

ENVIRONMENTAL PROTECTION AMENDMENT BILL 2002

Second Reading

Resumed from an earlier stage of the sitting.

HON BARRY HOUSE (South West) [8.48 pm]: Although this piece of legislation contains many well-meaning concepts and good intentions, it misses the mark. It misses the mark in the sense that it is dangerous in what it opens up in its application and it is discriminatory. For those reasons it should be opposed. The Bill continues the trend that we have seen for the past couple of years from the Labor-Greens (WA) coalition that environmental considerations are given total priority over every other factor. In that sense, I mean that private property rights, individual rights and other social and economic goals are secondary to environmental considerations and environmental rules and regulations. They are pushed very much into the background and are subservient to the environmental industry, which seems to be taking over the running of this State. Environmental rules, regulations and legislation appear to be hitting this State like a steam train to the exclusion of any other rights and continue the trend of over regulation that has been placed in the hands of environmental agencies. Well-meaning and good-intentioned people are, in turn, controlling this over regulation, but their views are extreme and narrow, and, in many cases, they are zealous about their singular pursuit of an environmental agenda. That environmental agenda can be a single agenda or a bit broader, but in many cases it is not holistic. As we have heard, it appears to be specific to a particular personal agenda. I am concerned that it is discriminatory - these words are not in the Bill but this is the effect of it - in that it takes aim again at rural Western Australia. It continues a city-centric pattern and targets rural landholders, in particular farmers, and brands them as the axe murderers of modern society along with foresters, timber workers, miners, animal handlers and other groups of people in the community in agricultural, mining and raw material production industries. It is yet another assault on property rights. This comes in addition to, and in conjunction with, many other assaults on property rights. For many people the planning process imposes encumbrances on their properties that appear to be increasing by the day. This again appears to be linked to the conservation and environmental movement because of the adoption of names such as conservation covenants, native vegetation zoning areas and so on. That is the concern I have about that issue.

In the planning process property owners, such as farmers and viticulturists, are now confronted by all sorts of rules and regulations to perform their normal duties. They are required to make development applications to local authorities for dams and land-use changes, and that is an added impost to the cost of studies conducted and submissions made by consultants, in addition to time delays.

Hon Kim Chance: Are you aware that all these things happened while you were in government? You are talking about the amendments to the Rights in Water and Irrigation Act and the Soil and Land Conservation Act.

Hon BARRY HOUSE: I am saying that it is continuing a very disturbing trend that has been happening for quite a while. This is just another vehicle that is being used. The trends are there, but they are gathering pace.

Hon Kim Chance: I would not argue with you on that, but I thought you might recognise that this happened while you were in government.

Hon BARRY HOUSE: Yes. I am saying that these trends are gathering pace at a very alarming rate and in the past two years have taken off like a steam train.

Hon Tom Stephens: Have there been any benefits?

Hon BARRY HOUSE: There may be some benefits.

Hon Tom Stephens: To protect a few beaches down your way.

Hon BARRY HOUSE: When members talk about benefits they must weigh up the costs also. Members are quick to talk about rights but they must weigh up the responsibilities that go with those rights. Hon Tom Stephens talked about economic benefits; there may well be benefits for the public good.

Hon Tom Stephens: Such as protecting a few bits of coastline around your area, which has probably happened.

Hon BARRY HOUSE: Yes. I will not get into specifics. The member may be referring to Smiths Beach. All the Government has done there is fiddle with the edges. There will still be a major development at Smiths Beach.

Hon Tom Stephens: Do you support that major development at Smiths Beach?

Hon BARRY HOUSE: Yes, I do, because it is private property and has been for ages. It has been zoned for that purpose for a long time. In the end result, I believe that what has been achieved at Smiths Beach is quite reasonable. It just took a long time, and a lot of politics in the meantime, to do it. I am sure that the minister has

been in a situation in which he has been giving out the same message as his political opponent; however, nobody wants to hear it, and his political opponent gets all the credit. I know Smiths Beach better than most people because I was born and raised in the area. I agree with the end result; it is reasonable.

Hon Tom Stephens: Has that been achieved by the complex regulations that you are currently sort of decrying?

Hon BARRY HOUSE: No, that is a specific example of something that went off the rails in the planning process and has been brought back into line. I am comfortable with that. Here I am talking about a general trend towards things being identified as being in the public interest, but the public is not paying; the cost is being imposed on individuals.

This legislation introduces the new concept of environmental harm. It sounds good - it is good motherhood stuff - but it is so broad and general that the interpretation of it by the people who will be in charge of the agencies and by the courts down the line is of enormous concern to me. The danger is that initially it will be interpreted in a very zealous way by the public servants who man the environmental agencies. They will be over-protective and will over-regulate, and will pursue individuals to their great cost.

Down the track, I envisage farmers' "normal" activities, such as making firebreaks, spraying and clearing to control noxious weeds, clearing paddock trees for intensive horticulture or viticulture, and obtaining and seeking out fence posts or firewood, being singled out and targeted. All those things are potentially open to misinterpretation. The fire control that a farmer wants to undertake on his own property could be subject to interpretation, as could management of regrowth on his property. Those things might seem insignificant to members opposite, but they are vitally important to an active, productive farming property. We then get to the extreme activity of cutting grass. I notice that was mentioned in the second reading speech in an attempt to exclude it. However, I am sure that a zealot could find a way to impose some sort of interpretation on that activity that would impact on an individual.

At this stage I will refer to an article on rural freehold rights in *The Institute of Public Affairs Review* from December 2002 that is headed "The Death of Rural Freehold Rights". I will table it if the House wishes me to do so. The opening paragraph gives a flavour of the whole article, and I refer anybody with an interest in this broad range of legislation to look at it. It states -

Farmer Jim is thinking of felling one of the 20,000 trees on his property for fenceposts. He has used up his 30 tree (0.15 per cent) exemption. He looks at one of the 19,970 remaining trees. He has to consider: what slope it is on; whether it is a rare species; whether it has any hollows or is on the way to having hollows; what native animals or birds are feeding off it or are likely to do so; what effect it has on the forest canopy; whether it is near a stream; whether it is of aboriginal significance; etc., etc. Then he will be in a position to make a lengthy submission to government seeking permission to fell. Welcome to the world of tree-by-tree approvals.

That perhaps takes it to the extreme but that is where we are headed at a rate of knots. To share the flavour of that article, I will read a couple of the highlighted paragraphs -

State Governments . . . are establishing native vegetation legislation that will quarantine large areas of Australia, effectively eliminating freehold tenure in those areas.

This is an example of that sort of legislation. The article reads further on -

There is a powerful incentive for landholders to circumvent what will be an unjust law and to conceal or destroy any significant environmental values in the forest.

That is the counterproductive argument. By over-regulating, the Government will encourage people to go through the backdoor and use loopholes to ignore the legislation because it will be physically and economically impossible for any Government to police all of these regulations. To continue -

In NSW, the area of parks and reserves has quintupled from one million to five million hectares since 1970. The number of parks has increased from 100 to a completely unmanageable 580.

That is a trend across Australia that has accelerated in Western Australia in the past two years and more recently with the announcement of the creation of a number of new national parks in the south west. I have forgotten how many are involved, but there are a number of them. They have now been brought under the management of the Department of Conservation and Land Management, which does not have sufficient resources to manage them. That brings into play a series of other arguments about effective, efficient and responsible economic and environmental management.

That article was telling us that under this legislation, and I am sure rafts of regulation that are about to be implemented, individual properties will be managed, at best, in partnership with big brother; namely, government and, at worst, subject to its complete direction. That is occurring through coercion - in other words,

the sledgehammer is being used to crack the nut through the legislative process - rather than cooperation at the grassroots level. That is always a very dangerous trend and is prone to failure. There are massive problems with that view of the world; for example, the legislation offers no compensation in some cases. Where it attempts to offer some compensation, it is woefully inadequate. It offers little if no recognition for the forfeiture of the rights that go with land ownership.

The Government does not practise what it preaches. New national parks are being created everywhere without any management regime, without the resources to manage them and with an attitude and a theme along the lines of "We have created a new national park; let's lock it up and keep people out." That, of course, is a terrible management concept. Within those public reserves the control of noxious weeds, feral animals and fire is totally inadequate and no other meaningful management regime has been implemented. The Government does not manage its own property according to the principles that it preaches and the regulations and legislation that it enforces upon people. Government corporations such as Western Power, Main Roads Western Australia and the Water Corporation adopt ruthless commercial practice when it suits them but they quickly scurry behind the skirts of government legislation when it suits them also. That will become an increasing problem with hybrid organisations that are half-public and half-private. We are seeing it already with examples of which I am sure all members are aware. For instance, we see it where power lines, water and gas pipelines and roads bisect and traverse people's property and infringe on the management of that property and the individual's private property rights. These corporations also seem to adopt the frustrating attitude that they will go out and clear land where they like and when it suits them. They do not seem to have to go through the same hoops and processes that an individual does.

The other attitude that is becoming increasingly related to environmental over-management is that of a government agency such as Main Roads or Western Power not even contemplating a route for a pipeline or a road if there is a whiff of some sort of environmental objection from anybody. They will not even investigate the matter. They will steer miles away from that route and take the easy option across cleared private property. That is very galling to many people. The other issue is that many of these private property owners have power lines and water and gas pipelines going through their property but are unable to access them. They still have to get their own water supplies. They might have a main three-phased power line going through their property but when they want three-phased power they have to make an application to Western Power and are then told it will cost them \$80 000 or some such ludicrous amount. One can understand people asking where the fairness is in all this. They might be able to appreciate that the power line needs to be there for the public good because it is servicing an area of the State that needs the power, but what about them? Their property has been imposed upon. Their property has been devalued yet they cannot access the very service being provided for people living in mostly urban areas down the road. This is from where much of the ill feeling arises.

The other point I will raise about the general legislation deals with compliance. If this legislation is to be properly policed, the Government will need to give the Department of Environmental Protection an army as big as Saddam Hussein's. We all know that that is impossible because, at the same time, the Government is reducing officers in certain departments. I mentioned to the Leader of the House previously that soil and land conservation officers on the Swan coastal plain operating within the Department of Agriculture have been withdrawn - I think 15 positions have been lost. They did the formal compliance work associated with land clearing applications and any issues involving soil and land conservation. Who will do that work now? I have heard of no commitment associated with the legislation from any of the ministers in this House or the Minister for the Environment and Heritage that we are also increasing resources to employ X number of people to police this properly. That will not work.

I am almost reluctant to use personal examples, but in trying to illustrate this situation and provide a case study I thought that I probably had a personal case study that was as good as any to use, in a micro sort of way. I own a property and many of these things have impacted on me in my private capacity as a landowner. This has happened in a peripheral way, rather than a mainstream way. We can all understand that it would be a lot worse in mainstream cases. I purchased this property in 1998, and the mortgage is now about half paid. When I purchased this 96-hectare property, about 40 hectares was cleared for grazing purposes and about 56 hectares was bushland. Of that 56 hectares, about 15 hectares had been totally disrupted by a surface gravel operation that had operated during the previous 15 years; it was a dog's breakfast. Members should bear in mind that I am not relying on the income from this property to keep me alive; I have an off-farm income. I am relying on enough income from the property to service the mortgage, and that is about it. However, the situation is far more critical for those who rely on generating their full income from their properties.

Hon Tom Stephens: The capital appreciation on the property is probably worth more than what you've got in superannuation over the past few years.

Hon BARRY HOUSE: I cannot bank that capital appreciation unless the property is sold. This property has been in my family for about 80 years. I have no intention of selling it; I want to hand it on to my kids. It is a book entry only.

Hon Derrick Tomlinson: Asset rich, cash poor.

Hon BARRY HOUSE: That is right. As I said, I needed to generate some income to meet the mortgage repayments. I was approached to have a gravel extraction operation on my property. It was to be done properly. I thought that this sounded like a pretty good idea; the operators would clean it up, extract the gravel, pay me some royalties and leave me with a manageable section of my property. I embraced the idea; I thought it was great. That is when the problems started. I had to apply for a permit to clear the 15 hectares involved in the gravel reserve. The local shire had just determined that all gravel extractions would now come under the banner of a development application, so a full-blown development application, subject to the full planning process, was also required. Previously, such activities were covered by a permit issued by regulation or via staff. The development application required a lot of research on the process that would be involved in extracting the gravel. It involved an environmental consultant's report and a hydrology report. All of this was helping to build up an industry surrounding the planning process. The application was subject to public advertising and input. Of course, as I was the first cab off the rank for the shire in terms of a formal application, and being a public figure, I suppose I was fair game. There were front-page stories in the local paper and comment from everybody around that I was trying to flatten and dig up the whole cape to cape ridge area. That was far from the truth. An application for a permit to clear was also required, as I have mentioned. Inspections were also required from all sorts of people involved in Agriculture Western Australia, the local council and various others. Reports were then written for those bodies. Time delays were involved in obtaining the necessary permits.

The permit to clear resulted in what I saw as an ultimatum coming back to me, granting the permit on condition that I agree to reserve two other areas of bushland on the property. I did not particularly like the idea of that, but I had never intended to clear those areas anyway, so I went along with it. The two areas of bushland totalled about 22 hectares - about a quarter of the property - and I entered into an agreement to reserve them for 30 years in order to get the permit to clear so that the contractors could come in and extract the gravel. The end result was an extensive delay, with approximately 12 months of fiddling around. The onus is on the individual to provide the information. I have not added it up, but I suppose the cost of getting the application up and running, and of consultants' charges, application fees and some of the conditions that went with the approval, would have been around \$10 000. This involved a bond for the main road that went past the property. The reserved bushland then required fencing, at a cost of about \$4 500. I was lucky, because at the time there was a limited support scheme for fencing for remnant bushland, for which I applied, and I received about \$1 600, or about one-third, of the total cost of the fencing. The remainder of the cost was borne by me, including, as I have mentioned, the cost of the bond for the road and then for revegetating the site with jarrah and blue gums. The gravel extraction proceeded for the next couple of years, and that required another formal application for a short extension because we had run out of time. In among all that I did receive a few bob from some royalties, so I could afford to pay the mortgage.

About a year ago I was attracted by an advertisement from the local authority for a biodiversity incentive program that offered compensation for this sort of thing, so I thought I would investigate it. I discovered that it amounted to a rates concession for conservation areas reserved on private property. The first step was an inspection by an officer from the local authority. That eroded my confidence in the process somewhat. I was a little disillusioned when the lady turned up; she was fresh from the eastern States and had no local knowledge. She remarked how nice the arum lilies in the bush were, and how nice the kangaroos were and how there were so many of them. However, she did not know the difference between a jarrah tree and a marri tree. Once again, the onus was placed on me to provide further information to support the application. I did that. I had to chase it all down. I finally received a response in a letter which indicated that in its assessment, one of the areas was not suitable, while the other could be considered suitable for a rate concession, subject to conditions. The conditions finally convinced me not to take the matter any further. Part of the letter reads -

By way of explanation, the two usual options (permanent covenants and management agreements) for obtaining a rate rebate . . . are to some extent 'supervised' by the agencies that are our partners in this Strategy. Because the owner agrees to abide by a Management Plan prepared by these agencies, we ensure that biodiversity values are maintained. The owner is also assisted in this because the Land for Wildlife officer or the covenanting officer is available to give management advice and also to make an annual visit to assess any management needs you may have.

In your case, since the covenant under the SLC Act does not include stewardship or a management plan, the Shire would undertake to prepare a suitable plan for bush meeting the criteria and to follow up with management advice. A sample Land for Wildlife plan is attached to indicate the likely contents of such a plan.

I assumed that management plan would be drawn up by the officer who did the inspection, which did not fill me with a great deal of confidence. Some of the conditions in the sample management plan for this property are as follows -

Management objectives:

1. To keep livestock from entering the bushland areas.
2. To keep weeds from encroaching upon bushland.
3. To keep feral animal numbers down in the bushland.
4. To encourage natural wildlife to the bushland.
5. To avoid the encroachment of diseases to the bushland.
6. To encourage natural regeneration of the bushland.
7. To protect existing vegetation in the bushland.
8. Avoid any disturbance to occur in the bushland.

That is pretty relevant stuff and I agree with most of it, although I might have a dispute about the natural wildlife mentioned there. To achieve these objectives the following is set out -

1. Ensure all fences are able to withstand stock from entering the bushland.
2. Check the edges of the bushland as well as through the bushland to ensure weeds have not encroached in these areas.
3. If feral animals such as foxes, rabbits, cats, pigs are seen on the property, appropriate control methods are taken to control their numbers. Domestic dogs should be under control of the property owner at all times when in the bushland.

A very obvious omission is kangaroos. Where are they? On my property there are thousands of kangaroos, unfortunately. I can understand people thinking that kangaroos are nice, but in those sorts of plague proportions they are not nice; they wreck fences, eat as much as any other animal and do as much damage to the natural bushland as any feral animal. It continues -

4. Encourage wildlife to the property by preserving habitat.
5. Ensure adequate hygiene procedures are in place on the property.
6. Encourage natural regeneration by trialling methods such as placing brushing on the ground, watering bare areas with smoke water.
7. Protection of existing vegetation by way of maintaining firebreaks and having adequate access to the bushland for fire fighting purposes.
8. Ensure disturbance is kept to a minimum when carrying out any maintenance of firebreaks or fences.

Those conditions are all very admirable, but the cost of meeting them would have come back to me as the owner of the property. The rate concession that I was about to receive was very minor in comparison with the total cost of meeting all those conditions. Needless to say, I was not very enamoured by the idea of being dictated to by government agencies or a local authority on the management of my property for a very small reward and at a huge cost. I therefore did not proceed with the application any further.

One of the questions relating to this is what makes a local authority or a government agency assume that it has expertise and knowledge that outweigh that of the local landowner. In some cases in specific areas it may so, but surely if arrangements are to be entered into, they must be entered into in a cooperative way on the basis of a genuine partnership and not by coercion and the imposition of regulations.

An obvious question is why do local authorities and government agencies not practise what they preach? In my instance the local shire manages the road verges. The road verges are overgrown and covered in noxious weeds like bridal creeper, arum lilies and watsonias. Many city-based tourists stop their car in the middle of the road to take photographs and think that the watsonias are wonderful, but they are a pest, and they are becoming a greater pest because they are not controlled properly. Near my property is a Department of Conservation and Land Management reserve that was formerly an area of state forest. That forest was frequently logged over the course of the last century. It has now been designated as pristine bushland and will be locked up forever. It will not be available to the timber industry, which is a huge pity because the land will not produce a better forest. However, that is probably an argument for another time. It is locked up. It is a haven for kangaroos, noxious weeds and foxes and a fire hazard. In addition, CALM accepts no responsibility for boundary fencing on its properties.

This land is across a narrow road from me, so I do not share a common boundary with it. However, the people who share a boundary with the land must pay the full cost of fencing. CALM does not come to the party with any proportion of the cost of fencing to maintain the kangaroo population. My property is now surrounded by vineyards. They have got around this problem by installing eight-foot-high kangaroo-proof fencing. It is expensive stuff, but the vineyards must meet the whole cost. It is the only way they can manage the intrusion of enormous numbers of kangaroos. The problem is that all the properties around my place are doing it. My property is now the only one in the area without the fencing, and the kangaroos come on to the land in the hundreds.

I was not prepared to concede to further erosion of my ownership rights - that is what it amounted to - so I did not proceed with the application for a rate rebate. This legislation will enshrine further rigid control and the possibility of regulation by environmental government agencies. It assumes that environmental factors take precedence over everything else, including people's lives. Of course, the legislation contains steep penalties.

In summary, the aims and the goals of the legislation are fine in broad terms. I do not think any of us dispute them. However, the legislation continues the trend of the Government claiming what it has decided is good and valuable in the public interest at the expense of the individual rather than the public. In fact, the public is not required to pay in any direct way. The full cost and impact are sheeted home to individual property owners. They receive no compensation or, in cases where some compensation is granted, only minor amounts compared with the overall cost. I have outlined a couple of personal examples of that. The public is getting the benefit of these environmental gains by stealth. It is getting them through what amounts to theft from the private individuals involved. The trend is quite alarming. The vehicle for the continuation of this trend is the extreme environmental agenda, and the tools used to achieve it are pieces of legislation like this. For that reason, I cannot support the Bill.

HON BRUCE DONALDSON (Agricultural) [9.29 pm]: Many people are concerned about the definition of the words "environmental harm". I had a problem with them as early as 2000 when our party room was considering amendments to the Environmental Protection Act. A number of members would not accept those words simply because of their interpretation. Those words give a foot in the door to ill-informed people who mischievously make statements to the public, which, frankly, are outrageous. Those words are a tool for people who wish to push their own narrow barrow and get wider recognition in the community.

It goes without saying that all members believe that sound environmental principles are needed. It would fail the community greatly if a regime were established that was capable of hindering development and economic wealth to this State by not only acts of environmental vandalism, but also sound environmental principles. It is well known that as a western society, we are one of the most regulated countries in the world. State and federal legislators regularly have the capacity to impose further stringent regulations on the way in which people in this country operate. Some of the more experienced members think it is about time we spent some weeks of each sitting getting rid of some of the out-of-date regulations or making them more user friendly for the people who live and operate in this great society of ours.

Having said that, I was most interested to look at some tuna farms in Port Lincoln. While I was there, my electorate staff listened to someone on the Radio Mix 94.5 drive program. They did not catch the name of the person because they just caught the end of his babble. He was saying that the food conversion ratio of three or four kilograms of pilchards needed to increase the growth of bluefin tuna by one kilogram was not viable. That is a mischievous statement. In fact, the Port Lincoln area is one of the great successes of regional development. The tuna farms and the tuna processors inject over \$300 million into that community. The tuna industry is one of the best environmentally managed industries because the tuna farm operators recognise their responsibilities and are also audited by independent environmentalists. Members are aware that the tuna are caught in the Great Australian Bight and towed in specialised pens to the sea pens off Port Lincoln where they are held in captivity until they grow to between 20 and 50 kilograms. Value adding increases the price of a kilogram of bluefin tuna from around \$10 or \$12 to over \$50 for the sashimi market in Japan. The person on the radio - I am trying to find out who it was - amused my electorate staff, because the statements he made were very ill-informed.

The vibrancy of the community of Port Lincoln is not a bad reflection on just how successful the town has been. While we were there, we noticed that there was no graffiti. Annually, the City of Port Lincoln spends only \$7 000 to clean up acts of vandalism. Most of our councils spend that amount per month, and some a darned sight more. A certain vibrancy is generated. It is all about regional development, which is about employment. This region is growing in population.

Fortunately, the South Australian Government was mindful of these matters and imposed strong environmental regulations. At the end of this value adding period of three or four months, the pens must be taken away and underwater cameras used to look for any residue. After the next grow-out period, the farmers must move their pens to another set of coordinates on their lease. The area already worked is then left fallow.

No change or build-up has occurred. Many people do not understand that tuna do not have firm excreta, but a mucus, a lot of which is released through the gill structure. As long as sufficient water is underneath the pens - 20 metres is ideal, but the Port Lincoln pens have 15 metres to the sea floor from the pens - and given the wave pattern and movement of water, no adverse environmental situation will develop.

Some of the rabid conservationists and people who would like to stop everything in their tracks forget to realise, or do not inform people, that the most significant benefactors of good, safe environmental conditions in businesses like tuna value adding are the producers themselves. They cannot afford to allow build-up to occur and cause some disease.

If one takes "environmental harm" to its nth degree, it could be interpreted in a way that would not allow value adding with tuna. That would decimate that whole community. A great thing about Port Lincoln is its retention of its youth. Young people have jobs. One sees over 350 people in the tuna processing plant, which supplies John West. The fishing fleet is one of the best maintained fishing fleets I have ever seen - it is almost showroom condition. The financial viability of the industry is indicated through the marina development, which is first-class. Some of the homes, units and other developments in the marina, which is going to the next stage, are incredible. It indicates that if one manages the environment successfully - as they are doing - one can be successful in many other ways.

Regional development is important. I often ask myself whether the tall poppy syndrome is alive and well. Is this attitude of those against development born of envy? Is it that they have not been successful themselves because they do not have enough ability to get out into the wider world? Unfortunately, a number of people, some of them academics, are running around with no commonsense. That applies to many people I have met. I am not saying it is everyone in this Chamber, but I am sure all members have met some highly intelligent academics who lack commonsense and have a narrowly focused way of life.

Hon Dee Margetts: I have met some spin doctors, too. I think you have had a spin at Port Lincoln.

Hon BRUCE DONALDSON: I do not think so; I am very capable of making my own assessments. I was careful to look closely at how it was managed environmentally. I have been fortunate enough to look at fish farming around the world. I have seen certain farming practices I would not attempt to follow; we do not want to go down those pathways. If I were to invest money in any aquaculture pursuit, I would ensure the operation was sustainable. Fish farming can be sustainable only by ensuring that one allows no bad management practices that will lead to disease. I think that is paramount -

Hon Dee Margetts: You mean the disease that nearly wiped out our entire pilchards stock.

Hon Frank Hough: They withdrew the charges!

Hon Dee Margetts: They did not.

Hon Frank Hough: They did so.

Hon BRUCE DONALDSON: Does the member know where most of the pilchards are caught? They are caught locally.

Hon Dee Margetts: Because the standard of proof under the World Trade Organization rules could not be met and never would be met.

The DEPUTY PRESIDENT (Hon Adele Farina): Order, members! Hon Bruce Donaldson has the call.

Hon BRUCE DONALDSON: I suggest to the member that she had the opportunity to make the trip and it is a shame that she did not come along, because it would have opened her eyes as well.

Hon Dee Margetts: I knew the narrow lines that you would be fed, which is exactly what you have been fed.

Hon BRUCE DONALDSON: I do not have to be persuaded by anyone. I can see with my own eyes. I have been around long enough to understand what business means. Too many people of the member's ilk would not know how to run a business if it were given to them.

Hon Dee Margetts: I understand that the risks at the Abrolhos Islands are nothing compared with the situation at Port Lincoln; that is what I understand.

Hon BRUCE DONALDSON: I am sorry to inform the member that that is not quite correct. No doubt that will be a debate for another day.

Hon Dee Margetts: You are actually talking to the wrong Bill. That is not in this Bill.

Hon BRUCE DONALDSON: I am talking about environmental harm and how people can twist and misinterpret those words. I will relate my comments to environmental harm in a minute. I introduced that issue

because the person who was spruiking on radio 94.5 about a subject he knew nothing about showed me how misinformed and ill-informed many people are. I do not know who he was, but I will find out.

Let us look at some of the other forms of environmental harm. There have been an overwhelming number of fatalities on Wanneroo Road, which has been tragic. A lot of gum trees have been planted very close to the roadway. A lot of native vegetation along the road should have been removed a long time ago. Whether or not we like it, people make mistakes in motor cars; no-one is perfect. A number of lives have been lost on that road, because the drivers have gone off the road and could not avoid those trees. They should have been removed a long time ago. No-one has had the gumption or the guts to do anything about it. It is no use putting up signs indicating that it is dangerous as there are trees close to the road. Road reserves were never created to be native vegetation strips, shelter belts or anything else. We adopted a policy on our farm to have a shelter belt inside our fence. We did not rely on the road verge. It is an indictment on all of us, because a large number of families in Western Australia could have been saved an awful lot of trauma and heartache. If ever a section of road needed to be bulldozed, it is that section of road. Main Roads Western Australia has estimated that when the new Indian Ocean Drive from Lancelin to Cervantes is opened, an additional 3 000 cars will travel on the strip of road from Wanneroo to Lancelin. It sickens me to think of the long-term consequences. The environmentalists, who are closely focused only on their own little world, would be jumping up and down screaming. I hope their kids never run off that road, hit those trees and kill themselves. It has worried me for years that many farmers have cleared fence to fence and have used the road verge as a bit of a shelter belt, but the road verge was never designed to be a shelter belt. We have a responsibility to make allowances for issues such as this very high-volume road. I hope one day a Government has enough guts to do something about it and I hope it is before Indian Ocean Drive is completed. I can see the minister is taking all this in. Before an additional 3 000 cars use that road, much of the vegetation very close to the road verge should be removed, especially the huge trees that are not native but were planted. That is the real issue about the words "environmental harm".

Hon Barry House made an important point: although it is nice to have national parks and reserves on unoccupied crown land, one need only look at the damage caused in the Shire of Dandaragan, when hundreds of thousands of acres of mostly heath land were burnt, to realise that no fire control operated in that area. There once was a grid pattern with a bit of overgrown track, but one could not even drive a four-wheel-drive vehicle there. However, on my visits there I saw a couple of firebreaks that had not become overgrown and where the fire had stopped. Members will say that the area will recover. However, the damage done to the native fauna and the ecosystem in that area is huge.

I see Hon Giz Watson smile, but an interesting aspect is that the Greens (WA) jump up and down saying that the forests need control burning and that it is all right to burn heath land because it will regenerate. The Greens are hypocrites. They jump up and down because the Department of Conservation and Land Management has been restricted to normal fire control burns during appropriate weather conditions, and when a bit of smoke goes over the city they say, "She's right." Let us look at Canberra, New South Wales and Victoria, especially New South Wales, where environmentalists have had their day. New South Wales has got to a stage now when people literally cannot do anything to land, for which they have paid a very high price. A wildfire does much more damage than a coal fire. We in this State have a choice. The proposed amendments in the Bill to the Environmental Protection Act indicate the real reason that people are stepping back and saying, "Hang on, where is the sensible balance?" The wheel is again starting to turn too far. The environmental movement has halted the forest industry, which industry has helped to pay for and manage some of our national parks and reserves. Those days have now gone. Who will look after them now?

Some terrible stories are being told about CALM-controlled areas in the Shire of Dandaragan, given that in the first instance CALM's support for and involvement in them was a mickey-mouse affair. In one of those stories a beekeeper is said to have lost about half his hives because CALM had not told him of a fire that was burning out of control. The fire was a fair way away from the beekeeper, and he did not know that his beehives were under threat. He therefore lost half his income and half his bee stock at one fell swoop. It was irresponsible of CALM, while leasing out that area, to do nothing about ensuring that a fire suppression area was developed. CALM does not have the resources to develop such areas and it is dead frightened in this day and age to put firebreaks anywhere.

I am alluding to the fact that the words "environmental harm" can be interpreted in many different ways. When I look at the Act and pollution, I wonder whether this is not just a foot in the door. One way to interpret it is that maybe our live export industry will be under threat one day because of the pollution. People in Perth get a helluva shock when they suddenly realise that about six million live sheep are exported from the Fremantle port. The average person who lives down that way does not even know that that number of live sheep are exported from Fremantle and that the stock are shifted in that manner in this day and age. Pollution can be interpreted in many ways. At times I fear what it may lead to.

On the issue of land clearing, in this day and age I do not think anybody realises that some of the sins of the past, if I can put it that way - we have debated this before - were caused, first, by the Agricultural Bank of Western Australia, which required a person who had a farm to clear fence to fence, otherwise he would not get a payment for clearing it. That is pretty antiquated. Today I believe that most of the young farmers, and some of the older ones, have adopted far better farm management practices. They have certainly stopped burning stubble, have moved into minimum till and have adopted a lot of practices that stop erosion. Unfortunately, this year many shires have had their worst rainfall record for 100 years. Terrible sheet erosion damage has occurred to some paddocks. However, over the years farmers have generally become more acutely aware that they must use their land in a sustainable way if they and their kids want to continue to farm in the future.

Some of the salinity problems were around long before we started clearing land in Western Australia. Maybe the problems have been exacerbated by extensive land clearing. It is probably useful to admit that although we developed a property under good environmental guidelines, we were more or less told that we had to clear from fence to fence a conditional purchase block that we had many years ago. A centre road went through this 3 200-acre block, which was divided up into paddocks. Each paddock was designed to be 240 acres. When the people who controlled our property, who were from the lands department, as I think it was called in those days, came to inspect our property to approve the two-chain shelter belt that we were leaving around the inside of the paddock, they said that this was not allowed and told us that we had to clear it. We told them that we were clearing it. However, in my youthful exuberance, when I came home from school I had not cleared some patches. I suppose those patches would have been about 50 to 80 acres, and one was about 200 acres. Therefore, I dutifully got in the bulldozer with the chain and we got rid of the stuff. I can understand why the people who had this farm before us had not cleared it. We started to have some erosion problems, and I realised then that we had to be more careful. They knew something that we did not know at the time. While we got a bit greedy with the extra acres that we wanted to bowl over, I was sorry that I had ever cleared about 300 acres. However, I believe that we cleared the rest of the farm in an environmentally sustainable manner. I am not saying that every farmer did that, but I like to think most did. I have lost my train of thought.

Hon Barry House: You were just bulldozing.

Hon BRUCE DONALDSON: I almost got carried away with the chain and the two D8s going through the paddock.

When I looked at some of the objects and principles of the Act under proposed section 4A, I was intrigued by the interesting statement in paragraph 4(4) of the table that -

Environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, which enable those best placed to maximise benefits and/or minimise costs to develop their own solutions and responses to environmental problems.

I reckon that is the best piece of gobbledegook I have ever heard in my life; it is real motherhood stuff. I would like to see the bureaucrats interpret that. It could be interpreted any way.

I am sure that the Leader of the House will remember distinctly what it meant to operate under the system of land clearing. I recall the Craig Underwood saga. To this day I think that the behaviour of a couple of officers was almost indictable. I have copies of correspondence that went backwards and forwards about a person who bought a farm and who had a permit to clear. His land was eligible for clearance and he could have cleared it. However, those officers slapped a notice on his land. It is probably too far down the track to do much about it. I hoped I would never see a government bureaucracy or department undertake dealings of that nature. I do not think the ministers knew anything about it. Those dealings were carried out nicely between those officers, who literally ruined that guy's life.

Hon Kim Chance: The Underwood case is a classic example of why the law had to be clarified; it was a mess.

Hon BRUCE DONALDSON: I understand that.

It is important for all of us to ask where we go from here. How far do we go in pursuit of this so-called new era of environmental principles? In saying that, some amendments are on the Notice Paper, and I look forward to seeing whether the Government will accept some of them. Many people in the wider community who are involved in residential, industrial and regional development are concerned about a number of issues in the legislation in relation to not only the Environmental Protection Authority but also native title etc. In the pursuit of certain aims, when one barrier is dismantled we seem to love to provide another one for people to jump over.

The legislation does not provide a great deal of certainty. It will be tested in court one day. Under proposed section 3A, "environmental harm" is defined as follows -

means direct or indirect -

- (a) harm to the environment involving removal or destruction of, or damage to -
 - (i) native vegetation; or
 - (ii) the habitat of native vegetation or indigenous aquatic or terrestrial animals;
- (b) alteration of the environment to its detriment or degradation potential detriment or degradation;

A number of paragraphs under proposed subsection (2) could be interpreted in several ways. I think many people are concerned about that.

A number of members in the party room would not support the Marine Parks Act until multi-use areas were provided for at Jurien Bay. Jurien Bay is a park in which multi-use occurs. During discussions with representatives of the Western Australian Conservation Council the heat in the kitchen became too great, so they walked out.

They did not stay in that process but sniped and whinged from the outside. There are fish habitat areas and aquaculture leases, there is room for lobster fishermen to carry on with their pursuits and there are closed areas. It is a model that has been developed over a long time. It is not yet finished but it is drawing closer to that point. I am sure that most of us did not want to see the ocean being locked off, like many of the national parks are, making them of no use to anyone. There is room for sensible management of marine parks or national parks.

Debate interrupted, pursuant to standing orders.