my electorate and getting towards the more forested country, that there will soon be a major fire disaster in this State. Whatever we do with the application of these regulations, we must always keep in mind protection from fire, because if we want to protect the environment we must make sure we can control fire. Human life is a major part of our environment. We do

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not want any more loss of human life or property from fire and the very environment that we are trying to protect. I feel we will have a massive fire sooner or later. The member for Warren-Blackwood spoke about firebreaks, and I know that in my electorate next to Dryandra there were some problems with CALM and some local farmers about a year ago. The farmers actually support Dryandra because they know the environmental benefits of the Dryandra forest. I know the minister does. She was opening Barna Mia, which is a terrific set up. Farmers also acknowledge the benefits of that timber for their rainfall, windbreaks and shelter in some of the adjoining paddocks, but they do not want fire to destroy Dryandra or their farmland. They got together with CALM and made their own local rules. I do not know whether that was properly in line with the current legislation, but they got together and worked it out with CALM so that they could work in harmony to provide a commonsense, practical outcome that I hope will ensure there are no major fires there into the future.

I will now refer to firewood. People say we should not worry too much about the firewood side, but it is really quite an issue. This has been raised by people who cut firewood commercially or who want to use it on their own land. It is spelt out reasonably clearly, but I am interested to see what the final regulations are for firewood. People are now operating without permits who should have had them. I have told them that nothing will really change for commercial firewood gatherers, that they will still have to have the permit etc, but most of them did not know about permits anyway. That needs to be set out very clearly. Let us face it, there are heaps and heaps of wood-burning stoves - we probably do not need as many as we have - and firewood will become a bigger and bigger issue as time goes on. It is quite important.

Either the member for Warren-Blackwood or the member for Moore raised the issue of country people seeing development in Perth. That gets raised with me all the time. People are having these restrictions put on them, and to a certain degree they are happy as long as it makes commonsense, but they see these latest regulations as going over the top. They see all the development happening in Perth and it is hard for them to come to terms with that. Maybe some education is needed. I certainly do not know the forward requirements for the clearing of land for development as suburbs creep out in Perth. Environmental issues are also involved there.

I am not sure when we will hear about the final regulations. Will it be soon?

Dr J.M. Edwards: Yes.

Mr T.K. WALDRON: The real problem has been the ongoing battle with these regulations. I admit I am even confused about some of them, but they keep changing when different ideas are put forward. I hope some commonsense prevails and some of those regulations are watered down to achieve the desired results. Whatever happens, we will need a strong education campaign and the situation will need to be made clear so that people do not get caught breaking the law when they did not even realise they were breaking the law.

Another matter that worries me is the way the inspectors will apply the laws. People do not always agree with regulations. Obviously my constituents and I will not agree with some regulations. The education of inspectors and those who will police and enforce these regulations needs to be spot on. It is in the interests of everyone that these regulations be applied with practicality and commonsense; otherwise, there will be court case after court case, which will not help the Government of the day or the landowner. It will cause a lot of ill feeling. I guess solicitors will be happy about that, but there will be a lot of costs for many people that will not be necessary if the regulations are enforced with practicality, commonsense and consistency.

Concessions should be allowed for the clearing of regrowth timber. Maybe that needs to be considered case by case. I am not sure how that will apply fully. In a number of cases, regrowth is an absolute mess. It does not do the environment any good. It would be better to clear it, leaving proper bounds of bush so that we have the best of both worlds.

The environment is vitally important to all of us. It is vitally important to the farming industry. Narrogin is struggling to raise \$600 000 to complete the pilot oil mallee plant. It is a huge environmental pilot plant. I have spoken to the Treasurer about it many times. We have federal money and we need only \$600 000. We have already invested \$9.3 million of commonwealth and state taxpayers' money. There is a possibility that the plant will not work, but I am confident that it will work. There are advantages down the track in having more oil mallee plants. It must be a positive thing to have that number of oil mallees planted in Western Australia, let alone the investment that will be made in the industry, particularly by Japan. Japan is waiting while we are haggling over \$600 000 to get on with the plant; it is just sitting there. We can talk about the environment and the farmers who will get on board so that it works, but we need to progress that plant because it is vitally important.

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Mr B.K. Masters: What about the farmers who have already planted oil mallees? That is a very significant investment and now one of their economic options is being withdrawn from them because that \$600 000 has not been made available.

Mr T.K. WALDRON: The member is dead right. The other problem is that now is the time farmers should be planting more oil mallees, but farmers are asking why should they plant oil mallees, because if the pilot plant does not go ahead, they will not get a return. That is critical. Once the budget is brought down, I will put more pressure on the Treasurer. This is commonsense. We got an extra \$1.4 million from the federal Government. I am really sincere about this. It is ridiculous to need only \$600 000 when \$9.3 million has already been invested. I know that the Treasurer supports the program, but he has lots of things on his plate. This is really important.

Mr F.M. Logan interjected.

Mr T.K. WALDRON: Good. The parliamentary secretary needs to keep at him because it needs to be done, and done quickly.

I attended a conference in Katanning on forestry in the wheatbelt, which is a great initiative, and the oil mallee is part of that. A lot of farmers and landowners are extremely interested in getting involved in forestry in the wheatbelt. I think it is important and can be successful. Let us go for that. Let us apply commonsense to develop that initiative. All I ask is that we not go over the top and be ridiculous about these regulations and get into a situation in which inspectors rub people the wrong way by following the letter of the law completely. The next thing we will find is that there are court cases and bad feeling, and it will not progress our State at all. I support the motion.

MR B.K. MASTERS (Vasse) [5.34 pm]: In 1983 I attended a fundraising function held for the Liberal Party on the Dardanup property of June Craig, who was then a member of Parliament. It was in the lead-up to the 1983 state election. I clearly remember a minister by the name of Graham MacKinnon, whom some members will recall, standing on a rickety kitchen chair in the middle of the barbecue area and giving a warning to us Liberals at that time. He said, "Whatever you do, don't allow Brian Burke to become the next Premier of the State." He went on to say that Brian Burke had so little respect for the Parliament of Western Australia that he even wore safari suits into the Legislative Assembly. To be quite honest, I thought to myself, "Graham MacKinnon, you silly old coot. How on earth can you judge a person by the type of suit he wears?" I am both pleased and sorry to say that Graham MacKinnon was right. As everyone will now realise, only a few years later Brian Burke showed himself to be one of the most disgraced and possibly the worst politician this State has ever elected into the Western Australian Parliament. Even today, 17 years or thereabouts after he left government, that politician is costing the taxpayers of Western Australia significant expenditure of funds.

What does this story have to do with the motion before the House? When I first came into this place in 1996 as a newly elected member, I had been told by many people from all walks of life that private property rights were under attack in WA and that I should fight to protect the right of landowners to use their land for any purpose they thought desirable. To be honest, I have to admit to being somewhat sceptical at that time of that point of view. First, I did not believe that landowners and other property owners were losing their rights. Secondly, even if their land uses were being constricted or constrained in some way, the Government, in my view, would never expropriate land in unfair or inappropriate ways.

Just as I learnt from the warning given by Hon Graham MacKinnon in 1983, so I learnt very quickly in my first few years as a member of Parliament that Governments of all colours often have no respect for private property rights. I was a member of the Liberal Government for four years and I must admit that, in that four-year period, the Government in different ways attempted to expropriate or succeeded in expropriating private property rights from legitimate landowners. Very quickly I will mention some of them. The Swan coastal plain environmental protection policy was designed to protect wetlands on the Swan coastal plain. In the Leeuwin-Naturaliste Ridge Statement of Planning Policy some 200 properties were to be zoned for conservation, effectively ensuring that no development would occur on those properties. In 1996 or 1997 the Shire of Busselton town planning scheme was before the State Government for approval. Western Power built powerlines across private properties without bothering to pay compensation and, in fact, without legislatively needing to pay compensation. Many members will know about the dairy industry deregulation, whereby a private property right - namely, the milk quota that was either given to dairy farmers or bought by them from other farmers - was abolished at the stroke of a legislative pen and no compensation was payable. There are still farmers in the Kemerton industrial area who, 10 or more years after the planning laws were put into effect in the area, cannot get compensation for the loss and diminution in value of their private property. In hindsight, the coalition's record in my first year of Parliament was 50:50 in its actions in this regard. For example, I was able to negotiate with people like Graham Kierath, and we were able to arrive at an acceptable compromise. Some diminution of private property rights

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occurred, but there was payment of compensation in various forms for those losses of property rights. My biggest worry has been since the Gallop Government was elected in February 2001. This has been a significant disaster for one of the underlying principles upon which our society is based - respect for property rights. On significant and frequent occasions, the principle of respect for property rights I regret to say has been happily ignored by this Government. The worst example enshrined in the motion today is the control placed on native vegetation clearing in the draft regulations, the implications of which we clearly understand. That is the worst example by far. However, there are other examples. Western Power continues to build powerlines, including in my electorate, and either chooses to pay minimal compensation or no compensation for the loss of use of various private properties affected by the powerlines. The Water Corporation continues to build pipelines across farming properties, causing significant damage to the productive capacity of the property owners, yet minimal or no compensation is paid. I emphasise that the clearing controls under discussion today in the motion are the most draconian and damaging example I am aware of ever in Western Australia in their lack of respect for private property rights.

Why do I say that? In 1979 the Government of Sir Charles Court introduced a clearing ban in the catchment of the Wellington Dam on the Collie River. Two messages came from the decision of that former coalition Government. First, as there was no consultation with farmers at that time, I understand that within the three or four months between the rumour of the clearing ban entering the public arena and the creation of the law that effectively stopped any clearing, significant clearing of native vegetation took place on private properties. This was because landowners were not involved in the process. Government was acting, and bureaucrats were working in the background trying to achieve that control. The word got out, as it always does. Unauthorised and unwise clearing of native vegetation took place for three or four months. Only two years ago, someone from the Water Corporation advised me that it took from 1979 until 2001 for the land that had been cleared in that three to four-month period to be revegetated; that is, the impact was such that the salinity level in the Wellington dam catchment only then returned to where it was prior to the first rumour of the clearing ban. The first message from the actions of the Sir Charles Court Government of 1979 relates to the need for consultation. The State is going down exactly the same path in this case as that followed by Sir Charles Court's Government in 1979. Consequently, farmers in the bush have been doing things that in many cases are illegal. However, in many cases they were given no choice, because they were forced into it by threats being made by the Government about the severity of the controls to be put in place on properties.

The member for Roe referred to the Queensland example. I have no facts or figures on that matter. However, in the early 1980s, the Don Dunstan Government talked about a clearing ban in the entire State of South Australia. Every bulldozer in South Australia and the western parts of New South Wales and Victoria was in South Australia for about six months bulldozing every square inch of vegetation farmers could pay to have cleared in the lead-up to the imposition of those laws. The message, minister, is that when doing such things, talk to the landowners and those who will be affected by the decision. The first message is community consultation. There has been virtually no such consultation on the clearing controls in this State. It is happening now, but the consultation is tokenism at best and landowners have a weak hand in negotiating with the Government.

The second message from 1979 is that once the clearing ban came into effect, all affected landowners were compensated for their loss of economic benefit as a result of the ban. Although the Government of the day in 1979 did not handle the community consultation aspect well, it respected private property rights. In other words, the Government of Western Australia knew compensation had to be paid for the restrictions placed on private property owners. The Queensland Government last year was re-elected on the promise of paying \$150 million from the State's coffers, with no federal money involved, as compensation to landowners affected by its clearing policy. That party was duly elected on a commitment to pay \$150 million, and a commitment to allow another 500 000 hectares, or 5 000 square kilometres, of native vegetation to be cleared under a ballot process. That process has not commenced, but I understand it will be finished this year. The Queensland Government recognised the need to pay compensation for the loss of private property rights arising from a clearing ban.

I understand that the federal and New South Wales Governments are currently talking in a mutually beneficial way about the payment of compensation to landowners in New South Wales if a clearing ban on native vegetation is instituted. A federal election will be held in September, October or November this year. I expect some significant announcements to be made by the federal Government about the payment of compensation to farmers adversely impacted upon by a clearing ban. I hope this program will apply to Western Australia, but I suspect payments will apply mostly to New South Wales farmers affected by the New South Wales Government's desire to have a clearing ban in force.

Let us look at what this Government is doing. Firstly, it is bringing in no compensation. I have raised the question of compensation with the Minister for the Environment at different times in the past, and I think she is

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on the public record as stating that no compensation will be paid to farmers whose properties are adversely impacted upon by this legislation. That is a very serious omission in terms of one of the principles that should be enshrined in both the thinking of the Gallop Labor Government and the legislation that the motion today seeks to criticise.

The second reason for supporting the motion today is that the regulations the Government has proposed are unworkable. They are slowly getting better.

Mr R.C. Kucera: Are you suggesting it's coalition policy to compensate landholders?

Mr B.K. MASTERS: Yes. I am happy to say it is. If the minister goes to the Leader of the Opposition's web site -

Mr R.C. Kucera: I don't normally read that.

Mr B.K. MASTERS: I cannot blame the minister for that. The second or third position statement written by the Colin Barnett Opposition after becoming the Opposition in February 2001 was about private property rights and a commitment to respecting those rights.

Mr R.C. Kucera: If the legislation goes through, do you intend to put that into your forward estimates?

Mr B.K. MASTERS: The minister is talking to an Independent member. I cannot make any commitment for the Liberal Party. I am sorry; maybe the minister should apply some influence to that party.

What is the consequence of the two very bad aspects of the legislation? I refer to the fact that no compensation is to be paid, and that the current regulations are unworkable. There are a number of consequences. The first is that there is a lessening of respect for government, for government processes and for the political process in the minds of those people whose properties are being affected in this way and in the minds of those people whose economic viability is being affected in this way. Politicians are not held in very high esteem by the public at the moment. The regulations that the Government is pushing through will not help remedy that lack of esteem for politicians in any way.

The second consequence of this legislation is that there is, and will be for many years, clearing by stealth. What do I mean by that? I mean that the accidental fire will go through a wetland or a bushland area. There will be the accidental spread of fertiliser from an area of pasture next to bush. That fertiliser will move into the bush because the wind is blowing in the wrong direction. The consequence will be that, without any active support of the landowner, weeds will move into that bushland. Therefore, effectively those weeds will clear out or diminish the number of native plants; in other words, clearing by stealth.

The third and most serious consequence of this legislation is that because so much bad faith has been displayed by government as a result of these regulations, the bushland that is theoretically protected by the minister's new regulations will not be managed in the medium or short term. Therefore, it will degrade. I talked about accidental fire and the accidental ingress of fertiliser. There will mysteriously be lightning strikes in areas of sensitive bushland that will result in intense fires. Over time, the frequent and intense fires will cause ongoing damage to the biodiversity of the area. Farmers will stop laying fox baits because there is no benefit to them in looking after bushland when that bushland is simply an economic millstone around their necks.

[Leave granted for the member's time to be extended.]

Mr B.K. MASTERS: The native vegetation that the minister is trying to protect under this legislation will degrade over time because she does not have the farmers, the owners of that bushland, on side. They will do as little as possible to manage that land that the minister and I both agree is of high environmental and conservation value and should be protected.

The question that must be asked is: why would a Government and its Minister for the Environment risk the protection and management of the bushland and wetlands in perpetuity, which is the very thing that their legislation is trying to achieve? The answer to that question is that the Government is trying to make short-term political gain. It is trying to get and retain preferences, primarily from the Greens (WA), at the next election. I am sorry to say - or pleased to say - that there is a false perception that the Greens delivered the Gallop Government into a position of power in the February 2001 election. The Gallop Government does not like admitting it, but an examination of the votes that were cast in the 2001 election and an analysis of the preference allocations show beyond any shadow of doubt that the preferences from One Nation put this Government into power. It was not the preferences of the Greens. They helped; I grant that. However, overwhelmingly it was the preferences from One Nation that put the Gallop Government into power.

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The minister and the Government are now making decisions designed to shore up the Greens preferences at the next election. Although the Greens vote will be down in the next election, I am sorry to say that because of the actions of this current Government, the number of people who vote for One Nation will go down even further, and there will be a stronger primary vote for the non-socialist parties and a stronger flow of preferences to the conservative parties, if I can use that term, rather than to the Australian Labor Party.

I believe I know why the minister is doing what she is doing. It is all about short-term benefit. The sad reality is that she is sacrificing the medium and long-term environmental values of the bushland she is trying to protect because those values will degrade over time, and she is doing that all in the name of short-term political gain. I am sorry to say that the minister will be remembered as the Gallop Government's minister who did more than any other minister to turn the gulf between city and country people into a chasm. That in itself is bad enough. However, I believe that at the next election the Government will lose virtually all of its non-metropolitan seats primarily because of this legislation.

I refer to the motion itself. I am pleased to say to the member for Warren-Blackwood that I do not disagree with a single word in this motion and I would not change a single word. Essentially, the member for Warren-Blackwood has encapsulated the thoughts and fears of literally thousands of farmers and other landowners in the State of Western Australia in the half-page motion that is before us today. For example, paragraphs (a) and (h) of the motion summarise the fact that the Government is trying to be too clever by half. That is sad. It is trying to say to the farmers that it will work with them. It will even set up a working party, and there will be representation of the farmers on that working party. However, the farmers will be a small minority on that working party. They will be so heavily outnumbered by representatives of the Conservation Council of Western Australia, the Environmental Defender's Office (WA) and the very bureaucrats who are following the minister's direction on this legislation that the voices of sense and reason of the farmers will, as has been shown already, be ignored. It is clear from paragraph (b) of the motion that the regulations, as they currently stand, are unworkable. I understand that the member for Warren-Blackwood has dealt with some of the reasons that they are unworkable.

I will finish with some specific comments on the motion. Probably the most important part of the motion is paragraph (c), which calls upon the Government to allow landowners to clear one hectare or less a year on their properties. When I debated the legislation with the minister in 2002, I think - I believe we were in the Legislative Assembly committee room at the time - at no stage was I given any indication that the principles enshrined in the Soil and Land Conservation Regulations, which had applied until that day, would not also carry through to the new legislation. The most workable and the most sensible part of the Soil and Land Conservation Regulations was that landowners did not need permission to clear or deal with native vegetation on areas of land less than one hectare. That is the monkey on the Government's back. It is the greatest imposition on landowners. I plead with the minister on one matter. I predict that if the Government reinstitutes that one-hectare minimum clearing area, 95 per cent of the objections to the Government's regulations will disappear overnight. I do not believe that the farming bodies - the Pastoralists and Graziers Association and the Western Australian Farmers Federation - will say publicly that that is their view. However, being a member of the WA Farmers Federation and having had many dealings with the PGA over the years, my belief is that if the Government reinstitutes the one-hectare minimum clearing area without a permit, the minister will be able to sleep easy at night for the rest of her term.

Mr F.M. Logan interjected.

Mr B.K. MASTERS: Because it is not part of their political process to say good things about socialist Governments.

Mr F.M. Logan interjected.

Mr B.K. MASTERS: Yes, I know. However, we are talking about political games being played.

Mr F.M. Logan: I have never found the PGA to be a shrinking violet.

Mr B.K. MASTERS: That is true. The PGA will say that it has many other legitimate concerns about the legislation. However, I assure the parliamentary secretary that the one-hectare minimum area restriction is undoubtedly the most severe.

I am happy to publicly state my support for the principles behind the legislation. However, it appears to be beyond the minister's capabilities to turn those principles into practical regulations. That is not because the minister does not understand what she is doing. I believe the minister knows exactly what she is doing. The minister is effectively trying to bribe her way into ensuring that the Greens' preferences continue to come the Labor Party's way at the next election. I fear that although the minister may succeed in achieving that outcome, the regulations as they currently stand will not be respected by the people to whom they should apply.

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Therefore, the regulations, being unworkable, will be seen as bad legislation, and the minister will be held responsible for that adverse outcome. If the minister genuinely wants to protect native vegetation in Western Australia, she should work with landowners to achieve common goals. The current regulations are dictatorial, impractical, unfair and unworkable. I have no doubt the minister knows what she needs to do. I just wish she had the courage to do what is right.

DR J.M. EDWARDS (Maylands - Minister for the Environment) [6.01 pm]: I thank the members who have participated in this debate. This is a useful and timely debate given that these are draft regulations and have been out for public consultation and are currently being considered within government. These regulations flow from the Environmental Protection Act, which is why they are Environmental Protection Act regulations. The purpose of the regulations is to streamline the process that is currently in place to regulate land clearing. I have found to my displeasure as I have gone around the traps that when I have raised some of the things that are already being regulated, people have not always known that they are regulated. Therefore, we are dealing not only with the draft regulations and some new ways of doing certain things, but also with bringing people up to speed with the regulations that exist already.

Under these new regulations, biodiversity, soil erosion, water quality and salinity will be considered up-front under the application to clear, rather than the process that applies at the moment, under which a person must lodge with the Commissioner of Soil and Land Conservation a notice of intention to clear. That application to clear may then be referred to other agencies in a sequential manner, and it may take a long time to achieve a result, particularly if the application is referred from the Department of Agriculture to the Department of Conservation and Land Management and the Department of Environmental Protection, and then to the Environmental Protection Authority for assessment. For many people this will be a more streamlined and quicker process, because there will be a single point of contact. It is important to point out also that although the focus tonight has been on farmers, these regulations will apply all over the State, in the city as well as in the country, and will cover public landowners as well as private landowners. There will be much more equity in these regulations than exists at the moment.

It is important to point out also that the regulations are not a total ban on clearing, as some people are portraying them to be. They outline the way in which people will be able to get a permit, or, as can be found on many pages of the draft regulations, list what people will be able to do without a permit. I think some people are reading the list of what people can do with a permit as though people will need a permit to undertake those activities. The debate tonight has been useful, because I am awaiting the final report from the department so that it can help inform my decision.

I will now address some of the issues that have been raised. There has been consultation about the regulations. Consultation on the regulations started in August 2003. It was held mainly with the peak bodies. However, from August 2003 those peak bodies have been working with my department to look at what will be in the regulations and how they are put together. The draft that has been referred to tonight - draft 13 - was circulated in December of last year. It was sent to those peak bodies, and also circulated more widely in the community, and people were given about three months in which to comment on the regulations.

Mr J.P.D. Edwards: I know that the peak bodies were notified, but how much wider did it go? To which other people did it go?

Dr J.M. EDWARDS: The list of peak bodies is quite extensive. We assumed that the peak bodies would talk to their members and further afield. However, we extended the public consultation time frame when it became clear to us that some people were saying that only the peak bodies had been consulted and we were not casting the net wide enough. That raises an interesting issue as to how far we go down the consultation process and consult to death versus to what extent we ask the peak bodies, which generally have the strongest opinions, to talk to their members and spread the word in that way. In front of me now I have 69 submissions as a result of that public comment period. I also have the submission from the working group, which I will be going through in coming to the final set of regulations. When we do that, we will be consulting with the peak stakeholder groups in a final quick round to bring it all to a close.

People have made comments about the working group. I do not accept those comments. I think it is fine for the minister to set up a working group that has representation from the Pastoralists and Graziers Association of WA, the Western Australian Farmers Federation, the Conservation Council of Western Australia and the Environmental Defender's Office (WA). The reason we have chosen to have representation from those bodies is that they have some very sensible lawyers who have made a significant and positive contribution to this debate. Obviously we have also had representation from the Western Australian Local Government Association, which has a lot of interest in this area. We had separate working parties dealing with WALGA to look at roadside

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conservation and clearing. So yes, within any group that is looking at regulations that cover the whole of the State, not just farmers, there will be disagreement. However, that working group has been important, because it has also found some areas of common ground, and that will help us all to move forward.

One claim has been put forward tonight that is categorically wrong. Some people have been saying that under the Soil and Land Conservation Act farmers can clear up to one hectare per annum. That is not true. It is up to one hectare, but no time frame has been put on it. I will take those comments on board. However, the people who make those comments need to realise the complexity that these regulations will apply across the State across the board, full stop. Although it may be easy to justify one hectare a year on a large property, it becomes more difficult if a farmer has a much smaller landholding on which sequentially over a short number of years, if we were to allow one hectare a year to be cleared, quite valuable and potentially conservation land could be cleared in that manner. It is a matter of finding an outcome that is practical and commonsense and that works for everyone who is covered by the regulations.

Another issue that has been raised is firewood. I believe we can make improvements with regard to firewood. I think that matter was raised by the member for Warren-Blackwood, and also a member on this side - and perhaps also the member for Wagin. People have come to me with their comments about firewood. That can be improved upon, and the working group has been looking at that.

Mr P.D. Omodei: I understand that it has been changed from six cubic metres to a greater amount. The problem is that if you cut down a green tree for fence posts, the regulations then prohibit you from using the rest of that tree for firewood, because it is a green tree. There are a lot of issues in there that are just not practical.

Dr J.M. EDWARDS: Presumably it would be possible to dry the wood and then use it as firewood anyway.

Mr P.D. Omodei: If you cut down a green tree, in a year it will be suitable for firewood.

Dr J.M. EDWARDS: Absolutely. I agree with that. We can bring more commonsense to that matter, and we will do that. It is a similar situation with clearing along fence posts. My instruction to the department before I get the final report is that it must use commonsense and reflect some of the things that actually take place. The member for Moore raised the issue of the fence line that has 70 years of regrowth over it. I have a pretty good imagination. I imagine that one can hardly see the fence and it is probably being held up by all that vegetation. We need to be sensible about this matter. The other day someone suggested to me that perhaps a farmer should walk around every bit of fence each year and make sure it is clear. I said get real. That is silly. I will not even countenance a suggestion like that. What I want is a set of regulations that will show commonsense and be workable.

Mr P.D. Omodei: These are not.

Dr J.M. EDWARDS: I think there are aspects of these regulations that are not, which we will look at, but I believe there are aspects that are workable and we will move forward on them. If the member gives me as much practical feedback as he wants to in the next few weeks, I will take it on board.

Mr P.D. Omodei: Read my script.

Dr J.M. EDWARDS: I sat and listened.

Mr M.G. House: You visited Mt Barker nearly six weeks ago. There has not been a lot of progress since then because the working party that has been trying to resolve some of the issues has not been able to get agreement out of your officers. You said in Mt Barker exactly what you have said just now. You asked people to give you examples and said that you would work on them and come up with some sensible solutions. People left that meeting with the view that you would have a genuine crack at resolving those practical difficulties. That has not happened.

Dr J.M. EDWARDS: It has not happened with the working group, but I am waiting on that working group's report to me. A summary of submissions has come to me. I have made very clear to the department that we must have workable solutions. Some of the suggestions put forward tonight are not workable and some are not the truth. We need a commonsense, practical application.

Mr M.G. House: When you get people who interpret regulations in the way the Department of Conservation and Land Management officer Laurie Anderson does in Albany, it is very difficult to get people to work with you in a sensible way, because the guy is over the top.

Dr J.M. EDWARDS: I will respond to the member's comments at the end. It picks up on something that the member for Wagin said.

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I want to address issues that have been raised about firebreaks. These regulations contain nothing that alters the powers under the Bush Fires Act or the Fire Brigades Act, so there are no changes to current fire suppression arrangements or what people do in an emergency situation. If a fire control officer says that a firebreak must be so wide, that will be exempted under this legislation. The power of the fire control officer to determine what is needed locally to control fire remains as it is. We are not interfering with that.

Mr P.D. Omodei: Are you saying that the Bush Fires Act overrides the Environmental Protection Act?

Dr J.M. EDWARDS: It overrides these regulations, yes.

Mr P.D. Omodei: You know that the Environmental Protection Act overrides every other piece of legislation in the State.

Dr J.M. EDWARDS: If the member refers to the Act, a section of the Act lists the Bush Fires Act under the list of approvals that are exempted.

Mr P.D. Omodei: Why put the 2.5 metre and one metre provisions mentioned in the regulations?

Dr J.M. EDWARDS: It is because it refers to clearing to maintain or construct a fence line. It is not talking about the firebreak. It is quite separate. Does the member not want sometimes to be able to get into an area to construct a fence? He would not want to have to get a permit.

Mr P.D. Omodei: If you build a fence, you build it with a firebreak outside the fence. Every time you build a fence next to bush you build a firebreak.

Dr J.M. EDWARDS: People do not always do that. I have been to parts of the State where people have not built firebreaks.

Mr P.D. Omodei: Is that right?

Dr J.M. EDWARDS: That is right.

Mr P.D. Omodei: What happens to their fences when the first fire comes through?

Dr J.M. EDWARDS: Sometimes they are burnt down!

The member for Moore talked about a five-metre fence line not being enough. That again has been discussed with the working group. It is clearly silly to have a regulation if machinery cannot fit into the fence line. That is being looked at, and I look forward to seeing what the officers finally come up with.

The member for Wagin made the comment that farmers are some of the best practising environmentalists. That is probably true. He then went on to make comments about the recent Carmody and Yandle cases, but I would urge some caution. The Carmody case was referring to clearing on a nature reserve. It did not have to do with clearing that they were doing on their own land; it was clearing on a nature reserve. That is why CALM became involved. The member then went on to make comments about how regulations are effectively policed. This really picks up the comment of the member for Stirling; that is, of course when policing regulations there must be as much consistency as possible across the whole State between different officers, because in a State as large as ours, officers are based throughout the State. I have been talking to the department about the need to get that uniformity of view and the training that must occur with our staff who are responding to questions about what is exempt, when a permit is needed and, if unlawful clearing has occurred, how it is looked at. Consistency is important. I am involved in discussions with the chief executive officer to make sure all those things are set up.

Mr M.W. Trenorden: The Avon National Park, which I hope you have been to, is a magnificent national park at the bottom of my electorate. However, because CALM has not maintained the roads, members of the public are driving their four-wheel drives through the bush to get around potholes, rocks and other things they do not want to drive through. You cannot allow that, particularly in a national park, when the prosecutions you just talked about are allowed. It makes a mockery of the whole process. There is a cottage in the Avon National Park and a ranger, but he has been removed from the park for most of the time because of under-resourcing.

Dr J.M. EDWARDS: I am happy to raise that matter with the Department of Conservation and Land Management. Attention must be paid to the roads. I will follow-up on that matter.

The member for Wagin raised some other issues. I have dealt with the issue of firewood. Regrowth is proving to be a tricky issue. However, the working group has been paying a lot of attention to it.

Finally, I refer to the comments made by the member for Vasse. Perhaps he was making comments setting out his re-election platform as an Independent member. Although it was an interesting argument, it was not entirely relevant to what is being discussed tonight. It is important to emphasise that we are not talking about a clearing

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ban; it is a system to regulate clearing. Clearing will continue to occur because people have exemptions that are laid out in these regulations. Perhaps they are not as clear as they could be, but certainly people will be able to see the exemptions. If people are not eligible for an exemption and they want to clear land, they will have to apply for a permit. The process of getting a permit will be carefully laid out and people will know what must be done.

The member for Vasse raised the awful prospect of clearing by stealth. In doing that, he has undone the arguments of other opposition members tonight. The member for Wagin said that farmers are model environmentalists and the member for Vasse has told us that the farmers will firebomb and fertilise land to clear it by stealth.

Mr B.J. Grylls: We will run with what the member for Wagin said.

Dr J.M. EDWARDS: Absolutely. The member for Vasse also raised the issue of not compensating people when they are not permitted to clear their land. It is important to point out that these regulations cover the whole of the State. When people who live in the city are told they cannot clear certain areas of land, they do not get compensation and neither will people who live in the country. The Government is considering what assistance can be given to people in the country and what type of adjustment, or whatever set of words are used, can be made to help those whose livelihoods are affected when this decision is made.

As I said, I am waiting on the final reports, the compilation of the 69 submissions and the final report of the working group. I intend to introduce a set of regulations that are practical and contain commonsense, but which, above all, are workable. Despite this debate, I believe that members share the common aim of wanting to ensure that the environment is properly protected.

MR M.G. HOUSE (Stirling) [6.18 pm]: I want to add a couple of comments to this debate. I am heartened by the comments the minister made a few minutes ago except that they are identical to the comments she made at a public meeting approximately six weeks ago at Mt Barker. In the meantime, a lot of effort and energy has been put into this matter by a combined working group that was chaired by a local government -

Dr J.M. Edwards: It was chaired by Hon Ken Travers.

Mr M.G. HOUSE: Was it chaired by Hon Ken Travers? Certainly the group comprised members of local government, the Pastoralists and Graziers Association of Western Australia and the Western Australian Farmers Federation. After talking to a couple of those members about a week ago, it is my understanding that they have not been able to reach any agreement about the issues that were raised by the minister. While I am heartened by the fact that the minister says she will still find a practical resolution, these are practical people who have been trying to come to some terms of arrangement with her officers and at this point have not been able to find that common ground. That is of concern to me. We are talking about regulations and legislation. The legislation is already in place. The minister knows full well that she could tick off on any regulations and they could be changed the week after, in a matter of days or weeks, not necessarily by the current minister but by another minister who might take over her responsibilities, or after another election. The danger we face now is that there is legislation in place that allows some very draconian things to happen to people who own private property and who believe that they have a right and entitlement to do certain things. I think most of us accept that they do, because if we go back to the grants that were made in the early days of the colony, the principle of private property rights was enshrined and this Parliament has upheld them up until this legislation. It is the legislation that is at fault, in that it allows a minister by regulation to do certain things that are right outside our understanding of the principles of private property ownership. That private property ownership and the right to do things are under threat. In the past, Governments took land from people under certain circumstances. They have certainly learnt a lesson from that. Governments do not take land away any more; they just make it so damned hard to own and manage properly that it becomes an impossible task when the regulations are so difficult to enact in a sensible and practical way.

I want to make this point very clear about these regulations. I assure this House that it will not be long before some other minister, maybe of a different ilk, brings down a different set of regulations. This House may allow those regulations to pass and the other House may or may not, but it is the legislation that needs to be changed. There are a lot of very practical people out there who believe in land and soil conservation and they want to leave their land to the next generation in a better condition than they found it. This legislation does not allow them to trade off things. Like many other farmers and landowners, whether or not they earn their living principally from farming, I have planted thousands of trees, put in hundreds of hectares of contour banks and fenced land on soil tops. I have done all the things that are recommended with the scientific knowledge that we have today and behaved in a very reasonable and responsible manner. Farmers have spent thousands and

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thousands of dollars on no-tool machinery in our part of the world so that our soil will not blow away. We have put stubble back into the ground. We have done things that were not even thought of 10 or 15 years ago.

Mr F.M. Logan: Have you been through the wheatbelt? You can't see from one side of the road to the other.

Mr M.G. HOUSE: Sometimes interjections are not of much value.

Several members interjected.

The ACTING SPEAKER (Mr A.J. Dean): Order, members!

Mr M.G. HOUSE: In this case they are of great value because they indicate that the parliamentary secretary, who has some influence on the Government and some responsibility in this matter, does not understand the practical aspects of what we are attempting to do in rural Western Australia. That is the danger. By his interjection he has highlighted the point I am trying to make.

Mr F.M. Logan interjected.

The ACTING SPEAKER: Order!

Mr M.G. HOUSE: If the member wants to continue to describe farmers as ignorant, if he wants to continue by interjection to belittle the interests of farmers, then so be it.

Mr F.M. Logan interjected.

The ACTING SPEAKER: Order, parliamentary secretary!

Mr M.G. HOUSE: His Government will have to accept the consequences of that in time. I hope it does.

To get back to the point I was making, what this legislation does not allow is for some compensatory commonsense and practical trade-off approach to what we are trying to do. I will give an example of that. This legislation states that a farmer cannot clear a single tree within a certain distance of another tree. It states that a farmer can clear only a certain distance from a fence line. Whether that is practical or not has not occurred to the people who drafted the legislation. It does not take into account that a farmer might have planted thousands of trees along a creek line within a few metres of that fence, or that an individual tree might be a hindrance to the way the farm operates as a practical agricultural enterprise; it takes none of that into account. I cannot see, for the life of me, why some commonsense cannot be applied to this legislation. If it is so easy to pass legislation, then surely it must be easy to apply a practical commonsense test to the sorts of things we are doing, and pay a bit of credit to and take heed of the people who apply sensible, commonsense measures on their land. At stake is the creation of an over-the-top, heavy-handed legislative response, and for what reason? Nobody has been able to say why.

We have been focusing on large-scale land clearing. Large-scale clearing largely - I stress the word "largely" - ceased in this State at least a decade or so ago. Some individual cases have been raised in which people want to clear large areas of land, but, by and large, that is not the case. By and large, people have been planting more trees than they have been clearing, except in the metropolitan area where land is being cleared for housing developments. It seems to be all right to do that. Members should look at the coastal dunes in the northern suburbs. A few years ago, a person driving up north to Wanneroo would see a sign that said "Please don't drive dune buggies in this area because you will degrade the sandhills." It was there for ages. Mr Acting Speaker (Mr A.J. Dean), you would probably have seen it had you driven up north back then. Do members know when it came down? It came down when the developers moved in and levelled the site to build houses. That was the respect they had for the sand dunes. One week a person was not allowed to drive a dune buggy there because it would degrade the sand dunes, and the next week a developer was able to knock them flat to put up houses.

Mr F.M. Logan: Whose Government approved it?

Mr M.G. HOUSE: The member wants to be less of a smart Alec interjector and more of a sensible and practical contributing member of Parliament than he has been to date. People are trying to find a practical solution to this problem, and, to that end, I commend the minister. I waited until she had spoken before getting to my feet to comment. However, she needs to direct her officers to move a bit further along the line and make headway on this issue, because it is of serious concern to people who are doing the right thing. Not everybody is a criminal and not everybody has done the wrong thing. Some have done the wrong thing and they have been prosecuted, and some have done the right thing and not been recognised. All I want to do on behalf of those people I represent is to achieve a practical solution. Farmers need to get access down the side of fences to clear a firebreak or to inspect fences. They need to be able to clear individual trees. If that needs to be compensated with a replanting scheme along a creek line area or another area of the property, such as a hill where it might catch the wind, then let them do that. However, I see nothing -

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Dr J.M. Edwards: It does happen. You are only talking about the regulations. If you remember correctly, when getting a permit there is a type of offset allowed through the permit. This is essentially a list of exemptions in the regulations.

Mr M.G. HOUSE: There is no allowance in the legislation -

Dr J.M. Edwards: In getting a permit there is.

Mr M.G. HOUSE: No, there is not. There is no allowance in the legislation for a person to trade off a planted area and clear another.

Dr J.M. Edwards: In the legislation there is.

Mr M.G. HOUSE: No way; there is not.

Dr J.M. Edwards: Yes there is. I'll show you later. It's in the Act.

Mr M.G. HOUSE: I will be very pleased if the minister can show me where it is and demonstrate that it works in a practical way, because that is not the way it has been applied.

Dr J.M. Edwards: Nothing has been applied yet because it's not proclaimed.

Mr M.G. HOUSE: Has this section of the Act not been proclaimed?

Dr J.M. Edwards: No.

Mr M.G. HOUSE: Is the minister saying that this is the same section?

Dr J.M. Edwards: Yes.

Mr M.G. HOUSE: Is the minister telling this House - I will be very pleased if she is - that if I want to knock over X number of trees, I will be allowed to do that as long as I plant X number of trees?

Dr J.M. Edwards: No, but I'm saying its -

Mr M.G. HOUSE: No! That is right. The minister is not telling me that at all. She is just telling me that I might be wrong, but she is not telling me that I can plant and trade off. What is the minister trying to tell me?

Dr J.M. Edwards: There is the capacity in there, in some circumstances, to plant and trade off.

Mr M.G. HOUSE: How high is the bar? Under what circumstances can that happen?

Dr J.M. Edwards: We had this discussion when we went through the Act. Essentially, they are the principles that the CEO has to abide by in making his decision when issuing a permit. The Act lists the set of principles as a schedule, and it contains other mechanisms that can be used to help in that circumstance.

Mr M.G. HOUSE: Now I am confused. The minister just interjected and told me that there was provision -

Dr J.M. Edwards: This is the list of exemptions, so if you are clearing two and a half metres this side of the fence line, you are fine. It is exempt; you do not need a permit. If you want to do other clearing, you must apply for a permit, and when the CEO does an assessment of your permit application, he has to take into account a whole lot of factors, but in there is the capacity to do what you have been talking about.

Mr M.G. HOUSE: I will be very pleased if it works in a practical way, and I will be very pleased if it is demonstrated that I am wrong. I will be very pleased if what the minister said is correct. However, to date I have not seen any evidence that that is the case.

Dr J.M. Edwards: I am sorry to interject, but part of the issue has been that the total focus is on draft 13 of these regulations, and there is not a draft 14; I have double-checked. When people read this list of exemptions, they read it more as something they have to do rather than as an exemption; that is, if they are within this exemption, they do not need to worry about a permit. That is why I think my departmental people have erred on the conservative side, because these are the exempt bits. We are getting the message from you guys that some of this is not as practical as it could be, and we will make it more practical.

Mr M.G. HOUSE: All I can say to the minister is that if what she is saying is right, I would be very pleased if tomorrow she put out a very clear press release enunciating that to the public at large. Then we can make the next decision about how we will move forward. If what the minister is saying is right, many people's fears will largely dissipate. However, there has been no practical example of that from the working group, and I have spoken to a number of people involved with that group. That is not what they have said to me. I accept the point that I think the minister is making that there has been more focus on large-scale clearing than on some of the other issues in these regulations; that is, small clumps of trees, firebreaks and fence-clearing areas. I think that is

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where the emphasis has been. There is some confusion because some people have still been pushing for large-scale clearing. I accept that there has not been large-scale clearing to any extent in this State for some time. However, we are still talking about regulations. If the minister wants the legislative process to be clear, perhaps she should make that clear to the people who are trying to find a solution to the problem too.

Dr J.M. Edwards: As I have said, once we have the final set of regulations, we will have a communication campaign and give people really clear case examples.

Mr M.G. HOUSE: I return to the point that the reason for legislation is to correct a problem. That is why we legislate. With the legislation that comes through this Parliament, we are trying to correct a problem or address an issue that has arisen in society and make new laws that make the situation better, easier or simpler. That is the basic principle. I am trying to put to the House that we do not have a problem with where we are now. A number of people are working very hard to try to turn around land degradation, yet we are introducing legislation to thump them harder. That is basically what we are doing. We are not taking into account the effort they are making and the energy they are putting in. We are talking about clearing. What about water control on land? What about contour banks? What about global positioning system farming that now allows farmers to work on the contour throughout their whole farming system? All those things are practical, sensible things that are being done by farmers, and they are not taken into account. I cannot help think that this legislation was drafted by some people sitting in an office who do not have a good practical understanding of how agriculture works today. It works in a very different way from the way in which it used to. It certainly works in a better way. We admit the mistakes of the past. We have worked our hardest, tried our darnedest and spent a huge amount of our own money trying to fix it. Some of the problem has been left to us by previous generations on land that perhaps some of us did not own at the time. However, it is not through lack of energy. One would think that, with the way we are whacking landowners, there was some draconian scheme out there to leave this land in a degraded state. That is not the case. I wish the minister would clearly indicate that she supports farmers and is not opposed to them.

MR F.M. LOGAN (Cockburn - Parliamentary Secretary to the Minister for Agriculture, Forestry and Fisheries) [6.34 pm]: I will open my comments by agreeing with the member for Stirling, who raised the issue of the amount of land clearing that is occurring in Western Australia. He indicated that it is a minimal amount when compared with what happened in the past. He also indicated that more land clearing was probably going on in urban areas than in rural areas. I agree with the member for Stirling; he is correct. Statistics show that the amount of land clearing in Western Australia has dropped dramatically over the past 10 years. That is due to farm management by not only the current Government but also, I acknowledge, the previous coalition Government.

Mr M.W. Trenorden: Give them credit; it is also by the farmers themselves.

Mr F.M. LOGAN: And the on-site farm management by farmers themselves. However, farmers have received encouragement from the Department of Agriculture, the legislation that has emerged from this House and organisations such as the Department of Conservation and Land Management. I agree with the member for Stirling; the amount of land clearing that is now going on is minimal compared with what happened in the past.

The complaints that are coming forward at the moment concern the pointy end of the application of the amendments to the Environmental Protection Act. The amendments to the Environmental Protection Act have already been before this House. As a result of the passing of those amendments, regulations are now coming out, particularly on land clearing. That is the pointy end of putting in place and enforcing an Act. Often the objects enshrined in the fine detail of an Act create problems. People say that they did not realise it would be applied in a certain way.

Mr P.D. Omodei: The main body of the Act talked about environmental harm.

Mr F.M. LOGAN: Exactly.

Mr P.D. Omodei: This is not the pointy end at all. This is attacking farmers.

Mr F.M. LOGAN: Acts must have regulations, particularly when sections of the Acts need to be enforced and it is ordered that a particular process take place. Regulations go into the fine detail of what an Act means. When regulations such as these are spelt out in fine detail, their specific application can affect people's private property rights. That applies with many Acts. The member for Vasse indicated the number of Acts introduced during the term of the coalition Government that impacted on private property rights.

I will first deal with the issue of consultation, which was raised as part of the motion moved by the member for Warren-Blackwood. As the minister pointed out, there has been a significant amount of consultation on this

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issue, on not only the legislation itself and the amendments made to it, including land clearing changes, but also the regulations that will emerge from the legislation. A significant amount of discussion has taken place with a series of groups across the State.

Mr P.D. Omodei: Which ones? Name them.

Mr F.M. LOGAN: It is not correct to say that there has not been proper consultation. If the member for Warren-Blackwood is saying that the Western Australian Farmers Federation and the Pastoralists and Graziers Association do not reflect the views of all farmers on these issues, who does? Are we supposed to get every, single farmer in to express his views on changes to an Act or a set of regulations? Which farmers would we choose? Would we choose Mr Jones or Mr Smith?

Mr P.D. Omodei: You would select people who have had a long history in land conservation and farm management.

Mr F.M. LOGAN: What criteria would be used to select them? They have organisations that represent them. Those groups represent the majority of farmers.

Mr P.D. Omodei: Can you tell me the percentage of farmers that the Western Australian Farmers Federation represents? It is about 20 per cent.

Mr F.M. LOGAN: The Western Australian Farmers Federation and the PGA represent the majority of land users, farmers and pastoralists in this State.

Mr P.D. Omodei: They do not.

Mr F.M. LOGAN: It is clear that they represent the majority. They are the right representatives to have on the working group.

Mr J.P.D. Edwards: Why did you not take the committee to the greater parts of the State?

Mr F.M. LOGAN: I will now deal with the issues raised by the member for Greenough on the way in which this Government has approached consultation. This Government has consulted to a far greater extent than the coalition Government ever did with any group in society on its Acts. We could go through the Acts that the previous Government passed one by one and consider the amount of consultation that it had with the rest of the community on those Acts. It was virtually nil. We bent over backward as a Government on many Acts, and this is one of them, to involve people in the consultation process. Part of that consultation -

Mr J.P.D. Edwards: The issue today is that you've not done so.

Mr F.M. LOGAN: The member for Greenough referred to the Binu farmers. What came from that consultation? The member came to the House and raised a grievance against me. The Binu accord came out of that process, did it not, member?

Mr J.P.D. Edwards: It hasn't helped the farmers.

Mr F.M. LOGAN: Rather than running in and prosecuting farmers for land clearing, the Binu accord involved working through the extent of the land clearing, the extent of the environmental damage and the extent of hydrological change. Only as a result of that investigation would a prosecution take place. None has taken place yet. With its consultation and its work with landowners on their clearing rights and potential breaches of the Soil and Land Conservation Act, the Government has been very flexible and accommodating in dealing with the rights of landowners. Members opposite know that, particularly in relation to Binu.

I turn now to the guts of this motion. Sure, this is an issue about farmers who have problems with the regulations concerning land clearing. I have no disagreement with that. The member for Warren-Blackwood has raised a number of matters that he states indicate that the regulations are just not practical. The member should know, having been a big land clearer himself, not only on private land but also on public land as well.

Point of Order

Mr P.D. OMODEI: Under Standing Order No 92, imputations and personal reflections, this member is making unsubstantiated statements about me clearing public land. If he has such an allegation, he should make it by substantive motion. Alternatively, he should say it outside this place, as I will take his house off him, if he has one.

The ACTING SPEAKER (Mr A.J. Dean): There is a point of order. If the parliamentary secretary is making an allegation of illegal and improper action, he should do so by way of Standing Order No 92.

Debate Resumed

Extract from *Hansard*
[ASSEMBLY - Wednesday, 5 May 2004]
p2341b-2366a

Mr Paul Omodei; Ms Alannah MacTiernan; Deputy Speaker; Mr Jeremy Edwards; Mr Bill McNee; Mr Terry Waldron; Mr Bernie Masters; Dr Judy Edwards; Mr Monty House; Mr Fran Logan; The Acting Speaker (mr A.J. Dean); Mr Max Trenorden; Acting Speaker; Mr John Kobelke

Mr F.M. LOGAN: There are two issues with respect to what I just said. I refer first to the member's statement to the House a minute ago in which he indicated he substantially cleared his land. I think the words he used were that there is not much bush left on his land as he had planted it out with vines.

Mr P.D. Omodei: Do you know my property?

Mr F.M. LOGAN: No, I do not. I am only going from what the member for Warren-Blackwood said.

Point of Order

Mr M.W. TRENORDEN: I rarely rise on a point of order. You gave a ruling, Mr Acting Speaker, which should be adhered to.

Mr F.M. Logan interjected.

Mr M.W. TRENORDEN: I am not trying to get up the member's nose. I am saying a ruling was given that should be adhered to, and members should quietly and coolly go through the process.

Ms A.J. MacTIERNAN: I think the member is not demurring from your ruling, Mr Acting Speaker. He was simply moving on the debate and referring to statements that were made by the member for Warren-Blackwood. Perhaps he was just clarifying that he was not making allegations about conduct, other than repeating comments made by the member for Warren-Blackwood about the conduct he had engaged in.

The ACTING SPEAKER: I remind the parliamentary secretary that any allegations of illegal or improper conduct must be made through Standing Order No 92.

Mr P.D. OMODEI: The minister just flouted and challenged your ruling by saying I had illegally cleared the land. It is in *Hansard*. There is no evidence that I have cleared any public land at all at any time. I challenge members opposite to move a substantive motion on this issue; alternatively, take it up with any relevant government department. I have made a personal statement to this House; it is on the public record; I have not broken the law in any way. The minister, in a very smart way, tried -

Ms A.J. MacTiernan: Not at all; I did not say that.

Mr P.D. OMODEI: The minister should study the *Hansard* tomorrow and apologise to me if she is wrong.

The ACTING SPEAKER: I have made my ruling on the point of order. What the member for Warren-Blackwood has raised is not a point of order; it is more of a point of argument to refute previous statements.

Debate Resumed

Mr F.M. LOGAN: I will clarify what I said for the member for Warren-Blackwood and other members of the House. I have never alleged that the member carried out illegal land clearing.

Mr P.D. Omodei: You did. Read *Hansard*.

Mr F.M. LOGAN: No, I did not. I did not say that the member for Warren-Blackwood had undertaken illegal land clearing. I repeated what the member had said himself about clearing his own land. He had a legal right to clear his land. The member has made a statement to this House about the Main Roads verge outside his land. I did not say that he was convicted of clearing public land. I did not say that he acted illegally. I said that he knew about land clearing. The member for Warren-Blackwood can go back and check the *Hansard* to see what I said. I said he was well known for clearing land, from his own statement in this House tonight, and the previous public statement he made about the Main Roads verge clearing.

Point of Order

Mr M.W. TRENORDEN: I will repeat myself. I rarely stand for points of order in this House. However, I clearly heard the member say that the member for Warren-Blackwood is well known for his clearing of his own land and of public land. He clearly said it. You have ruled that that should be removed from the record, Mr Acting Speaker, and that if the matter is to be pursued, it should be done by substantive motion. The member should withdraw the comment about clearing public land.

Mr J.C. KOBELKE: There is obviously some sensitivity opposite, because I have been listening very carefully to the contributions to the debate, and the point of order taken by the Minister for Planning and Infrastructure. Members opposite have stood up on points of order and said things that did not reflect anything I heard said by either the parliamentary secretary or the minister. Again, the Leader of the National Party has stood up to make assertions about what people said, when I did not hear those people say those things. I was listening to the debate. Clearly, there is great sensitivity opposite. Your ruling, Mr Acting Speaker, related to people making accusations about illegality. The debate is about clearing of land, and clearly it is up to the parliamentary

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secretary to talk about the clearing of land and what may or may not be on the record. You have cautioned him and quite correctly made a ruling going to allegations about illegal or improper actions. The parliamentary secretary, since you gave that warning, has not done any such thing. There is clearly a great sensitivity opposite, and one might question why there is such sensitivity. It is certainly a problem for whoever is in the Chair if people take points of order and, in doing so, make a claim that people have said things that they clearly have not said. The Leader of the National Party then made accusations against the parliamentary secretary that were not true. He might like to check the *Hansard* tomorrow. If he does, he will find his accusation does not reflect what the parliamentary secretary said.

The ACTING SPEAKER: There is no point of order. I have not directed anyone to withdraw any comments, but I have certainly directed the attention of the parliamentary secretary to Standing Order No 92. The parliamentary secretary will move on, please.

Debate Resumed

Mr F.M. LOGAN: Thank you, Mr Acting Speaker, I will move on.

Mr M.W. Trenorden: *Hansard* will be interesting tomorrow.

Mr F.M. LOGAN: The member for Avon should read the *Hansard*.

I will move on now to the reason that this motion is before the House now, and why it is a populist argument being put by the Liberal Party. I am not denying the fact that some farmers out there have problems with the regulations. However, when Hon Robyn McSweeney runs around, as the member for Warren-Blackwood indicated and as I know, holding public meetings and sending out 1 400 letters to farmers, as the member for Vasse indicated, she is getting people worried, particularly farmers. I submit that some of the information that is going out is not correct. People are being misled. The member for Wagin said that. He indicated quite clearly that people are being misled on this issue. That is happening in the south west of this State. Public meetings are being held, and farmers are being driven to fear and worry about the introduction of these regulations. As the member for Warren-Blackwood well knows, we all saw the outcome of this when we drove down to Albany, dependent upon which route was taken. However, I can tell the House that if people go through Donnybrook, Boyup Brook and Kojonup on the way down there, or even up the Albany Highway on the way back from Albany, they will see the results of the Liberal Party muckraking throughout the south west. Trees that have been in paddocks for nearly hundreds of years and have provided shelter for animals are being bowled over left, right and centre in the paddocks of the farms. The member for Warren-Blackwood knows that. The member for Vasse indicated that that is happening, as did the member for Wagin. One need only get in one's car - you would know this, Mr Acting Speaker (Mr A.J. Dean) - and go past the properties in that region to see exactly what is happening on the ground.

The member for Warren-Blackwood said in this House that no farmer would deliberately destroy the assets that sustain his livelihood. I put it to the member for Warren-Blackwood that that is exactly what is occurring. The shade trees that were in those paddocks providing shelter for the animals and the stock are being bowled over left, right and centre. The member for Vasse said that they are coming down like ninepins. He is dead right. Why? It is because the Liberal Party and some of its members have been misleading people throughout this State. The farmers are scared senseless about what will happen with these regulations.

Point of Order

Mr P.D. OMODEI: I refer to Standing Order No 92, which deals with imputations and reflections on members and public people, including members of the Legislative Council. The parliamentary secretary is implying that Hon Robyn McSweeney has been spreading misinformation. If that is the case, he needs to explain what misinformation that member for the South West Region has been spreading in the south west of Western Australia.

Ms A.J. MacTiernan: That is not a point of order.

Mr P.D. OMODEI: Standing Order No 92 states that imputations of improper motives and personal reflections are disorderly. I want you to rule, Mr Acting Speaker, on Standing Order No 92, and deal with the reflections on the honourable member for the South West Region.

The ACTING SPEAKER (Mr A.J. Dean): There is no point of order. Obviously, members of the upper House must be treated with the same respect that we treat each other in this place. The parliamentary secretary is using standard parliamentary debating techniques. He is not impugning the personal reputation of any member.

Debate Resumed

Extract from Hansard
[ASSEMBLY - Wednesday, 5 May 2004]
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Mr Paul Omodei; Ms Alannah MacTiernan; Deputy Speaker; Mr Jeremy Edwards; Mr Bill McNee; Mr Terry Waldron; Mr Bernie Masters; Dr Judy Edwards; Mr Monty House; Mr Fran Logan; The Acting Speaker (mr A.J. Dean); Mr Max Trenorden; Acting Speaker; Mr John Kobelke

Mr F.M. LOGAN: As I have pointed out and as the member for Wagin said, farmers are confused. They are unsure about the Environmental Protection Act amendments and the regulations emanating from those amendments. They are also unsure about the application of the proposed amendments. I put it to this House that the Liberal Party opposite is not helping the situation. The spin that it is putting on what the Government is doing is resulting in environmental vandalism and the unnecessary destruction of the assets of farmers.

Finally, I will come to the issue of private property rights. The members for Moore, Warren-Blackwood and Vasse talked about the Government passing Acts that take away people's property rights. What a load of rubbish! I cannot believe that members opposite had the gall to stand in this place and say that private property rights are being undermined, as though they have never been members of Parliament. What a load of rubbish! If they counted the number of agencies that have access to their property, my property and everybody else's property, they would realise that between 10 and 15 federal and state agencies can walk onto their property at any time of the night or day by law when they believe they have a right to be there under their Act. We all know that. A Government takes land off somebody when it wants to. I will give an example in my electorate of the previous Government doing that. The Hope Valley-Wattleup Redevelopment Act took two town sites in the middle of -

Several members interjected.

Mr J.L. Bradshaw: Have you rescinded it?

Mr F.M. LOGAN: We had to fix up the compensation because the Act did not even deal with it, let alone Main Roads or the Water Corporation. The previous Government was so incompetent that it did not even deal with the issue of compensation. We had to fix that up for the previous Government. An interesting aspect is that some people in that area are farmers themselves. They are vegetable growers, potato growers and turf farmers. The legislation that the coalition Government introduced has had a major impact on their property values. However, do members on the opposition benches come into this place and say this was terrible and shocking, and they should not have done that? Of course they do not. This motion is rubbish and we should reject it.

Question put and a division taken with the following result -

Ayes (20)

Mr R.A. Ainsworth	Dr E. Constable	Mr M.G. House	Mr P.G. Pendal
Mr C.J. Barnett	Mr J.H.D. Day	Mr R.F. Johnson	Mr R.N. Sweetman
Mr D.F. Barron-Sullivan	Mrs C.L. Edwardes	Mr W.J. McNee	Mr M.W. Trenorden
Mr M.J. Birney	Mr J.P.D. Edwards	Mr B.K. Masters	Mr T.K. Waldron
Mr M.F. Board	Mr B.J. Grylls	Mr P.D. Omodei	Mr J.L. Bradshaw (<i>Teller</i>)

Noes (26)

Mr P.W. Andrews	Mr J.N. Hyde	Ms S.M. McHale	Mrs M.H. Roberts
Mr J.J.M. Bowler	Mr J.C. Kobelke	Mr A.D. McRae	Mr D.A. Templeman
Mr C.M. Brown	Mr R.C. Kucera	Mr N.R. Marlborough	Mr P.B. Watson
Mr A.J. Carpenter	Mr F.M. Logan	Mr M.P. Murray	Mr M.P. Whitely
Mr J.B. D'Orazio	Ms A.J. MacTiernan	Mr J.R. Quigley	Ms M.M. Quirk (<i>Teller</i>)
Dr J.M. Edwards	Mr J.A. McGinty	Ms J.A. Radisich	
Mrs D.J. Guise	Mr M. McGowan	Mr E.S. Ripper	

Pairs

Mr A.D. Marshall	Mr S.R. Hill
Ms K. Hodson-Thomas	Mrs C.A. Martin
Ms S.E. Walker	Dr G.I. Gallop

Independent Pair

Dr J.M. Woollard

Question thus negated.

House adjourned at 7.00 pm

Extract from *Hansard*

[ASSEMBLY - Wednesday, 5 May 2004]

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